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RISK MATTERS

A newsletter from Gallagher
Risk Management Solutions

Autumn 2021



Welcome to the Autumn edition of Risk Matters, where we feature the latest news, advice and guidance from Gallagher Risk Management Solutions.

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UPCOMING IOSH COURSE DATES

IOSH Managing Safely

£650 + VAT (per delegate)

COURSE DATES - 2022
17 - 20 January
7 - 10 February
14 - 17 March
25 - 28 April
16 - 19 May
20 - 23 June
11 - 14 July
19 - 22 September
17 - 20 October
21 - 24 November

IOSH Managing Safely Refresher

£250 + VAT (per delegate)

COURSE DATES - 2022
8 and 9 (a.m.) February
5 and 6 (a.m.) July

IOSH Safety for Executives and Directors

£250 + VAT (per delegate)

COURSE DATES - 2022
15 February
5 April
14 June
13 September
22 November

IOSH Managing Occupational Health and Wellbeing

£250 + VAT (per delegate)

COURSE DATES - 2022
28 April
22 September

ISO 45003 – A NEW GLOBAL STANDARD FOR WORKERS' MENTAL HEALTH

New guidelines have been published to help organisations manage psychosocial risk within an occupational health and safety management system.





June 2021 saw the arrival of ISO 45003—the first global standard that will give employers practical guidance on how to manage psychosocial hazards for staff in the workplace. It is a proactive attempt to make good mental wellbeing an integral part of a company's culture, with guidance for designing work to help prevent psychological issues from arising.

Psychosocial hazards can cause stress, fatigue and bullying/harassment which can lead to mental health problems, absenteeism, presenteeism and human error. These hazards can be present in all organisations and sectors, and from all kinds of employment arrangements.

Duncan Spencer, IOSH's Head of Advice and Practice, said: "For too long organisations have focused predominantly on treating the symptoms of mental ill health in the workplace; this new standard is an important step towards addressing the causes of it too. Protecting the mental wellbeing of staff is vital in building a resilient and sustainable organisation."

Sources:
<https://iosh.com/more/news-listing/summer-boost-in-prospect-for-workers-mental-health-and-wellbeing/>
<https://www.ioshmagazine.com/2021/01/06/delving-deeper-iso-45003>

What is psychosocial risk?

The Health and Safety Executive defines psychosocial risk as things that may affect workers' psychological response to their work, and workplace conditions (including working relationships with supervisors and colleagues). Examples are:

- High workloads;
- Tight deadlines; and
- Lack of control of the work and working methods.

ISO 45003 at a glance

- The first global standard giving practical guidance on managing psychological health in the workplace.
- It will provide help in identifying the conditions, circumstances and workplace demands that could potentially impair psychological health and wellbeing, and how to improve the working environment.
- It builds on what is covered by ISO 45001, which is designed to prevent work-related injury and ill health and to provide safe and healthy workplaces.
- It defines a psychologically healthy and safe workplace as one that 'promotes workers' psychological wellbeing and actively works to prevent harm to psychological health, including in negligent, reckless or intentional ways.

FIRE SAFETY BILL BECOMES FIRE SAFETY ACT 2021

Following the Grenfell tragedy, the Home Office introduced the new Fire Safety Bill in March 2020 to improve fire safety in buildings in England and Wales.

On 29 April 2021, the Fire Safety Bill became law—The Fire Safety Act 2021—which is likely to affect around 1.7 million residential properties.

Under the Act, there must be clarification on who is accountable for reducing the risk of fires in multi-occupied residential buildings, i.e., the duty holder or building owner. They must manage the risk of fire for:

- The structure and external walls of the building (cladding, balconies, windows etc.).
- Entrance doors to individual flats that open into communal areas.

The fire risk assessment will therefore be required to cover both of these areas.

Remediation costs: Who is responsible?

Despite owners and duty holders being responsible for reducing fire risk, the issue of cost is still very much in the spotlight.

The House of Lords returned the Bill four times before it was passed, as they did not want to pass it without providing some form of protection for leaseholders. While the government has come forward with proposals to help alleviate costs, these focus on cladding and not other key areas such as fire doors and insulation systems. This means that many leaseholders are currently legally and financially liable for huge remediation costs.

