

THE 80:20 RULE

A HEALTH, SAFETY & ENVIRONMENTAL UPDATE

MAY 2020

80:20
RISK
MANAGEMENT
HEALTH & SAFETY - SIMPLY PUT

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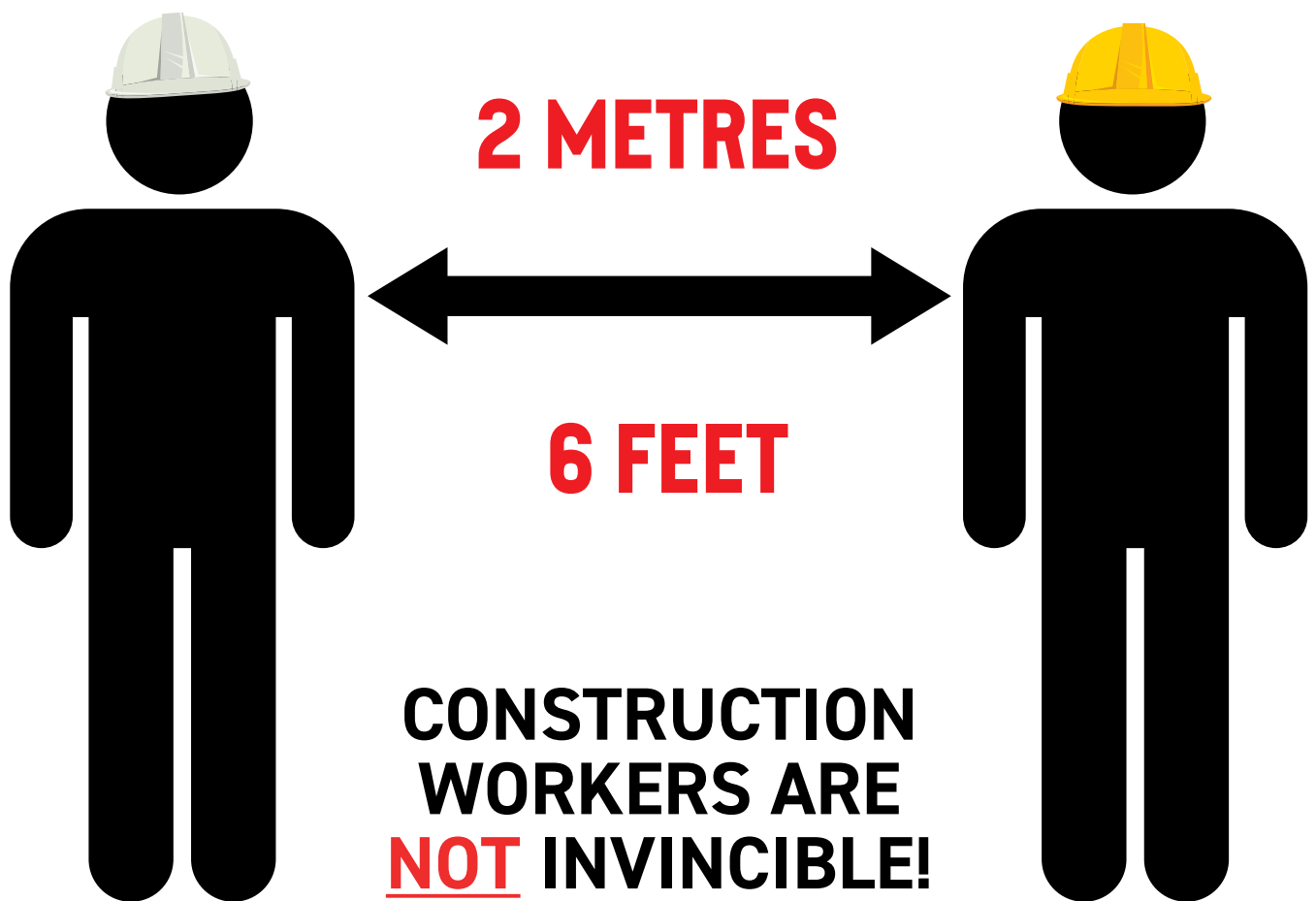
NEW NORM

