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HSE Safety Cornerstones Newsletter

A newsletter of practical compliance and safety tips provided by
Crendon Insurance Brokers Ltd

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Are You Complying With Smoke-free Legislation?

Neglecting to comply with smoke-free legislation on your business' premises is a criminal offence and could be fatal for both your business and its employees. Smoking in public places and workplaces is banned throughout the United Kingdom. While there are some exceptions, the vast majority of organisations must comply with smoke-free legislation or face heavy penalties.

As an employer, you have a legal responsibility to provide a smoke-free work environment to ensure your employees are shielded from the dangers of second-hand smoke, which include an increased risk of heart disease, lung cancer and respiratory diseases.

Smoke-free legislation applies to all 'enclosed' or 'substantially enclosed' workplaces, even if they are temporary. A workplace is 'enclosed' if it has a ceiling or roof that is wholly enclosed (excluding doors or windows). A workplace is 'substantially enclosed' if it has a ceiling or roof, but there is an opening in the walls that is less than half of the total area of the walls (not including doors, windows or fittings).

Smoke-free legislation extends to any of your organisation's vehicles that transport members of the public or are used by more than one person for business or voluntary work. Note that Scotland has additional exemptions for cars, although all other work and public use vehicles, such as lorries and vans, must comply with smoke-free legislation.

Requirements for posting 'no smoking' signs on your business' premises and in its vehicles vary by country. All UK employers must post 'no smoking' signs, but guidelines such as sign size, location and language are slightly different. Check with your country's legislation for specific sign requirements.

While most people know and follow no-smoking regulations, there may be some that purposely flout the rules to smoke in the workplace. Because you are responsible for keeping your workplace smoke-free, you should be prepared to take action and ensure your business' no-smoking compliance. Follow the steps listed below if you encounter a defiant smoker in one of your business' smoke-free areas:

- Draw the person's attention to the mandatory 'no smoking' signs and ask him or her to stop smoking.
- Explain that the person is committing a criminal offence by smoking in a smoke-free area.
- Remind the person that you have a responsibility to prevent smoking in smoke-free premises and vehicles and that you could both receive a fine.
- Consider not serving or providing services to customers who are smoking.

One slip-up in your no-smoking compliance could cost your business money and endanger your employees' health. Trust the insurance professionals at Crendon Insurance Brokers Ltd to provide you with the necessary resources to guarantee that your business is always compliant and smoke-free.



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Employers Facing Harsher Health and Safety Penalties

Employers face tougher penalties from health and safety failings than they did five years ago, according to a recent report by the Department for Work and Pensions (DWP). The report assessed the first five years of the Health and Safety Offences Act (HSOA), which was passed in 2008 to increase the maximum penalties for workplace health and safety breaches that could be heard in both the lower and higher courts. MPs believed that if the penalties for defying health and safety regulations were intensified, offenders would think twice before shirking their responsibilities as employers.

Key findings of the report include the following:

- A greater proportion of cases (86 per cent) were heard in the lower courts after the HSOA came into effect, compared to 70 per cent in the period before its introduction.
- The average fine imposed by the courts involving breaches of health and safety regulations alone increased by 60 per cent, from £4,577 to £7,310.
- The average fine increase for cases involving breaches of both health and safety regulations and the Health and Safety at Work Act was 25 per cent, from £13,334 to £16,730.
- Almost 350 lower court cases attracted fines of more than £5,000—prior to the HSOA the lower court maximum fine was capped at £5,000. The previous lower court maximum increased four-fold to a current limit of £20,000.

The HSOA also granted magistrates and sheriffs greater authority to send offenders to prison. Prior to the HSOA, prison sentences were reserved only for specific cases, but now employers can be sent to prison for a majority of workplace health and safety failings.

The act's success over the last five years sends a clear message to unscrupulous employers that neglect necessary, life-saving health and safety regulations in the workplace—shape up or suffer the (now much harsher) consequences.



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Recent HSE News and Prosecutions

Reminder of April 2014 health and safety poster deadline

Are you still displaying an old health and safety poster? Employers that display the 1999 poster or provide the 1999 leaflet have until 5 April 2014 to display or provide the new 2009 poster or leaflet. Northern Ireland employers have until 15 June 2014.

Employers have a legal duty under the Health and Safety Information for Employees Regulations to display the approved health and safety poster in a prominent position in each workplace or to provide each worker with a copy of the approved leaflet. You can download the 2009 version of the poster for free at www.hse.gov.uk/pubns/books/lawposter.htm

Shoes must be sold with a box

A Belfast man bought a pair of shoes from a shop and opted to forgo using the shoe box offered by the shop's assistant. The assistant insisted the man take the shoe box, declaring that health and safety law requires all customers to use a box. The Belfast man was not convinced, and felt that the shop probably wanted to get rid of their boxes to reduce excess waste. Although the HSE's Myth Busters Panel was unclear about the shop's motives for forcing a box on the customer, it is certain that there are no health and safety regulations demanding customers use a box for their shoes—this is simply bad customer service masquerading as health and safety concerns.

Refusal to inflate balloon

A Cardiff woman purchased a helium balloon in a card shop and asked if she could pay for the shopkeeper to inflate a different balloon she bought online. The shopkeeper refused, citing health and safety rules that prohibited him from filling balloons not purchased in the shop. The HSE panel decided that the ban on filling outside balloons stemmed from purely commercial concerns rather than 'health and safety rules'.

Firm fined for printing accident

A Hengoed-based food packaging company was fined £8,000 and ordered to pay £5,843 in costs after a 55-year-old employee's left hand was crushed between the rollers of a printing machine. The HSE's investigation concluded that the printing machine was unguarded, allowing workers to get too close to dangerous moving parts. Worse, the company had been aware for almost 18 months prior to the incident that a safe isolation procedure was needed for that machine, but neglected to implement one.

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