Further legislation and additional measures

The Fire Safety Act 2021 is also designed to provide a foundation for secondary legislation which will not require another Act of Parliament, based on the recommendations made from the Grenfell Tower inquiry. Additional measures may include responsibility for lift inspections, fire safety instructions to residents and the reviewing of evacuation plans.

Alongside the Act, the government has highlighted a number of other measures it is taking to improve building and fire safety:

- Announcement of a new Building Safety Regulator via the Building Safety Bill;
- Providing clearer accountability and stronger duties on those responsible for high-rise buildings; and
- A £1 billion Building Safety Fund to tackle unsafe cladding.

The Fire Safety Act 2021 is only applicable to England and Wales. You can read details of the Act [here](https://www.gov.uk/government/publications/fire-safety-act-2021).





DRIVING CHANGE – NEW LAWS FOR UK DRIVERS

This year has seen some changes to legislation for UK drivers as well as some new developments for vehicles on the road. Here are some of the key things you may need to know:

- 1. Green number plates:** New 'green' number plates became legal on UK roads in December 2020. Featuring a green slip on the left side of the plate, these are available for zero-emission vehicles, helping drivers to take advantage of zero-emission zones and green parking initiatives.
- 2. MOT extension period has ended:** Last year due to COVID-19, the government announced an extension period for any vehicles with MOTs due between 31 March and 31 July 2020, with the maximum extension being 6 months. This extension ended at the end of January 2021 and the usual rules now apply.
- 3. Green Card requirement scrapped:** On 30 June 2021, the European Commission reversed the decision to require UK drivers to carry a Green Card when entering EU countries. The changes came into effect on 2 August 2021. You can find out more [here](#).
- 4. Mobile phone use:** We ran an article on this in our previous edition of Risk Matters, but to recap, it is now illegal to hold your mobile phone for any purpose while driving—including scrolling through social media or flicking through photos or playlists. Failure to comply could mean six penalty points and a £200 fine.
- 5. New clean air zones:** Hybrid cars are no longer exempt from London's congestion charge and the boundaries for both the Low Emission Zone (LEZ) and the Ultra Low Emission Zone (ULEZ) are expanding. Many other cities are also introducing or have already introduced new clean air zones in 2021, including Bath, Oxford, Bristol and Birmingham. You can find out about the new boundaries in London [here](#).
- 6. Automated Lane Keeping System (ALKS):** This technology helps keep cars in lane by automatically controlling the movement of the vehicle without driver intervention. The government is seeking to pave the way for introducing it safely on UK roads by late 2021.
- 7. Speed limiters:** Looking ahead to next year, speed limiters will be mandatory on all new vehicles from 2022. The system will alert the driver if they are driving too fast and will automatically lower the car's speed if the driver does not lower it.

Sources:

<https://blog.halfords.com/7-new-driving-laws-in-the-uk-for-2021/>

<https://www.energylivenews.com/2021/01/25/driverless-cars-with-automated-lane-keeping-technology-to-hit-britains-streets-from-late-2021/>

HSE REINFORCES FARM SAFETY MESSAGES FOLLOWING FATAL INCIDENTS

There were a series of farming fatalities this summer—all happening within a fortnight of each other. Incidents included a man falling from a height, a crushing incident involving a ramp from a truck, a man found with fatal injuries while surrounded by cattle, and a three-year old boy who died following a collision with a vehicle.

One of the incidents came just three weeks after Farm Safety Week, where the HSE published their report 'Fatal injuries in agriculture, forestry and fishing in Great Britain 2020/21', showing 41 people were killed as a result of farming and other agriculture-related activities during the year.¹

Agriculture has the worst rate of worker fatal injury of all the main industry sectors, with the annual average rate over the last five years around 20 times as high as the all-industry rate. The most common cause of death in 2020/21, according to the report, was overturning vehicles or being struck by a vehicle (30%), followed by being killed by animals (19%).

HSE's acting head of agriculture, Adrian Hodkinson, said that farmers need to do more to protect themselves and others from the well-known risks they face, particularly at this time of year with harvest well underway, and with members of the public enjoying country walks, including through fields where cattle are present.

Agricultural workers are encouraged to seek help from any of the Farm Safety Partnerships or leading farming organisations if they require guidance and support on how to safely carry out specific tasks or activities.

