

### New Ergonomic Associate Joins Essential Safety

We are delighted to welcome Cathie Madigan to the Essential team as our new Ergonomic

Associate.



Cathie brings a wealth of experience and expertise as a General Practitioner Nurse and neurosurgical intensive care Sister.

Cathie has more recently gone on to specialise in back care, spending 5 years as a Senior Ergonomic and Manual Handling Consultant at the Royal Free Hospital, London, during which time she provided expert advice and guidance for complex patient manual handling issues.

Cathie will provide specialist consultancy services to our Clients on a wide range of ergonomic and manual handling issues including:

- Manual handling assessments & training
- Display Screen Equipment (DSE) assessments & training
- Ergonomic workplace & product assessments & evaluation
- Specialist ergonomic advisory services for employee / client handling issues.

Cathie's services and advice will benefit organisations with general ergonomic / manual handling requirements, or those with specific employee issues which they may have otherwise found difficult to resolve.

### Final Corporate Manslaughter Sentencing Guidelines Published

Following on from the article in our January Newsletter, the Sentencing Guidelines Council has issued its long-awaited guidance regarding the Corporate Manslaughter and Corporate Homicide Act 2007.

The Council has now stated that "punitive and significant fines should be imposed both to deter and to reflect public concern at avoidable loss of life".

Organisations found guilty of corporate manslaughter can expect up to a seven-figure fine, and rarely less than £500,000, states the Council. For other health and safety offences that result in death, convicted companies should prepare themselves for a six-figure penalty.

Factors which would affect the level of penalty incurred will include the foreseeability of serious injury, how widespread non-compliance was across the organisation, and how high up the organisation's chain of command responsibility for the breach lay.

Courts will also take into account the number of deaths and serious injuries caused, injury to vulnerable persons, failure to heed warnings or respond to near-misses of a similar nature, cost-cutting, and deliberate failure to obtain or comply with relevant licences.

Companies convicted of Corporate Manslaughter will also be the subject of "Publicity Orders" which will require offending organisations to publicise, details of their conviction and the fines incurred.

## New Asbestos Survey Guidance

### Published



The new guidance document "Asbestos: The survey guide" is now available.

The guide will be of interest to anyone who commissions asbestos surveys, as well as those carrying them out, or using them to consider the asbestos risks at their premises.

The guide provides specific advice on asbestos surveying and sampling techniques, but also contains details of changes to asbestos survey types. The old "Type 1", "Type 2" and "Type 3" surveys have now been replaced by the "Management Survey" and the "Demolition/Refurbishment Survey".

The responsibilities of the "Duty Holder" to check the competence and qualifications of persons they appoint to carry out asbestos surveys on their behalf have also been clarified.

The guide can be downloaded free of charge at: <http://www.hse.gov.uk/pubns/books/index-hsg-ref.htm?ebul=cons/feb10&cr=6>

## Property Firm Fined for Failing it's Duties as a Construction Client

A property company has been fined £7000 and ordered to pay £4486 in costs for failing to appoint a CDM Co-ordinator and Principle Contractor when commissioning refurbishment work at an industrial unit.



During the course of these works, a worker fell through the roof and suffered serious injuries to his back and hands.

The Construction (Design and Management) Regulations 2007 place specific duties upon Clients to ensure that the construction work that they are commissioning is adequately managed, and that those carrying out the work on their behalf are competent to do so.

Unfortunately, some Clients are still unaware of these responsibilities, or the legal requirement to appoint a specialist advisory role, called the CDM Co-ordinator, who is responsible for advising them and ensuring that health & safety information is passed between the Client, Designers and Contractors.

## New Fit Notes to Commence in April

From 6 April, medical statements, otherwise known as "Sick notes" are set to change.

GPs will be required to issue patients with statements – "Fit notes" - advising that they are either 'not fit for work' or 'may be fit for some work'. Doctors will also have the option to suggest that the patient would be able to work if, subject to the employer's agreement, temporary changes to their work conditions could be.

Some requirements have not changed from the previous sick-note system, such as: the form can still be used as evidence for why an employee cannot work due to an illness or injury; the information on the form is still advice to employee – it is not binding on employer; and Statutory Sick Pay is still payable under current rules.

What has changed is that GPs can now include comments on how the employee's condition will affect what they do, and they can suggest common ways to facilitate a return to work. These include a phased return to work, altered hours, amended duties, and/or workplace adaptations, all of which are explained in a free guidance document which can be downloaded at; <http://www.dwp.gov.uk/docs/fitnote-employer-guide.pdf>

