

Health and Safety Bulletin

Winter slips

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As the UK heads into the winter months, the topic of slips and falls due to the weather conditions arises. Common questions include

- Do we have to clear the whole of the visitors and employee's car park of snow and ice?
- Do we have to clear the public footpaths next to the land we own?
- What should we do practically to manage the risk?

Legal requirements

Occupiers' Liability Act 1957 – duty to ensure that visitors are safe for the purposes that they are invited or permitted by the occupier to be there and to ensure that pathways and areas accessible to visitors are cleared of hazards caused by snow and ice (the areas include car parks, entrances, exits, vehicle routes and pedestrian walkways)

Highways Act 1980 – the local/highway authority has a duty to ensure (as far as reasonably practicable) that "safe passage along a highway is not endangered by snow or ice." This means the controller of private land does not have to clear snow and ice from public pathways/roads next to their property/land

Management of Health and Safety at Work Regulations – employers have a duty to make a suitable and sufficient assessment of the risks employees are exposed to whilst at work

Workplace (Health, Safety and Welfare) Regulations – the employer has a duty to ensure, so far as is reasonably practicable, that every floor in a workplace and the surface of every traffic route of a workplace shall be kept free from obstructions and from any article or substance which may cause a person to slip, trip or fall

Practical action

The HSE has issued practical guidance on how employers or controllers of premises should deal with these risks:-

- Identify the outdoor areas used by pedestrians most likely to be affected by ice, for example - building entrances, car parks, pedestrian walkways, shortcuts, sloped areas and areas constantly in the shade or likely to be wet
- Monitor the temperature
- Take action whenever freezing temperatures are forecast - keep up to date by visiting a weather service site such as the Met Office or the Highways England
- Use smart signs, which display warning messages at 2°C and below (such as <https://icealert.co.uk/>)
- Put a procedure in place to prevent an icy surface forming and/or keep pedestrians off slippery surfaces
- Use grit (or similar), on areas prone to be slippery in icy conditions when ice or snow is forecast (remember it needs time to dissolve to work effectively) – but not in heavy rain when it will be washed away
- Consider covering walkways e.g. by an arbour high enough for people to walk through, or cover smaller areas overnight with insulating material
- Divert pedestrians to less slippery walkways and barrier off existing ones
- If warning cones are used, remember to remove them once the hazard has passed or they will eventually be ignored

Conclusion

With icy weather occurring periodically, it is worth employers identifying and assessing the risks and developing a safe system of work that can be followed.



Recently issued health and safety information:

- Construction Health and Safety Group fire safety responsibility and competence matrix <https://www.chsg.co.uk/construction-fire-safety/>
- ACAS mental health resources during COVID-19 <https://www.acas.org.uk/mental-health-resources>
- A guide to support physical and mental wellbeing during lockdown <https://www.dropbox.com/s/499dadmu62s3c8z/Lockdown%20V2%20Guide.pdf>
- IOSH remote workers guide <https://iosh.com/media/7561/coronavirus-remote-workers-guide.pdf>
- IChemE Safety and Loss Special Interest Group Newsletter 10/20 <https://www.icheme.org/media/14721/slp-nl-2020-10.pdf>
- Guide to placing goods on the market from 01/01/21 in GB <https://www.gov.uk/guidance/placing-manufactured-goods-on-the-market-in-great-britain-from-1-january-2021>

UKCA – are you ready?

The current CE marking scheme will be replaced (for most goods) by the UK Conformity Assessment (UKCA) marking scheme from the 1st January 2021 (just in case you have forgotten, that's when the UK Brexit transition period ends), unless the goods are placed on the Northern Ireland market, where it will require CE marking or UKNI marking. UKCA marking will not be recognised on the EU market.

The conformity assessment procedures and standards used to demonstrate conformity will largely be the same as they are now, although UKCA marking will only indicate conformity with UK legislation. Documentation must be available to demonstrate that the product conforms and must be kept for 10 years after the product is placed on the market.



Case Law update

This issue focuses on cases which have resulted from slip and trip accidents

The Co-op were fined **£400,000**, following the death of a 74-year-old member of the public. The shopper had been visiting the supermarket's Truro branch, where a faulty chiller had been leaking for 44 hours. He slipped on the leak and fell, hitting his head - which led to his death

A Leeds-based food company was fined **£8,500** after a contract electrician slipped on an icy floor caused by a fault on a freezer. He instinctively put out his right hand to steady himself, but as he did so, it struck the drive chain of a moving conveyor, taking the tips off two of his fingers down to the first joint, and injuring a third.

An investigation by the HSE found the safety guard had been removed from the machine, which meant that workers were not protected from dangerous moving parts. The contractor was off work for four weeks but then returned

Water leaking onto the floor in a Tesco store created a risk to both staff and customers - when an employee slipped and was injured, she was off work for several months. Tesco were prosecuted under the Health and Safety at Work etc. Act 1974, and for failing to report an injury following an accident within 15 days under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013 and fined

£200,000 with £51,000 costs.

A waitress slipped on water on the floor near a restaurant's dishwasher, landed heavily on her right side and fractured her pelvis in two places. Investigations by her solicitors concluded the area around the dishwasher was often slippery, but on the night of the accident, no wet floor warning signs had been put up and no attempt had been made to dry the area. Although her employer's originally denied liability the case was eventually settled out of court with the waitress receiving **£6,000** in compensation

HSE releases 2019/20 H&S statistics

Statistics issued by the HSE have shown that the number of work-related accident fatalities in 2019/20 was 111 – the lowest ever reported. The HSE has commented that they do not believe that COVID-19 has affected the data significantly. Other statistics issued for the period included

- around 693,000 workers sustained non-fatal injuries
- 1.6 million workers suffering from work-related ill-health
- 38.8 million working days lost due to work-related illness and workplace injury
- 325 cases were prosecuted and resulted in a conviction with fines from convictions totalling £35.8 million

More information is available at <https://www.hse.gov.uk/statistics/index.htm>.

About Clwyd Associates...

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

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