

Health and Safety Bulletin

Hybrid working

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Following the Government's withdrawal of the "work at home" instruction during the COVID-19 pandemic, many organisations have been reviewing their policies on work location, where this is practicable.

Many have recognised there are advantages and disadvantages to home working (and that these also vary for each of their employees) so they are offering the hybrid working option – with some days spent in the workplace and some working at home. This article focuses on the issues arising from this working regime.

Why is this any different from the homeworking article issued during the pandemic?

During the pandemic, the HSE's main focus was carrying out spot checks on workplaces which were still operating – making sure that the guidance was being followed and a suitable and sufficient risk assessment was in place.

Although they recognised that there was more homeworking, it was initially perceived as a short-term solution to the pandemic situation, with no suggestion there might be a "new normal."

With employers now being encouraged to get back to work, but some choosing to implement fulltime homeworking or hybrid working, the HSE are emphasizing that health and safety legislation does not just apply to work carried out in the employer's premises.

What are the highlighted risks associated with any home working?

- **Display Screen Equipment (DSE or computer workstations)** – under the Health and Safety (Display Screen Equipment) Regulations all users of DSE should complete a DSE assessment (or two if they are working regularly in two locations). Although the HSE guidance for homeworkers that states "... there is no increased risk from DSE work for those working at home temporarily. So, in that situation employers do not need to do home workstation assessments," this does not apply to long term hybrid working. The HSE has developed their own DSE assessment form ([Display screen equipment \(DSE\) workstation checklist \(hse.gov.uk\)](https://www.hse.gov.uk/dse/workstation-checklist)) and also provided video guidance ([Temporary Working at Home - Workstation Setup - YouTube](https://www.youtube.com/watch?v=...)). There is also a simple infographic available from CIEH ([CIEHF-Working-from-Home-Infographic.pdf \(ergonomics.org.uk\)](https://www.ciehf.co.uk/working-from-home-infographic)).

In terms of ensuring that employees have suitable equipment to work from home, it may be necessary to allow them to take their workplace equipment home or provide them with additional equipment to use at home – this decision should be based on the analysis of the completed DSE checklist.

- **Mental health issues** – for hybrid working, these can arise from the work environment, the work design or a reduction in social contact. Worksafe New Zealand has produced some excellent guidance on this topic – both for the employer and the employee ([Mental health when working from home: for PCBU's | WorkSafe](https://www.worksafe.co.nz/mental-health-when-working-from-home)) providing practical advice on how individuals can maintain a healthy working environment. One of the best phrases in their publication - "remember – you are working from home, not living at work"

Conclusion

We need to recognise we are still transitioning to the "new normal" – what is currently perceived as the acceptable way of working may still be an interim stage. However, what does not change is the legal requirement to assess and manage risks.

Recently issued health and safety information:

- HSE safety notice – lubricating circuit breakers
<https://www.hse.gov.uk/safetybulletins/lubrication-circuit-breakers.htm>
- L108: Controlling noise at work The Control of Noise at Work Regulations 2005
<https://www.hse.gov.uk/pubns/priced/1108.pdf>
- L126: The Radiation (Emergency Preparedness and Public Information) Regulations 2019 Approved Code of Practice and guidance
<https://www.onr.org.uk/documents/2020/reppir-2019-acop.pdf>
- HSG248 Asbestos: The Analysts' Guide
<https://www.hse.gov.uk/pubns/priced/hsg248.pdf>
- Hard hat recycling scheme
<https://www.yesrecycling.org/hard-hat-recycling>

New webpages on driving for work

The HSE has carried out limited enforcement activity associated with people driving or riding for work but has recently published new webpages associated with these activities. The webpages highlight:-

- The statistical evidence that one third of all road traffic collisions involve someone driving or riding for work
- The employer's duty to plan and manage journeys (e.g. routes and schedules), make sure drivers and riders are safe (e.g. competent and capable to operate the vehicle), assess the risks associated with driving (especially health risks such as mental health and posture), make sure vehicles are safe

The pages have been developed with the support of the Department for Transport and also highlight where the police, the Driver and Vehicle Standards Agency (DVSA) or the HSE could potentially prosecute following a work-related driving incident.

Case Law update

This issue focuses on cases that involve work-related driving

Renown Consultants were **fined £450,000** and ordered to pay **£300,00 in costs** following fatal accident involving two of their employees. The driver had been working for nearly 24 hours (this work included driving from a depot to different worksites) when he fell asleep at the wheel and the vehicle struck a truck parked on a layby on the A1. The judge commented that the company had fleet safety policies but operations managers paid "lip service" to them and there was willful blindness to workers not complying with the policy

A director of a haulage firm

was **jailed for seven years** after one of his drivers fell asleep at the wheel, crashed through the central reservation of the M1, colliding with seven vehicles resulting in the death of three people. The driver was part-way through an 18-hour shift and the investigation showed the drivers were encouraged to keep false records of working hours. At the time of the crash, the driver's tachograph showed his truck at rest at a vehicle depot. Another director in the company was **jailed for 16 months** and the company's secretary was given a sentence of **16 hours community service**

A transport manager and a driver were each **jailed for four years** after a driver worked a 20-hour shift before crashing into a broken-down car and killing the driver

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

In business since 2000, we employ consultants with at least 15 years practical experience backed up by recognized professional and academic qualifications - ensuring our clients receive first class service.

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UKCA marking delayed

The UK Government has announced that businesses will have a further year to start using the UKCA marking for goods placed on the GB market, extending the deadline to 1 January 2023.

The UKCA marking indicates conformity with the applicable health, safety and environmental requirements for goods sold within GB. The marking does not apply to goods sold in Northern Ireland (NI) as, further to the NI Protocol, goods placed on the NI market are still subject to EU product safety rules.

The conformity assessment procedures and standards used to demonstrate conformity will largely be the same as they are now and 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.



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