PREPARE

FOR THE LIGHT AT THE END OF THE TUNNEL -
GET YOUR COMPANY FIT FOR LIFE AFTER LOCKDOWN

AN INFORMATION RESOURCE FROM 80:20 RISK MANAGEMENT

**SOCIAL DISTANCING
MEASURES
HAVE BEEN INTRODUCED
ON THIS SITE**



**KEEP YOUR
DISTANCE**



**COVID-19
CORONAVIRUS**



“Enforcing authorities may also be interested in cases where employers are thought to have fallen short of what is reasonable”

KNOW YOUR ENEMY...

The current pandemic has had a huge impact on organisations in many different ways. The assumptions made a few weeks ago, at the time when risk assessments were originally carried out and policies rewritten are not necessarily still relevant. This article describes the factors to be taken into account when reviewing your documentation in light of the pandemic, its effects and a post-lockdown situation.

Whilst, for obvious reasons most of the public’s attention has centred on concerns of those working in health and social care, a wider range of employers should pay heed to the risk. For example, those whose employees come into direct contact with members of the public as a result of their normal work may face scrutiny but enforcing authorities may also be interested in cases where employers are thought to have fallen short of what is reasonable, given the potential seriousness of an infection. Such situations might include employers not doing enough to help their employees to work from home or insisting upon them going into work when it was not necessary; failing to take account of the risks to employees’ mental health and wellbeing and, when lockdown measures are eased, not risk assessing or adequately planning the “new norm” workplace as employees repopulate the workspaces they left a few months ago. There will be a number of environmental and operational factors to consider which starts at the root - policies.

You should review all your company policies to make sure they are relevant. You may even need to develop a specific COVID-19 policy depending on the status of your company.

A typical COVID-19 policy should include the following:

- General statement and legal position;
- Start date and review date (review dates should reflect the ever changing situation);
- Actions your company will take, usually in line with government or regulatory body advice;
- Management requirements;
- Employee requirements;
- Contractor requirements;
- Cleaning/hygiene arrangements;
- Risk assessment reviews.

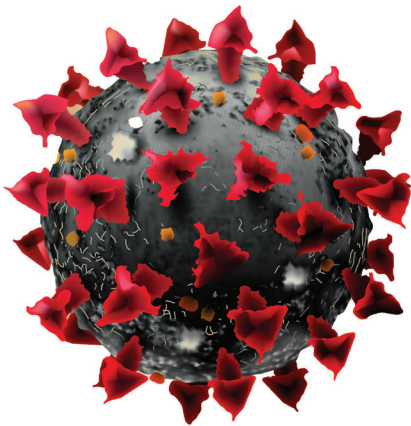
Other policies which will require review include:

Home working -

What does your company need to provide to ensure your employees can work safely and effectively at home?

Lone Working

Many more employees will now be lone workers due to working from home, reduced staff levels, distancing etc. Your policy should set out any additional steps the company will take to ensure that new lone workers are considered and what measures are in place to protect them.



Policies dealing with fire safety and other emergencies will need to be reviewed, especially in work environments where you may only have a skeleton staff



Manual Handling

Due to reduced staffing and social distancing, a two-man operation may no longer be practicable. Consider implications of tasks such as delivery loading and unloading, pushing and pulling as well as lifting.

Fire and other Emergencies

Policies dealing with fire safety and other emergencies will need to be reviewed, especially in work environments where you may have a skeleton staff spread over a large area or where those in key roles, e.g. fire wardens may be self-isolating. You may have a large number of temporary staff or volunteers in your workplace who require induction.

First aid

What changes will you need to make to your current arrangements to prevent transmission? You may need to take advantage of temporary changes to policy by the HSE, to delay the recertification of first aiders training? Can you change anything in your organisation to ensure you have the required number of trained personnel available at all times?

