



NEW LEGISLATION: HEALTH AND SAFETY OFFENCES ACT 2008 (INCREASED PENALTIES)



From January 2009 organisations that contravene Health and Safety Legislation will be subject to increased penalties. These will be in the form of broader sentencing powers for the Courts, and an increase in fines which may be handed-out to guilty parties.

Lower courts can currently impose fines for breaches of certain Health and Safety offences of up to £5,000. The new legislation increases this to £20,000. The scope of offences for which an individual can be imprisoned has also been broadened.

The new Act empowers lower courts to hand down a maximum £20,000 fine for nearly all summary offences. In higher courts, fines will be unlimited. Also, imprisonment for nearly all offences is now an option. This is reflected in a sentence of up to 12 months in a lower court, (previously a 6 month prison sentence was the maximum). A Crown Court can impose a sentence of up to 2 years in jail.

This new Act is designed to deter businesses which fail to comply with Health and Safety law, by raising the level of fines and providing a higher punishment.

PFA Consulting will be exhibiting at the Health and Safety 09 Exhibition at Sandown Park on 24th-25th February 2009 and we look forward to welcoming readers to our stand.

For further information or to arrange a FREE Health & Safety Review, please contact PFA Consulting on (01793) 828000.

Barry Whyte RMaPS NEBOSH
Senior SHE Consultant

PFA CONSULTING ARE PLEASED TO ANNOUNCE EXPANSION OF OUR TRAINING FACILITIES

Due to the high demand of our training services, we are pleased to announce the opening of additional training facilities at Little London Court, Old Town, Swindon. We are also happy to hire this facility to clients, for their own use.

For further information please contact Tracey Deick or Katherine Knott on (01793) 828000



ENVIRONMENTAL LIABILITY DIRECTIVE

We are regularly contacted by businesses requesting advice and assistance on their environmental liabilities.

A draft EU Directive on environmental liability has been more than a decade in the making. It is expected to take effect in October 2009; and is already causing much speculation as to how companies will be affected. Many businesses remain unaware of the impacts of the new regime, which will widen the scope of environmental liability exposure and impose new formal reporting obligations and procedures for managing pollution incidents and potential hazards.

In general, environmental law aims at the protection of the environment through prevention of harmful effects. However, environmental casualties do occur, at which time the regulation of environmental damage becomes especially meaningful. Environmental liability takes on a double function. It creates incentives for the proactive prevention of environmental detriment on the one hand, and otherwise forces the perpetrator to pay for the resultant damage. Environmental liability is directed by the burden of proof principle. This means that the party causing environmental damage is made responsible for that damage, thus relieving the general public of financial burden.



The term “**environmental damage**” describes harm to the environment in the broadest sense:

- material, personal and property damage through an environmental path, i.e., soil, water and air.
- ecological damage, i.e. damage to the balance of nature.

The Directive introduces three new defined liabilities:

- **Primary remediation** - Obligation to make/put right environmental damage that has happened.
- **Complementary remediation** - an obligation on companies that have caused pollution, but are then unable to make good all the damage, to carry out additional environmental repairs elsewhere on other sites.
- **Compensatory remediation** - will require the polluter to compensate the general public for interim loss of resources by spending money on other natural resources or facilities.

HEALTH+SAFETY / 09

Health & Safety Exhibition 09 – Sandown Park Racecourse

PFA Consulting will have a stand at the Health & Safety Exhibition 09 on the 24th & 25th February 2009. We have a number of complimentary tickets to the event available on a first-come basis and look forward to welcoming clients to our stand.



Will the new Environmental Liability Directive be covered by my business insurance?

A Firms are covered for environmental damage which happens suddenly and is unintended and unexpected. The Association of Insurance and Risk Managers (AIRMIC) reports that the Bartoline incident in 2003 "muddied" the waters. Damaging substances belonging to the firm were washed into a nearby river, while the fire service extinguished a blaze at the company's chemical plant. The Environment Agency cleared up the damage and billed Bartoline for £700,000. Although the incident was sudden, unintended and unexpected, it was not covered under the firm's insurance policy as no-one had sued it for tort. AIRMIC concludes: "Repaying the Agency for the clean-up was not covered."

The new directive will make businesses more accountable for their actions.

With environmental responsibility at the forefront of the public consciousness, we consider it vital that you undertake risk assessments to find out what your particular risks may be.

Disclaimer: The above answers have been given in good faith but are a brief summary of the full advice given in respect of more detailed questions. Readers should seek specific advice on any similar and related matters.

