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### 1. Amended Approved Codes of Practice (ACoPs)

**a) The Management Regulations:** In our last issue we pointed out that the ACoP attached to the Management Regulations has been withdrawn – I've been asked by a couple of reps if any of it remains, or has it really all gone; Yes it has. I still don't fully understand why the coalition government was so hostile to it – it was a bit clumsy and repetitive, and some complained it was written in a 'read my lips' kind-of style, but sometimes this is necessary so that employers understand, like the explanation of what 'consultation' means in the guidance to the SRSC. There is obviously some evil in there I missed!

See <http://www.hse.gov.uk/pubns/books/l21.htm> for HSE information about the withdrawal (see below); that's the location from where you used to be able to download a copy of the Regulations with their ACoP and Guidance:

*The Management of Health and Safety at Work Approved Code of Practice (ACOP – L21) has been withdrawn and is no longer available. If you are looking for information on how to manage risks in your business, HSE has a suite of guidance that will be able to help. Each level of guidance on HSE's website offers appropriately targeted information, focussed on making compliance as straightforward as possible.*

*If you need basic information or are getting started in managing for health and safety, then the best place to look is [Health and safety made simple: The basics for your business](#).*

*Guidance on controlling risks from specific topics can be found in [The health and safety toolbox: How to control risks at work](#).*

*A revised and enhanced online version of '[Managing for Health and Safety](#)' (also known as HSG65) is now available. The guidance is divided into four sections:*

- Core elements of managing for health and safety*
- Are you doing what you need to?*
- Delivering effective arrangements*
- Resources*

*The first two sections of Managing for Health and Safety are targeted at leaders, owners, trustees and line-managers, whilst the third part will be particularly useful to those who need to put in place or oversee their organisations arrangements for health and safety. It will also be of value to workers and their representatives.*

**b) Control of Substances Hazardous to Health (COSHH L5):** The COSHH ACoP has been pruned quite sharply. I know size doesn't matter, but in this case it does indicate the level of pruning; the new document is 100 pages, the old one was 144 – about a 30% reduction. The mixture of information, guidance and ACoP in the original 3 appendices in L5 has all gone. So what many considered to be useful and detailed information and guidance in relation to some particularly hazardous materials, mutagens and carcinogens generally, and vinyl chloride monomer particularly, is no more; the Occupational Asthma ACoP has also gone. The comprehensive list of reference sources and further reading at the end has been replaced with a single page of reference sources and referral to the HSE website, the Stationery Office (SO) and British Standards Institute (BSI). Both SO and BSI charge for their publications (and they are not cheap), so as ever, our advice is to ask the employer to provide a copy of any you may need under SRSC Regulation 4(2) – *"every employer shall provide such facilities and assistance as the safety representative may reasonably require for the purpose of carrying out their functions under Section 2(4) of the 1974 Act and these Regulations."*

One specific problem with all this pruning and reorganisation is that information is no longer concentrated in a few places, but now spread out over other locations, with only general references to what is available and where it may be located. So overall, a degree of clarity and transparency has been lost.

Additional COSHH information at

<http://www.hse.gov.uk/pubns/guidance/index.htm>

**c) Asbestos (L143):** The new document includes minor amendments to the Regulations themselves that became law in 2012. It combines the two previous ACoP documents, L127 and L143. Regulation 4 of the Control of Asbestos Regulations requires employers to make an assessment in the workplace to identify asbestos, and devise and publish a written plan to manage that asbestos. HSE used to believe Regulation 4 duties to be so important that there was separate ACoP and guidance booklet (L127)

The Asbestos Regulations have never been the easiest to work with, especially given the confusion that often arose between licensed and unlicensed work, although Asbestos Essentials helps in making such determinations. For more information, see the Asbestos Essentials files at

<http://www.hse.gov.uk/pubns/guidance/aseries.htm>

One noticeable improvement in the new ACoP is in Paragraph 143, which specifies that the employer's management plan including records and drawings, should be reviewed every 12 months. Other factors listed in the ACoP paragraph that should trigger a review include change of use of the building, change in the work undertaken, and asbestos-containing materials being removed or repaired. Generally, the new L143 appears to be useful, and there are 21 references to safety representatives in it.

