

This newsletter is issued as part of our Health & Safety Advisor / Consultancy Services, to advise of Health & Safety (H&S) developments including proposed changes to H&S legislation and requirements.

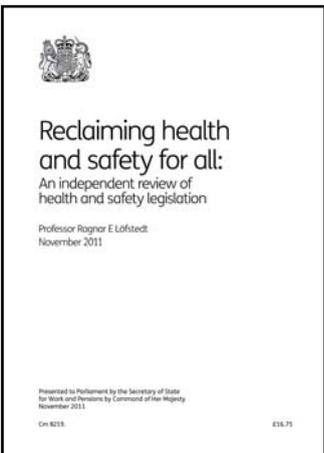
Streamlining general health and safety requirements



The current government implemented a programme of health and safety reviews, the first being Lord Young’s “Common Sense, Common Safety”. The opening paragraph of the Executive Summary states: “Today we have the lowest number of non-fatal accidents and the second lowest number of fatal accidents at work in Europe”.

The report highlights issues such as bureaucracy, a compensation culture and the insurance industry’s over-interpretation of health and safety legislation, as aspects creating a negative approach to H&S. None of the recommendations applied to (potentially) hazardous occupations, where the present system is considered to be effective in reducing accidents and ill health at work.

Since this first review, the Government has published “Statements of New Regulation” and Professor Löfstedt has undertaken further reviews. Government also introduced the “One-in, One-out” system in Autumn 2010 requiring each Department (proposing to introduce any new legislation, not just H&S) to assess the net cost to business (‘IN’) of complying with any proposed regulation, and find a deregulatory measure (an ‘OUT’), which relieves business of the same net cost as any ‘IN’. Additionally, a five year review has been introduced to determine ongoing relevance, rather than leaving Regulations permanently on the statute book when they are no longer required.



Löfstedts November 2011 review, “Reclaiming health and safety for all” focused on circa 200 Regulations and 53 Approved Codes of Practice (ACoPs). The conclusion stated that: “The general sweep of requirements set out in health and safety regulation are broadly fit for purpose but there are a few that offer little benefit to health and safety and which the Government should remove, revise or clarify, in particular the duties for self-employed people whose work activities pose no potential risk of harm to others”.

Recommendations included:

- Health and Safety Executive (HSE) to review all ACoPs;
- HSE to undertake a programme to consolidate sector-specific regulations;
- Government to work more closely with the European Commission and others, particularly during the planned review of EU H&S legislation in 2013, to ensure that both new and existing EU H&S legislation is risk and evidence-based.

The latest “Progress report on implementation of health and safety reforms” summarises the progress so far and the remaining work associated with Lord Young’s and Professor Löfstedt’s reviews.

Primarily this work is the ongoing review of Regulations, ACoPs and Guidance documents. Achievements to date include:

- ACoPs have been simplified, consolidated, or withdrawn.
- 7 sets of obsolete or redundant H&S Regulations were revoked prior to 2013, with a further 13 revoked on 6 April 2013 including the Construction (Head Protection) Regulations 1989 and Notification of Conventional Tower Crane Regulations 2010.
- New guidance for small businesses has been introduced to assist with basic/simple compliance with health and safety law.
- The Enterprise and Regulatory Reform (ERR) Bill, currently before Parliament, contains clauses to reduce burdens on business by ensuring greater consistency of inspection and enforcement for multi-site organisations.



An example of on-going review is the Work at Height Regulations. HSE is reviewing current Guidance, with the objective to produce much simplified and clearer information to assist with understanding what is required and dispel some of the myths that have developed in relation to work at height.

H&S Policy reviews undertaken by PFB take into account these changes, and Government emphasis, both Legislative and Guidance.

Health and Safety (First-Aid) Regulations - ACoP and Guidance Review



The HSE has commenced consultation on a new ACoP and Guidance for the Health and Safety (First-Aid) Regulations.

This is a direct response to Professor Lofstedt's recommendation to remove the requirement for HSE to approve first aid training and qualifications.

The consultation seeks views on the content of revised guidance (to help duty holders decide on appropriate arrangements for the provision of first aid).

HSE believes that the ACoP can be replaced by new Guidance.

Having only Guidance rather than an ACoP, has the potential advantage of improving flexibility in complying with the Regulations i.e. it allows greater scope for organisations to adopt Guidance into Policy, rather than an ACoP, as there is a legal requirement to comply with ACoPs (need to adhere to the ACoP or do something else equally as good to comply).

Guidance does not have the same legal standing, it cannot be used as a basis of prosecution, although it is often referred to as "Good Practice".

Also, if necessary, Guidance can be easily amended or updated by HSE as it does not need Parliamentary consent, plus there is more latitude with the development of Guidance rather than ACoPs.

The HSE's consultation began on 25 March 2013 and ends on 3 May 2013.

If you wish to express your views and comments, the Consultative Document is accessible at: <http://www.hse.gov.uk/consult/condocs/cd251.htm>

Guidance on "Selecting a first-aid training provider", scheduled to be introduced on 1 October 2013, provides information on assessing first-aid needs, as well as identifying and selecting a competent training provider.

The draft document is accessible at: <http://www.hse.gov.uk/pubns/geis3.htm>

Classification, Labelling & Packaging of Substances & Mixtures Regulation - CLP Regulation



International symbols are gradually replacing European symbols without wording describing the hazard.

The hazard statement on the packaging and Safety Data Sheet (SDS), previously Material Safety Data Sheet, will need to be read carefully e.g. the single flammable symbol applies to: flammable, highly flammable and extremely flammable as well as self-reactive and self-heating substances.

Suppliers must classify, label and package according to CLP by 1st June 2015.

All Risk and Safety Phrases are replaced by Hazard and Precautionary Statements. The new symbols and statements need to be included on the SDS and packaging by the June 2015 deadline.

Guidance states that all containers should display the suppliers' label.

Therefore, if you decant into smaller containers these should be labeled with symbols and warning statements unless they are too small to usefully display the information required.

The information can be published in another manner deemed suitable, for example on a poster next to the cabinet in which the container is kept.

Good practice note: Display informative posters on usage near chemical storage.

No requirement to undertake new COSHH assessments as a result of CLP requirements.

PFB advice: When purchasing substances, request the SDS and review COSHH assessments i.e. at the next review. Update any reference to Risk and Safety Phrases with Hazard and Precautionary Statements.

New and Revised HSE Publications

HSE has updated the following publications:

[INDG463: Control of exposure to silica dust](#); [INDG461: Using cut-off saws](#); Busy Builder leaflets in the [Construction/smaller builder pages](#); [Is your mask protecting you?](#); [Rider-operated lift trucks, Approved Code of Practice and guidance](#); [INDG459: Oxygen use in the workplace](#).



Assistance always available.

If you need any assistance or clarification of these H&S issues or any others affecting your business then please contact:

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