Q&A

Advice Line Number:
01793 828000



ANSWERS BY
GERALD SPARY



Gerald Spary
MIOSH AMICE IEng
Associate Director

Somebody at work has told me that I am not allowed to use a ladder because they are banned. Is this true?

A This is one of the most commonly asked questions. Ladder use comes under the Work at Height Regulations and they are not banned. Before any work at height is undertaken, a risk assessment of the task must be completed. If the use of a ladder would constitute a low risk or is only needed for a short duration, then a ladder may well be suitable.

KEY FACTS FOR 2007/08 FROM THE HEALTH & SAFETY EXECUTIVE

FACT FILE

Working days lost 34 million days were lost overall (1.4 days per worker), 28 million due to work-related ill health and 6 million due to workplace injury.

Ill health 2.1 million people were suffering from an illness they believed was caused or made worse by their current or past work.

Killed at work 229 workers were killed at work, a rate of 0.8 per 100,000 workers.

Injuries 136,771 other injuries to employees were reported under RIDDOR, a rate of 517.9 per 100,000 employees.

- Men are three times more likely to have an accident than women and 10 times more likely to have a fatal accident.
- There are around 36,000 people with an advanced stage of Vibration White Finger (VWF), the most well known form of hand-arm vibration syndrome.
- Each year there are over 600 non-fatal major injuries to employees resulting from acts of physical violence at work.
- Muscular-skeletal disorders are the most common form of work-related ill health in Britain.



Steve Foster
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Senior SHE Consultant

TRAINING NEWS

TRAINING NEEDS ANALYSIS

We are often contacted and asked for assistance in establishing what Health and Safety training should be provided to staff. Health and Safety law says:

- employees must be trained and clearly instructed in their duties;
- employers and host companies must ensure contractors are properly trained to work safely.

Start the new year knowing your Health & Safety training requirements and take advantage of PFA Consulting's FREE Health & Safety training needs analysis service. For further information contact Tracey on (01793) 828000.



Tracey Deick
SHE Support Manager

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January Special Offers: Book either of the following courses and receive a second place half price

1 Day Fire Marshall Course
Dates: 30th January 2009

5 Day Construction Skills (CITB) Site Managers Safety Training Scheme
Dates: 17th, 18th 23rd, 24th & 25th February 2009

13 Day NEBOSH National General Certificate
Dates: Week One 20th-24th April 2009, Week Two 18th-22nd May 2009
Revision Day and Exams 3rd, 4th & 5th June 2009

4 Day First Aid at Work Course
Dates: 16th-19th February 2009

	Jan-09	Feb-09	Mar-09	Apr-09	May-09	Jun-09
NEBOSH National General Certificate						
Week One	19-23			20-24		
Week Two		09-13			18-22	
Exams (Wed,Thurs,Fri)						
Revision			04			03
Practical (pm)			05			04
NGC1 (am)			06			05
NGC2 (pm)			06			05
NEBOSH National Construction Certificate						
Week one	19-23			20-24		
Week Two		02-06			11-15	
Week Three		16-20			26 May-29 May & 02 June 09	
Exams (Wed,Thurs,Fri)						
Revision			04			03
NCC1 (am)			05			04
Practical (pm)			05			04
NGC1 (am)			06			05
NEBOSH National Construction Certificate (Conversion Course)						
Week Two		02-06			11-15	
Week Three		16-20			26 May-29 May & 02 June 09	
Exams (Wed,Thurs,Fri)						
Revision			04			03
NCC1 (am)			05			04
Practical (pm)			05			04
Construction Skills (CITB)						
SMSTS - 5 Day Site Management Training Scheme	26-30	17-18, 23,24 & 25	10,11,17,18 & 24	7,8,14,15 & 16		09,10,16,17 & 23
SSSTS - 2 Day Site Supervisor Training Scheme	TBC	TBC	TBC	TBC	TBC	TBC
SMSTSR - 2 Day Site Management Refresher Scheme			4 & 5			4 & 5
IOSH						
4 Day IOSH Managing Safety	19-22	06,13,20,27	16-19	03,09,17,24	18-21	05,12,19,26
1 Day IOSH Working Safely	16 & 30	10 & 24	06 & 27	07 & 21	06 & 27	02 & 23
CIEH						
1 Day CIEH Conflict Resolution and Personal Safety	12	2	2	6	5	8
HSE Approved						
1 Day Emergency First Aid for Appointed Persons	15	26	19	16	7	18