Chair of Farm Safety Partnership England, Stuart Roberts, commented: "A lot of accidents are, tragically, easily avoided and there are some relatively simple and inexpensive changes we can all implement, starting with remembering to always assess risks."

You can read the HSE's report [here](#).

<https://www.hse.gov.uk/agriculture/pdf/agriculture-fatal-injuries-2021.pdf>



Sources:

<https://press.hse.gov.uk/2021/08/13/hse-calls-on-farmers-to-make-safety-a-priority-after-a-series-of-serious-incidents>

https://www.hse.gov.uk/agriculture/resources/fatal.htm?utm_source=pressrelease&utm_medium=email&utm_campaign=farmfatals&utm_term=workright&utm_content=agriculturereport

INCREASE IN ACCIDENTS ON HS2 PROJECT PROMPT SAFETY CONCERNS

High Speed Two (HS2) Limited, the company responsible for developing and promoting the UK's new high speed rail network, has ramped up its work since it received its official notice to proceed in April 2020 on the first phase of the circa £100 billion project.

In June 2021, the company called tier one bosses to a meeting to discuss an increase in accidents on the project, where it was noted there had been a 'downward trend' in health and safety performance. Following this, a tier CEO forum was held on 20 July, focusing on safety.

HS2 has not given any figures for the number of accidents or incidents on the project that had sparked the action, however, a high level review of [safety high potential](#) incidents had already begun well before the July forum.

The company said that although it has tripled work hours over the last 12 months, there has not been a corresponding rise in such incidents, and that "the health and safety of our staff, contractors, and the general public remains our number one priority."



AUTOMOTIVE COMPANY SENTENCED AFTER METALWORKING FLUID CAUSES ALLERGIC REACTION

An employee at an automotive engineering company suffered an allergic reaction after being splashed on the face and upper body with metalworking fluid. The incident occurred at a manufacturing site in Thatcham, as the employee cleaned out a grinding machine.

When the HSE investigated it found that the company, Xtrac Ltd, had failed to carry out a suitable and sufficient risk assessment to identify the potential for exposure to the hazardous chemicals—including to prevent skin contact. This was despite the company being aware that the employee had a history of dermatitis.

The employee was diagnosed with allergic contact dermatitis, a permanent allergy meaning that even small quantities of the substance can cause further serious reaction. Subsequently, the employee received medical advice not to continue in their job as it would be a risk to their health.

Xtrac Ltd of Gables Way, Kennet Park, Thatcham pleaded guilty to breaching section 2(1) of the Health and Safety at Work etc. Act 1974. They were fined £100,000 and ordered to pay costs of £639.59.

What is Allergic Contact Dermatitis (ACD)?

Allergic contact dermatitis (or skin sensitisation) is an immunological response to a sensitising substance (allergen). However, once a person has developed an allergy (is 'sensitised'), tiny amounts of the allergen will trigger ACD. By then, the only remedy is to prevent further exposure.

The signs and symptoms are difficult to distinguish from irritant contact dermatitis (ICD) which leads to inflammation at the site of contact and can develop after regular contact with mild irritants or through 'wet work' which can cause the skin to over-hydrate.

Get in touch to discuss how Gallagher can assist your organisation with Control of Substances Hazardous to Health (COSHH) risk assessments.

Source: <https://press.hse.gov.uk/2021/05/20/automotive-engineering-company-sentenced-after-employee-has-allergic-reaction-at-work/>

BUILDER HANDED PRISON SENTENCE FOR FAILURE TO REPORT INCIDENT

It may seem almost unthinkable that a builder with 50 years' experience in the construction industry would have had no health and safety training, but this was apparently the case for one builder guilty of serious failings.

Paul Adams, trading as Surrey Conversions, Sutton, has been imprisoned for 24 weeks after failing to report a serious incident at a construction site where he was in charge. The incident, which occurred in January 2019, involved an excavator which was not fit for purpose and a worker with no formal training for operating such vehicles. The excavator tipped while digging and trapped the worker's leg, leading to an amputation.

The incident was not reported to the HSE within 10 days as required, and neither had the defendant investigated the incident. The HSE was only able to start an investigation more than eight months later when the victim complained, by which time crucial evidence relating to the cause of the incident was unobtainable. In addition, there was no health and safety related documentation and no employers' liability insurance cover for the worker to claim against.