If you have never seen it, we suggest you ask your employer for a copy of the plan. You can also ask about a review of the management plan if it's more than 12 months since the last one.

#### **d) Dangerous Substances and Explosive Atmospheres (L138)**

This Approved Code of Practice (ACoP) and guidance provide practical advice on how to comply with the Dangerous Substances and Explosive Atmospheres Regulations 2002 (DSEAR). These Regulations require the elimination or reduction of risk of fire and explosion from substances connected with work activities.

HSE say the ACoP is primarily for an informed and experienced audience such as health and safety professionals; they are also a very useful source of information for safety representatives. The ACoP applies to workplaces that manufacture, store, process or use dangerous substances as defined in this publication.

This second edition of L138 incorporates the following ACoPs, which have now been withdrawn:

- L134 Design of plant, equipment and workplaces
- L135 Storage of dangerous substances
- L136 Control and mitigation measures
- L137 Safe maintenance, repair and cleaning procedures

HSE say that the consolidated ACoP text and guidance have been clarified, simplified, streamlined and restructured to help the reader. The content has been updated in light of changes to European and domestic legislation, such as substance classification and labelling issues and general fire safety. No significant new duties are placed on businesses that are already in compliance with the replaced ACoPs. The Regulations themselves are unchanged. The text of the 2002 Regulations is reproduced in a more up-to-date practical form rather than as in the 2002 statutory instrument.

The leaflet [Controlling fire and explosion risks in the workplace INDG370](#) provides a short guide to DSEAR for small and medium-sized businesses; safety reps will also find that a useful document.

#### **Access to all these ACoPs and other HSE publications**

To download all the new documents from the Legal reference (L) list on the HSE website, go to <http://www.hse.gov.uk/pubns/books/index-catalogue.htm>. You can also access all the other free-to-download HSE publications from this site.

## **2. New H&S poster**

Just to remind everyone that from 5<sup>th</sup> April this year, your employer is required to have put up the amended version of the HSE poster, or distributed the individual card or leaflet equivalent to employees. The new poster came into being in 2009, as a result of research by HSE that showed the previous versions of the poster and leaflet were visually unappealing and rarely read. Then HSE gave employers 5 years to make the change, so as 'not to impose any excess burdens on business'. Things have changed since the poster was designed – for example the HSE Infoline service has been closed down, so any version of the new poster with their telephone number on it is out-of-date, but HSE say it will still be legal and employers don't need to replace earlier versions.

Unlike the 1999 poster and leaflet, the 2009 poster and leaflet do not require the employer to provide further information in writing, either on the poster or with the leaflet, giving workers the name and address of the enforcing authority and Employment Medical Advisory Service (EMAS). Instead, workers are now advised to go to HSE's website to find relevant addresses.

The 2009 poster does still have optional boxes where details of any worker health and safety representatives and other health and safety contacts can be added. It is not a legal requirement to include this information but it may be helpful to workers. Don't forget to insist that information about you is added.

<http://www.hse.gov.uk/pubns/books/lawposter.htm> allows employers to order the poster, or download free leaflets and cards for distribution to individual members of staff; there is also a version for Northern Ireland here, and a Welsh language edition.

Ask your employer about this, and check there are plans in place to issue the updated information by April if that hasn't been done already, and that contact details for safety reps from all unions are included.

## **3. Up-standing workstations**

The bandwagon is rolling – see this from The Washington Post 20.1.14 at <http://apps.washingtonpost.com/g/page/national/the-health-hazards-of-sitting/750/>

You can download a poster from there, but this isn't necessarily the kind of information we want to draw to the employers' attention. It's amazing to think that human beings have survived for so long because we insist on sitting down so much. The evidence that some employers might well want to collect is gathering.