Driving

There are changes to drivers working hours, vehicle MOT's etc so your policy should reflect this to ensure that all your vehicles are in a roadworthy condition and that your drivers are not placed in danger by tiredness for instance. Vehicles may be subject to enhanced cleaning requirements especially if they are shared by employees.



MEDIUM



Almost every risk assessment in your workplace may need to be reviewed as a result of the COVID-19 out-break. You should consider the need to carry out a specific COVID-19 risk assessment for your business operations. For every risk assessment you need to ask yourself the following questions based on what has changed within the workplace in recent weeks.



1. Who might be harmed and how? This could be your whole workforce, members of the public, contractors, delivery drivers, vulnerable people, young and expectant mothers, volunteers. How could the health and safety of each of these groups be affected by changes in your company as a result of COVID-19? Have you identified those who are at greater risk from the virus, and those who are shielding more vulnerable persons at home? Do you need to take additional precautions to protect more vulnerable staff?
2. What are you already doing to control the risks? What measures are already in place to reduce the risks to these groups of people? What measures previously in place are no longer in place? How are your control measures impacted by shortages of supplies, staff and

contract services?

3. What further action do you need to take? Over and above what is already in place, what more do you need to do? This could be anything from moving workstations to meet the two-metre rule, staggering break times, restricting entry to the public, installing additional hygiene stations and even welfare facilities.
4. Who needs to carry out these actions?
5. Who is responsible for ensuring that the systems are in place?
6. When they should be implemented? Normally there would be a time period required to implement the controls based on the level of risk but given the dynamic nature of the situation, you are probably going to identify measures to be implemented immediately.



LEGIONELLA

Legionella bacteria grows well in water systems at temperatures between 20°C and 45°C, especially where turnover of water is low. As businesses have closed down or moved to home working, the demand for water in many commercial buildings will be significantly reduced. As demand is reduced the risk of low turnover and stagnation increases.

Legionella is a serious risk that, on the face of it employers and building managers may feel compared to Covid-19 may feel somewhat insignificant but it too is capable of causing serious illness that can lead to death. Focus should be put on the legionella risk assessment (as required by HSE guidance L8) - if legionella is a problem in your water systems and the risks are high, then the likelihood is you will need to do something about it after lockdown. Legionella infections are reportable under RIDDOR and could lead to formal enforcement action by the HSE or local authority.

Legionella bacteria grows well in water systems at temperatures between 20°C

they remain dry.

Upon re-opening, all systems where a risk exists, and regular flushing has not been possible, should be fully disinfected and re-commissioned by a competent contractor.

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“All systems where a risk exists, and regular flushing has not been possible should be fully disinfected and re-commissioned by a competent contractor.”

and 45°C, especially where turnover of water is low. As businesses have closed down or moved to home working, the demand for water in many commercial buildings will be significantly reduced. As demand is reduced, the risk of low turnover and stagnation increases. To compound this, cold water temperatures increase as pipes warm to ambient temperatures. Weekly flushing of unused outlets should have been implemented where possible to ensure a regular turnover of the water system. Temperature monitoring should continue and where problems are identified, flushing frequency should increase to maintain cold water below 20°C. Shower heads which are not 'fixed' should be removed and descaled and disinfected. Ideally you should have been removed or hung down vertically so that



ASBESTOS CONTAINING MATERIALS

The Control of Asbestos Regulations 2012 require duty holders (which can include: employers; building owners; those who are responsible through a contract or tenancy agreement; and those who have control of a building with no formal contract or agreement) to manage asbestos containing materials. There are also general duties to protect employees and other persons from asbestos under the Health and Safety at Work, etc Act 1974 (HSWA). Failure to protect employees and other persons from exposure to asbestos could lead to the duty holder being prosecuted. Further guidance on duty holder's responsibilities can be found on the HSE's website: <https://www.hse.gov.uk/asbestos/index.htm>.