Mr Adams pleaded guilty on 6 May 2021 to a breach of Regulation 3(1) of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013. He received a 24-week custodial sentence and was ordered to pay costs of £2,033.

RIDDOR and Gallagher's Competent Person Service

Employers, the self-employed and people in control of work premises (responsible persons) must report certain serious workplace accidents, occupational diseases and specified dangerous occurrences under RIDDOR—the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations. Gallagher can support your organisation with your RIDDOR responsibilities through our Competent Person Service. Please get in touch to find out more.

Source: <https://press.hse.gov.uk/2021/05/06/builder-receives-custodial-sentence-for-failing-to-report-an-incident-where-a-worker-was-seriously-injured/>

TWO COMPANIES AND THEIR MACHINERY SUPPLIER FINED AFTER CRUSHING INCIDENT

Three companies have been fined after a worker caught their hand under a rotating roller in a flat-bed die cutting (FBDC) machine, leading to the amputation of his fingers and thumb. The machine in question did not have the adequate guards to protect the user from contact with dangerous parts.

Sister companies, Postpack and Damasco UK of Grantham, Lincolnshire, manufacture cardboard items such as packaging and flat-pack boxes. Both companies pleaded guilty to breaching

regulations under the Provision and Use of Work Equipment Regulations 1998. They were fined £4,000 and ordered to pay legal costs of £1,492.

In addition, the supplier of the machine, DIG Corrugated Machinery of Leiston, Suffolk, was also charged £6,500 and ordered to pay costs of £3,529.20, due to supplying the machine without adequate guards in place. They pleaded guilty to breaching the Health and Safety at Work etc. Act 1974.



Sources:

<https://press.hse.gov.uk/2021/08/02/companies-fined-for-inadequate-guards-on-machinery/>

<http://www.printmonthly.co.uk/News/Industry/8922/fines-issued-after-accident-at-packaging-company>

CONSTRUCTION: 40% RISE IN PUWER EQUIPMENT BREACHES

According to the Building Safety Group (BSG) there was a 40% increase in Provision and Use of Work Equipment Regulations 1998 (PUWER) equipment breaches occurring on construction sites during the first half of 2021.

PUWER places duties on people and companies who own, operate, or have control over work equipment, and regulations are enforced by HSE inspectors during regular checks.

BSG's report followed 8,500 independent inspections of construction sites between 1 January and 30 June 2021—with the increase identified when comparing Q1 and Q2 figures.

Increased HSE focus due to COVID-19

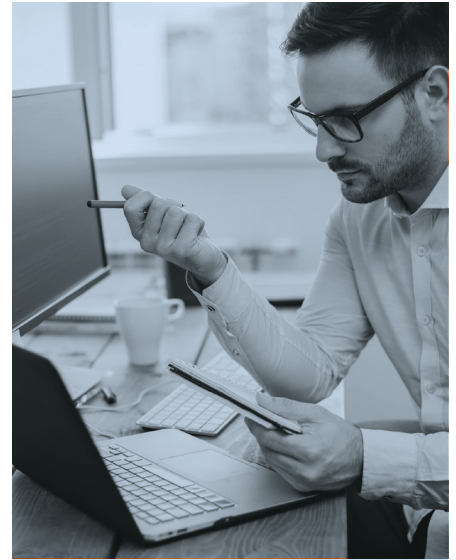
Businesses are being encouraged to look at PUWER closely as the HSE is increasing its focus in this area because COVID-19 may have led to long periods of inactivity for some equipment, potentially leading to machine parts degrading.

If an improvement notice is placed on a piece of equipment, a business will need to take the necessary action to comply with PUWER within 21 days or face a prohibition notice preventing the equipment from being used.

What is required by PUWER?

PUWER requires that equipment provided for use at work is:

- suitable for the intended use;
- safe for use, maintained in a safe condition and inspected to ensure it is correctly installed and does not subsequently deteriorate;
- used only by people who have received adequate information, instruction and training;
- accompanied by suitable health and safety measures, such as protective devices and controls (these will normally include guarding, emergency stop devices, adequate means of isolation from sources of energy, clearly visible markings and warning devices); and
- used in accordance with specific requirements, for mobile work equipment and power presses.



Would you like to talk?

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**Get in touch to discuss how
Gallagher can assist your
organisation with PUWER
risk assessments.**

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