#### **4. EU healthy workplace campaign 2014-2015**

Over half of European workers report that work-related stress is common in their workplaces, with only 4 in 10 workers thinking that stress is not handled well within the workplace. The cost to employers and society as a whole is significant; the total of mental health disorders in Europe is estimated to be around €240 billion a year.

The next European Agency for Safety and Health at Work campaign will be formally launched on 10 April 2014. The campaign will focus on managing stress and psychosocial risks at work. The campaign's key aim is to help employers, managers, workers and workers representatives to recognise and manage stress and psychosocial risks in the workplace.

For more information, a downloadable leaflet and a campaigning guide with practical ways for your workplace to get involved, visit <http://www.healthy-workplaces.eu/>.

#### **5. TUC revitalises campaign on directors' duties**

Many people would be surprised to know that although there is a positive duty on companies and public bodies to ensure, as far as is reasonably practicable, the

health, safety and welfare of all their employees, there is no such duty on the directors of companies. Most prosecutions for breaches of health and safety laws are against employers. In the case of most workplaces, the employer is not an individual but a company or public body. So the prosecution is of that body. In some cases individual managers are also prosecuted, but in most cases the prosecution is of the organisation that is the employer. Organisations really only exist as a piece of paper. It is not organisations that make decisions – individuals do, and you cannot put a college or university in jail if it kills or injures someone.

The TUC has revived the broad-based campaign for statutory duties for health, safety and welfare to be placed on the most senior managers and directors of organisations. As long ago as 2000, the government said "*It is the intention of ministers, when parliamentary time allows, to introduce legislation on these responsibilities.*" They never did.

<http://www.tuc.org.uk/sites/default/files/DirectorsDutiesBulletin.pdf> for the latest contribution to the campaign.

## **6. International Workers Memorial Day 2014**

Every year more people die or are harmed as a result of their work than are killed or injured in armed conflicts. Most of these incidents are not mystery ailments, or the result of tragic "accidents". They die because an employer decided their health, safety or welfare just wasn't that important a priority. Workers' Memorial Day commemorates those workers.

This year the theme is: 'Protecting workers around the world through strong regulation, enforcement and union rights'.

Workers' Memorial Day is held on 28 April every year, all over the world workers and their representatives conduct events, demonstrations, vigils and a whole host of other activities to mark the day. The day is also intended to serve as a rallying cry to "*remember the dead, but fight for the living*".

All UCU Branches and LAs are encouraged to organise an event at work or join in an event in your region. At this time of deregulation, weak or non-existent enforcement and the drive for diminution of workers' rights, it is more important than ever to show solidarity on International Workers' Memorial Day this year. You can do something at work, for example a minute's silence or a workplace or site health and safety event, organise a tree planting or other community activity, or simply join in with an event in your area – but please do something to show concern and solidarity!

The TUC co-ordinates activities nationally and publishes a comprehensive listing of events and suggestions on its website. <http://www.tuc.org.uk/workplace-issues/health-and-safety/workers-memorial-day>

A listing of the global activities is available from the Hazards magazine website; go to <http://www.hazards.org/> and search for 'workers memorial day'.

Further resources will be made available in the coming weeks and will be posted on the ITUC/Hazards website.

Contact the Greater Manchester Hazards Centre – [mail@gmhazards.org.uk](mailto:mail@gmhazards.org.uk) - for other resources and campaign material. The official WMD symbol, the purple forget-me-knot ribbon, can be purchased from GMHC. Car stickers will be available soon, and they will also send you some free posters – ask for the number you want. Prices for ribbons and car stickers will be confirmed soon. We'll update this information in the next issue of H&S News, and information will be in the weekly Campaigns e-mail to Branches and LAs.

**Contact UCU Health & Safety Advice**  
**UCU Health & Safety Advice is provided by the Greater Manchester Hazards Centre, and is available for 3 days each week during extended term times. The contact person is John Bamford: (e) [jbamford@ucu.org.uk](mailto:jbamford@ucu.org.uk) (t) 0161 636 7558**