The weather has been relatively stable across the UK during the first part of the lockdown period. As such, it is less likely that external asbestos containing materials (ACMs) have become damaged from factors such as high winds and water ingress (e.g. rain). Likewise, with premises being closed, the risk of internal ACMs becoming damaged is also relatively low. However, it is recommended that duty holders complete a thorough visual inspection of all ACMs prior to reoccupation to confirm this. Where any damage to ACMs is observed, the area should be isolated immediately and advice sought from a specialist licensed asbestos management company.

It is also important to remember that the location and condition of any ACMs are provided to contractors who are helping to prepare the site for reoccupation, to ensure that they do not disturb them.

Deep Cleaning for Reoccupation

The HSE's guidance on the Control of Substances Hazardous to Health Regulations 2002 (COSHH) states that whilst "the general duties of COSHH apply to incidental exposure to, and deliberate work with, biological agents... COSHH does not cover a situation where, for example, one employee catches a respiratory infection from another". However, Sections 2 and 3 of the Health and Safety at Work, etc Act 1974 (HSWA) place a general duty of care on employers for ensuring the safety of their employees and others and this extends to issues relating to the Covid-19 pandemic. As such, employers must be able to demonstrate that they have taken reasonable steps to protect their health and safety and to provide a safe place of work. Therefore, whether or not an employer decides to 'deep' clean their premises ahead of reoccupation will depend on various factors.

As with many similar diseases, Covid-19 is spread when an infected person coughs or exhales droplets of infected fluid. If someone is standing within one metre of a person with Covid-19 and they breathe in these droplets they can become infected. These droplets can also fall onto nearby surfaces or objects. Other people can then be infected with Covid-19 by touching these contaminated surfaces or objects and then touching their eyes, nose or mouth.





It is important to remember, however, that the SARS-CoV-2 virus (which causes Covid-19) has a limited life expectancy on surfaces and objects and the infection risk decreases over time. Whilst it is not yet clear at what point there is no risk, studies have suggested that, in most circumstances, the risk is likely to be reduced significantly after 72 hours¹. Therefore, where buildings/rooms have not been accessed for a number of weeks during lockdown, it is highly unlikely that they will present a Covid-19 infection risk upon reoccupation. However, a deep clean may be necessary just for general hygiene and cleanliness purposes after a prolonged period of closure. A further factor is whether people have been on site whilst premises have been closed, for example security guards, maintenance contractors, etc. Provided that they have not reported Covid-19 symptoms, again the risk of infection is considered low. However, if possible, all staff (and others) could be excluded from buildings/rooms for 72 hours ahead of reoccupation as an added safety precaution. Possibly the most difficult factor to anticipate is the expectation from employees and other users in terms of whether the premises have been deep cleaned. As such, and notwithstanding the issues above, employers may decide to carry out a deep clean simply to give their returning employees peace of mind and a pleasant workplace, to which they can return.





PLANT & EQUIPMENT SAFETY

Employers have general duties under Sections 2 and 3 of the Health and Safety at Work etc. Act 1974 (HSWA) to ensure, so far as is reasonably practicable, the health and safety of their employees or any persons not in their employment who may be affected by their undertaking. There are also duties under Section 4 in relation to ensuring, so far as is reasonably practicable, that the premises, all means of access and egress and any plant or substances within the premises are safe without risk to health. In addition, there are a number of specific requirements on employers under the Provision and Use of Work Equipment Regulations 1998 (PUWER) to ensure that, where plant and equipment is used, it is properly installed and commissioned, regularly inspected and maintained and (where required) subject to formal 'statutory' inspections by competent persons. These are also further specific requirements under the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER), the Pressure Systems Safety Regulations 2000 (PSSR) and the

and the Control of Substances Hazardous to Health Regulations 2002 (COSHH). Failure to follow either these general duties or specific requirements under relevant legis-lation could lead to the employer being prosecuted.

