

# Safety Matters – Oct/Nov 2009

Designed to keep you up to date with important health and safety matters



## Are you a professional driver?

As of 1st September 2009, all bus, coach and lorry drivers will be required to complete a Drivers' Certificate of Competence in addition to their professional driving license. For PCV Drivers, these regulations have been in effect since 1st September 2008. Changes are as a result of the EU Directive 2003/59 and mean that the following now applies.

- New entrants to professional driving will have to complete two theory tests and two practical tests before driving professionally.
- All professional drivers will have to complete 35 hours of periodic training every five years to maintain their Driver CPC.
- Existing professional drivers will not have to pass the initial qualification, but will be subject to the periodic training requirements.
- Driver CPC will be shown by a separate driver qualification card, which must be carried at all times whilst driving.
- The penalties for non-compliance will be similar to driving without a license and will be enforced from day one.

This means that all professional drivers who passed their test prior to the 1st September 2008/2009 must complete their first CPC training before the 1st September 2013/2014. If this training is not completed then they will no longer be able to drive professionally.

It's worth considering that the existing 'Transport Manager's CPC' also known as the 'Operator's CPC' is a separate qualification and anyone holding one, who still drives professionally as part of their job, will also need to hold a Driver CPC.

## Conkering fears

We can reveal that after much speculation, the Institution of Occupational Safety and Health (IOSH) have denied rumours that children will be required to wear protective goggles when playing conkers in the playground. In fact, IOSH were the unlikely sponsor of The World Conker Championships which took place in Ashton, Northamptonshire, on October 12. It seems health and safety professionals are keen to shrug off their spoilsport image after years of being derided for banning such jolly pastimes as sweets being thrown into the audience at theatres and balloon modelling by clowns. HS Dept says *"Risk is part of our everyday life and through our decisions we protect ourselves against injury. While at work the same decision making should be made in controlling the risks associated with the work being done, while it is the employer's responsibility to do this the employees must also be involved to ensure the suitability and practicality of the controls"*.

## Course of action

For first-aiders, some important changes have come into effect. As of 1st October, The HSE have introduced a three day Emergency First Aid at Work course, which will replace the Appointed Person day course. It is also strongly recommended that First Aiders attend an annual 3 hour refresher to keep their skills up to date, although this is only a suggestion and not mandatory. This will not affect those trained prior to the 1st October or any person who holds a current certificate. Changes will apply only to those persons trained after the 1st October. The HSE are looking into providing new guidance on levels of trained first aid in the workplace, and are also advising that organisations should re-assess their first aid needs.



## Bearer of good news

We are glad to hear that the UK is one of the safest places to work in the EU. Figures released by the HSE have revealed that the numbers of deaths in the workplace have dropped from 233, in 2007/8, to 180. In addition to this, the number of serious injuries or illnesses sustained have been reduced by nearly 7000 and work days lost due to injury or work related illness have also fallen by around 4 million.

The HSE are taking a hard line against companies who break H&S legislation by bringing over 1200 prosecutions to court in 2008/9 and issuing over 8000 enforcement notices.

## Bad experience

A pupil got more than on the job training and some insight into the industry when he was injured during a work experience placement. The Health and Safety Executive (HSE) have advised schools to make sure that full health and safety checks are carried out before pupils head out to placements. The garage where the 14-year-old student was placed pleaded guilty to breaching section 3(1) of the Health & Safety at Work etc. Act 1974, was given one year's conditional discharge and ordered to pay costs of £22,000. The school was led to believe that a third party placement company would carry out a full health and safety audit and risk assessment prior to the pupil starting work at the garage. However, the checks failed to take place and the teenager was almost exclusively supervised by one employee who spoke very little English. During a petrol draining operation the teenager sustained a burn injury to his left hand. At a previous hearing the garage owner had pleaded guilty to a health and safety offence and was fined £3,500 and ordered to pay costs.

## Killer heels?

The Society of Chiropractors and Podiatrists proposed outlawing high heels in the workplace due to the foot health problems high heel shoes can inflict on women's feet. Many women are forced to wear high heels as part of employer dress codes, which can lead to long term foot and back problems. It also said that around two million days are lost through sickness absence as a result of lower limb disorders and that in the NHS millions are spent on foot operations a year, although, not all of these are work related.

**The HS Dept provides a pragmatic and practical health and safety service to small to medium sized businesses.**

**Safety Matters is a monthly health and safety newsletter designed to keep you up to date with important news and stories.**

**If you would like to talk about anything health and safety we are here to listen!**

## Deadline for chemical users

Downstream Users of chemical substances have less than one month to inform their suppliers of the use they make of the substance. However, the deadline, 30 November 2009, only applies if the substance needs to be registered before 1 December 2010. Users of a chemical should inform their suppliers about the use of a substance if they want the supplier to consider their use in relation to the supplier's registration. Before informing the supplier, users should:

- check the use mappings prepared by the appropriate industry association
- check any communication from suppliers about the uses they intend to cover
- or assess the use later and fulfil the related duties themselves.

Uses that are not communicated may not be covered by the supplier's Exposure Scenarios. In this case the Downstream Users will eventually need to prepare a Chemical Safety Assessment once the substance has been registered.

## Something in the water

A NHS Trust has been fined £48,000 after high levels of legionella bacteria were found at a hospital. An HSE investigation found unsafe levels of legionella in the water supply system for the showers, baths and sinks at the hospital. It was not able to conclude whether two patients, who both contracted legionnaires' disease before their deaths in early 2007, were infected at the hospital or elsewhere. Legionnaires' disease is a potentially fatal form of pneumonia, which mainly affects older people and those with poor health. It is caused by bacteria found naturally in rivers, lakes and reservoirs, but which can multiply and become dangerous in some purpose-built water systems.

The Court heard that the NHS Trust had stopped testing the water supply for legionella, despite high levels of the bacteria being found in a wing in May 2002. The HSE criticised the NHS Trust for failing to put suitable control measures in place, and senior management for failing to take responsibility for overseeing the control of the bacteria. The NHS Trust pleaded guilty to breaching Sections 2(1) and 3(1) of the Health and Safety at Work etc. Act 1974 by putting employees and the public at risk. It was fined £35,000 and ordered to pay costs of £12,900 at Liverpool Magistrates Court.