

# Health and Safety Bulletin

## Employing people with existing health issues

### Articles in this newsletter:

- Employing people with existing health issues
- Violence at work
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- Pleading guilty

### Useful contacts:

HSE website  
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There is nothing in health and safety legislation that suggests employers should not employ workers who have existing health issues. In fact the Equality Act requires that people with a long term health issue are assessed on their individual ability to do a job and not to be discriminated against simply because of their condition.

Employers are expected to carry out a specific risk assessment (with the involvement of the employee) to ensure that significant health conditions are taken into account with the risks associated with their job and implement any reasonable actions already identified as controlling those risks. If employers identify costs associated with the reasonable adjustments required to support the worker, it may be possible to access grants under the Government's "Access to Work" initiative (<https://www.gov.uk/access-to-work>).

There is a lot of information available about how to assess and manage risks associated with common ill-health conditions.

### Diabetes

Diabetes is a chronic condition where the body is unable to regulate its glucose levels and the UK is facing a huge increase in the number of people with the condition. Concerns about workplace safety in relation to diabetes tend to be focused on the development of hypoglycaemia (a state of low blood glucose) - symptoms include hunger and dizziness as well as confusion and unconsciousness.

Diabetes UK has produced a leaflet called "Supporting People with Diabetes in the Workplace" (<https://www.diabetes.org.uk/Documents/Advocacy/Diabetes%20in%20the%20workplace%20support%20Feb%202017.pdf>), which provides guidance on what might need to be considered during a specific risk assessment.

### Epilepsy

One of the most common ill-health conditions, the number of people working with epilepsy is expected to increase as the retirement age increases. There are several types of epileptic seizure including the convulsive seizure – where the person falls down and make jerking movements and the absence seizure – where the person appears vacant.

The Epilepsy Society has produced a pro-forma risk assessment which helps employers to collect information about the worker's seizures that will enable them to carry out a suitable and sufficient risk assessment associated with their work activities and environment ([https://www.epilepsysociety.org.uk/sites/default/files/attachments/Risk%20assessment-about%20your%20seizures\\_0.pdf#overlay-context=risk-assessment](https://www.epilepsysociety.org.uk/sites/default/files/attachments/Risk%20assessment-about%20your%20seizures_0.pdf#overlay-context=risk-assessment)).

Additionally they also provide a first aid leaflet providing guidance for first aiders on how to deal with different seizures (<https://www.epilepsysociety.org.uk/10-first-aid-steps-for-convulsive-seizures#.WUfYQuRK2Ys>).

### Hearing or Sight Loss

If a worker suffers hearing or sight loss – whatever the cause – the employer needs to consider various risk factors. Firstly whether the risk of them being harmed is increased because of the condition, secondly how those potentially increased risks can be controlled, and finally what control measures need to be in place to reduce the risk of any further harm due to work-related risks.

The Royal National Institute for the Blind (RNIB) has a webpage providing guidance describing how employers can support anyone with sight problems to stay in work at <http://www.rnib.org.uk/information-everyday-living-work-and-employment/staying-work>.

### Conclusion

Workers suffering long term health conditions are often anxious and unsure about how they will continue to work, but by understanding the conditions and carrying out a risk assessment involving the worker, employers can identify practical and pragmatic ways to help them continue working.

## Recently issued health and safety information:

- Essential Guide to fulfilling your PUWER Inspection duties [Bit.ly/2qjmu3B](http://Bit.ly/2qjmu3B)
- Breathe freely in manufacturing <http://www.breathefreely.org.uk/breathefreelymanufacturing.html>
- Effective proactive monitoring in waste and recycling collection activities <https://wishforum.org.uk/wp-content/uploads/2017/06/INFO-03.pdf>
- Beating the hazards of the sedentary office <https://www.cardinus.com/beating-hazards-sedentary-office/>
- The Accident Investigation Guide <https://www.shponline.co.uk/ebook-shp-guide-accident-investigation/>

## Violence at work

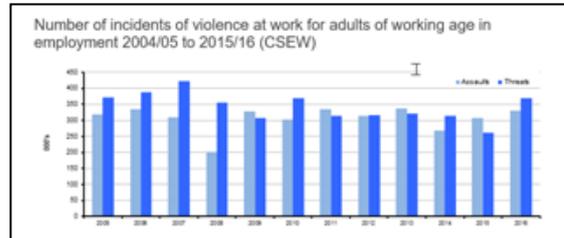
HSE has recently published the statistics associated with violence at work in 2015/16.

The figures indicate that 1.4% of adults are the victims of violence at work, with approximately 53% of them being threats – this has increased significantly because the figures associated with work-related on-line threats are now included.

Other statistics identified in the

report include:-

- Violence at work involved 1.3% women and 1.5% men
- 46% of the offenders were strangers
- In the 54% of cases where the offenders were known, they were most likely to be clients or a member of the public known through work



The report is available at <http://www.hse.gov.uk/statistics/causini/violence/violence-at-work.pdf?pdf=violence-at-work>

## About Clwyd Associates...

We are a management consultancy, focusing on health and safety, and SAP based in the Midlands.

We employ consultants with at least 15 years practical experience backed up by recognised professional and academic qualifications - ensuring our clients receive first class service.



## Case Law update

*This bulletin focuses on successful prosecutions that resulted from employers failing to carry out suitable and sufficient risk assessments*

A Lincolnshire firm that manufactures frozen potato products was fined **£16,500** with **£571** costs (2013) after their health and safety manager was burned by hot oil. The manager was supervising the jet washing of a large oil storage tank. While he was checking on progress he knocked a pipe containing oil at over 160°C, spraying it over him. The HSE found the company had not carried out a risk assessment for the cleaning operation but decided to get the work done and complete the paperwork retrospectively

A packaging company was fined after a worker's thumb was severed when it got caught in rotating cogs. He was cleaning ink from a roller on an unguarded section of the machine, the rag got caught in the cogs and his hand was pulled in with it. The HSE investigation found the risk assessments on site had been written nine years previously by an employee who had not received any risk assessment training. They were fined **£70,000** with costs of **£53,509** (2016)

A worker suffered a broken foot when it became trapped in a rotating stirrer while he was cleaning a mash tun at a brewery. The HSE identified that the company had not only failed

to identify and manage the risks associated with the work but had also failed to develop an emergency rescue procedure. The company were fined **£20,000** with **£9,632** costs (2015)

Rittal were fined **£10,000** and ordered to pay costs of **£5,478** (2013) after an HSE investigation found no risk assessment had been carried out for maintenance activities. An employee was injured when he was cleaning a chain on a paint spraying booth – he asked a colleague to turn on the machine to check the chains were moving freely when his fingers got caught. The tips of two fingers were amputated and surgeons were unable to reattach them

## Pleading guilty

From 1<sup>st</sup> June 2017 a new guideline called the "Reduction in Sentence for a Guilty Plea" has been enforced. It applies to all criminal hearings including those involving health and safety.

The new guideline indicates

that the maximum reduction of one third will only be applied if defendants plead guilty at the "first stage of proceedings" – this is likely to be at the first committal hearing.

For simple cases, a defendant may only see the evidence against them weeks before the committal hearing, for more

complex cases all the evidence may not even be available at this stage.

If a guilty plea is entered after the first stage the reduction is given on a sliding scale, but with the increase in fines over the past 18 months, it may be another factor anyone being prosecuted needs to consider.



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