RESTARTING PLANT & EQUIPMENT

Employers must establish a clear plan for restarting any equipment that has been taken out of service or just remained unused during lockdown. This is to ensure the safety of those who are undertaking the maintenance as well as protecting the equipment from damage. The restart process may require electrical and mechanical isolations to be reconnect-ed, fluids to be refilled and plant and equipment to be reenergised in a specific sequence or order. Planning should therefore be based on manufacturers' instruc-tions, commonly accepted technical guidance and by making reference to specialist contractors (where required). Employers must also ensure that those who are cvarrying out the work are competent to do so. In doing this, it is important to have adequate contractor control and coordination between different contractors undertaking different work.

Once equipment has been restarted, it should be monitored to ensure that it is performing in line with the manufacturers' tolerances. Safety critical systems and components should also be tested to ensure that they work correctly, e.g. emergency stops and interlock guards.

The activities required to restart plant and equipment, together with the results of any checks and safety tests, must be recorded in the relevant equipment log book.

Mental health
Mental health will need more consideration as we are isolated and the risk of mental health issues is increasing in general. Employees should be looking at ways to tackle this and have systems



STATUTORY INSPECTIONS

It is recognised that many organisations continue to face problems in terms of getting contractors to complete statutory inspections, examinations and tests on their plant and equipment. However, whilst the HSE 'recognises the potential challenges when carrying out legal requirements for thorough examination and testing (TE&T) of plant and equipment as a result of additional precautions people need to take to help reduce risk of transmission of coronavirus (Covid-19)', they have stated that 'the law for Lifting Operations and Lifting Equipment Regulations (LOLER) and Pressure Systems Safety Regulations (PSSR)' remain in place². As such, employers must ensure that statutory inspections on lifting equipment, pressure systems, fixed electrical systems, PAT, gas appliances etc. are 'in date' prior to the reoccupation of buildings. Employers must also consider whether equipment, which has not been used for an extended period of time, needs a statutory inspection or servicing even if one is not due; e.g. where personal lifting equipment has been left in a condition which may have compromised its structural integrity or a lift has not been used for a protracted period of time. Further information can be found in the Barbour Technical Guide Statutory Inspections during Covid-19.



TRAINING & SUPERVISION

In returning plant and equipment into full use, employers must ensure that employees have retained adequate knowledge to use it safely. As such, it may be necessary to run refresher training, tool box talks or briefings for certain items and/or systems. This is particularly relevant to employees who only had limited experience prior to the lockdown. Employers must also review the status of any planned periodic refresher training which may have been missed during the lockdown, e.g. forklift truck training.

Employers must also ensure that there is adequate supervision of those using plant and equipment, particularly if sites operate for an extended period of time and/or experienced supervisors are not available.

WELLBEING

Perhaps one of the lesser-known impacts of the lockdown measures that were introduced is the impact on people's mental health and wellbeing. It is true to say that no one knows how employees and other interested parties will react to returning to the workplace after many weeks of either working from home or having been on the UK Government's furlough scheme.

In terms of work-related stress, the HSE have led successful prosecutions against employers who have failed to adequately support their employees on this complex topic. In terms of advice for employers, the HSE have developed a Management Standards approach, which establishes a framework covering six key areas of work design that help to minimise pressure, manage potential stressors and limit the negative impact that work can have on employees. Although perhaps not a strict legal requirement; employers may also want to review how they can support the mental wellbeing of employees when they return to the workplace, not least to try and reduce further lost time due to sickness absence. Issues to consider include: helping employees make the adjustment back into working life; offering some form of bereavement support for employees who may have lost someone during the Covid-19 pandemic; and providing general advice and support for employees who may be experiencing anxiety about the ongoing situation (e.g. by signing up for a formal Employee Assistance Programme (EAP), giving confidential telephone and counselling support).

MANAGEMENT OF HEALTH & SAFETY

MANAGING THE RISKS OF COVID-19 INFECTION

The UK Government have put self-isolation for those who believe that they have the virus, social distancing and good hygiene practices as the key measures that everyone can take to reduce the spread of the virus. In reopening their premises, employers need to think carefully about how they will implement these three control measures and what effects they may have on other health and safety requirements such as supervision or lone working.

