

Source: Health & Safety Advisor (hsadvisor@agorabusiness.co.uk)

It's Now Timely to Target Stress

New research published in the leading medical journal 'The Lancet' has added fresh understanding to the link between stress and coronary heart disease (CHD); at the same time stress remains a strategic priority in the HSE inspection programme.

At its sell-out stress summit in March, the HSE highlighted that, in 2015/16, stress, anxiety and depression, resulted in 11.7 million workings days lost at an estimated social and economic cost of 5.2 billion. Stress will therefore figure strongly in the inspector's priorities, especially in sectors such as healthcare, education and public service generally that report the highest levels of stress-related absence. As they visit, they are likely to start by asking you whether you have implemented stress management systems.

Act on Hidden Silica Danger

"Silica is widely found in building materials but anyone working with silica-based materials could be in danger. Inhaling silica causes scar tissue to form in the lung (silicosis); this makes it much harder for the lungs to function correctly. Silica also causes Chronic Obstructive Pulmonary Disease (COPD) and is a carcinogen. The danger is greatest when the silica crystals are freshly fractured, as happens in many workplace operations such as drilling, cutting and grinding".

Paul Smith Editor-in Chief, Chartered Safety and Health Practitioner, Fellow of IOSH

Silica occurs naturally in rocks, sand and clay, it is therefore widely used in building materials such as bricks and concrete. But, it is one of the biggest workplace health risks. In its inspection strategy, the HSE is targeting health issues in general and occupational lung disease in particular, to which it attributes 12,000 premature deaths annually – approximately 80 times the numbers killed in all workplace accidents. Inspectors identify RCS, along with asbestos, as a 'particularly substantial contributor to the burden of lung disease' and have committed to pay special attention to it as they inspect construction sites, factories and mines and quarries.

Have you addressed the key action points to prepare for an inspection and have you got the correct measures in place to protect your workers health?

- Is RCS covered in your Risk assessment?
- Are you following the guidance that's relevant to you?
- Can you explain your assessment and control measures?
- Can you show that you are using RPE correctly?
- Do you hold the right records (COSHH)?
- Have you informed and trained your workforce?

When will Directors and Managers be Personally Prosecuted?

Most cases are taken against employers but there are an increased number of cases against individuals. Prosecution of managers and directors is made possible by s.7 of HSW Act 1974 (this is headed as 'employee duties' but managers and directors are usually employees so are in scope).

Where an organisation commits an offence, directors are personally liable under s.7 if it was due to their act or neglect. Managers can also be prosecuted but only if they are sufficiently senior to be part of the organisations 'guiding mind' - as could well be the case in a small firm. Where there is a fatality, individuals can also be prosecuted for manslaughter, quite separately from any proceedings under safety law.

Most HSE cases are taken against limited companies or other employer organisations and typically result in a fine. But personal prosecution of managers and directors is a reality and there's increasing evidence that, in most serious cases, the courts are imposing the penalty of immediate imprisonment.