SELF-ISOLATION

In terms of self-isolation for those who believe that they have the disease, employers should provide employees and other interested parties with clear advice on staying away from the workplace if they have any symptoms. The UK Government have now announced that Covid-19 testing is available to any person who works away from home and experiences symptoms, so employees who report such symptoms should be asked to obtain a test. Visitors to site should continue to be minimised where possible. However, essential site visitors (e.g. maintenance contractors) should be asked to confirm that they consider themselves to be virus-free. The easiest way to do this is via the use of a pre-visit questionnaire, which asks if they have any symptoms and provides guidance on what to do when they arrive at site. Where an individual becomes unwell on site and

is displaying Covid-19 symptoms, they should be asked to cover their mouth and nose immediately with either a valve-less mask (if they are available) or a scarf etc. this is to try and reduce any further



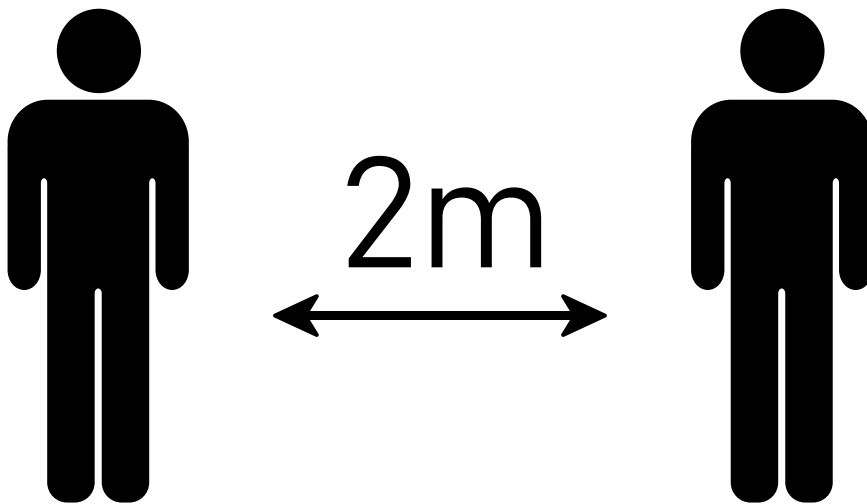
spread of the virus.

They should then be asked to leave the workplace immediately using a route that exposes them to as few other people as possible. Of course, for severe symptoms, an ambulance should be summoned. The affected person's route should be traced through the building and any enclosed areas (such as a meeting room) should be placed off limits for at least 72 hours, if possible. Alternatively, the affected area should be cleaned in line with the UK Government's advice Covid-19: Cleaning in Non-healthcare Settings.

Anyone who may have been exposed to the infected person should be notified and requested to begin self-isolating at home for fourteen days and may be able to obtain a test.

SOCIAL DISTANCING

Ensuring adequate social distancing of two metres is KEY to managing transmission but is also possibly one of the biggest challenges that employ-ers will face in terms of reoccupying premises (and may require some in depth planning).



Perhaps the first question is simply: do all employees and other interested parties need to return to the workplace? If home working has been successful and people are able to fulfil their job roles working remotely, are changes required or can they be limited?

Assuming that the answer is 'yes' to this first question, employers must carefully plan how social distancing is going to be maintained. In particular, reviewing the workplace layout and how people circulate within it is key.

Key questions to consider include:

- how can employees and others safely enter buildings
- are there 'pinch points' within buildings and how are these managed
- how to protect reception/security staff, e.g. are screens required
- how will visitors be managed, e.g. are they required to sign in on a touch screen
- how will people keep a safe distance in WCs or washing/showering facilities (remembering that delivery drivers and others working on site will also require access)
- how do people access kitchen and drinking facilities
- where will people eat?
- how will people exercise/get some fresh air?

Possible control measures may include: the use of physical barriers; introducing one way systems; floor markings; and clear signage.

Another approach is to reduce the number of people on site at any one time by introducing a staggered/split working day, where possible. For example, could some employees arrive and leave earlier, reducing pressure on communal areas (such as building entrances)? If this is a potential option, employers must ensure that there is adequate coverage of security (where applicable), first aiders and fire wardens. Employers may also wish to check with their insurance provider if operating hours are extended.

GOOD HYGIENE PRACTICES

The Workplace (Health, Safety and Welfare) Regulations 1992 place a number of requirements on employers for the provision of adequate welfare facilities. These include sanitary conveniences, washing facilities and cleaning. There are also general duties to provide a safe place of work under the Health and Safety at Work, etc Act 1974 (HSWA). Failure to provide suitable and sufficient welfare facilities could lead to the employer being prosecuted.

In reopening their premises, employers must therefore consider how employees and other interested parties on site can follow good hygiene practices, and whether any further measures are required. For a small office, this may be as straightforward as ensuring that there is an adequate supply of liquid soap in washrooms and alcohol hand gel at entrances. However, for busy sites with multiple visitors, consideration should be given to the installation of additional hand cleaning stations. There may also be specific tasks that require further measures, e.g. those who handle external post and deliveries.

For a small office, this may be as straightforward as ensuring that there is an adequate supply of liquid soap in washrooms and alcohol hand gel at entrances.

Employers must also review how cleaning on site is managed, both in terms of providing good hygiene standards (especially in commonly used areas) and how cleaning staff are protected. On the first point, consideration should be given to cleaning rotas and tasks with a focus put on elements that are frequently touched by people (e.g. door handles) and areas of greater risk, such as reception desks. In terms of PPE, this should be assessed as part of the overall risk assessment process and, based on current UK Government advice, would not include respiratory protective equipment (RPE) outside of the health and social care sectors.

Further detailed advice on the use of RPE and facemasks during the Covid-19 pandemic can be found in the Barbour Technical Guide Respiratory Protective Equipment (RPE) use during Covid-19.

MANAGEMENT OF FIRE AND FIRST AID

The Regulatory Reform (Fire Safety Order) 2005 and the Fire (Scotland) Act 2005 require employers or the relevant “Responsible Person”, which is usually a corporate body, to develop and maintain a suitable and sufficient fire risk assessment outlining how fire safety will be managed on site. Failure to keep the fire risk assessment updated could lead to the employer being prosecuted.

In preparing for the reoccupation of their sites, employers must therefore review their fire risk assessment and the fire management arrangements contained within it. Not only should this review consider any changes to fire safety systems and equipment (as outlined previously), but also issues such as adequate provision of fire wardens/marshals and the suitability of Personal Emergency Evacuation Plans (PEEPS) – especially if working hours are elongated and/or previous role holders are no longer available to continue.

FIRST AID

The Health and Safety (First-Aid) Regulations 1981 require employers to make an assessment of the level of first aid coverage they need (based on factors such as hazards in the workplace, size of workforce and distance to the nearest hospital) and to provide adequate people, equipment and facilities to enable first-aid to be rendered to its employees if they are injured or become ill at work. Failure to provide adequate first aid provision could lead to the employer being prosecuted.

In line with the fire risk assessment and management arrangements, employers must therefore review their first aid ‘assessment of need’ to ensure that it is still sufficient.

TRAINING

In addition to any specific refresher training required to operate plant and equipment (as outlined previously), employers must also review whether any general refresher or updated induction training is required for those on site. This may be particularly relevant where social distancing measures have been introduced, for example a change in First Aider/ Fire Warden coverage.

MANAGING CONTRACTORS

Employers already have a range of formalised and implied legal duties in respect of the health and safety management of contractors. In moving to-wards reoccupation of sites, employers must review their existing contractor controls to ensure that they adequately cover any new risks introduced by the Covid-19 pandemic. This particularly regards issues such as: ensuring social distancing; provision of welfare facilities; robust lone working arrangements; that any works are properly controlled; and that arrangements for issuing permits to work can still be operated.

**FOR ANY HEALTH & SAFETY
ADVICE, HELP WITH COVID-19
MANAGEMENT ARRANGEMENTS AND RISK
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DISTANCING!**
HEALTH & SAFETY, SIMPLY PUT

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