New “one-in, one-out” regulatory system

Business Secretary Vince Cable has announced a package of measures to help tackle excessive bureaucracy and red tape. The measures will change how regulations are drawn up, introduced and implemented.

From 1 September 2010, the new “one-in, one-out” system will mean that before new regulations which impose costs on business can be introduced, the Government will have to identify current regulations with an equivalent value that can be removed. The system will apply initially to domestic legislation affecting business but may be expanded later.

In addition, the Government has agreed a set of Principles of Regulation that must be applied when considering new regulations that impact on business. Regulatory proposals will then be stress-tested to make sure that only those meeting the new principles and of suitably high priority proceed.

The independent Regulatory Policy Committee (RPC) will examine the evidence supporting new regulatory proposals prior to policy decisions being made. The RPC will also analyse proposals for the implementation of EU legislation. However, the Government intends to become involved in the Brussels policy process at an earlier stage and to work to end the so-called “gold-plating” of EU regulations. This will help ensure that when European rules are transposed into UK law, British business will not be at a competitive disadvantage to other European-based companies.

Mr Cable said that the measures “represent a fundamental shift in how Whitehall has traditionally used regulation as a way to command and control”. Pointing to an urgent need for “meaningful reductions in the burdens that hinder hard-pressed businesses”, he added: “By ensuring regulation becomes a last resort, we will create an environment that frees business from the burden of red tape.”

The Forum of Private Business said that the new measures must be backed by real culture change in order to be effective. “It is good to see the Government pushing ahead with its commitment to improving the regulatory landscape. The concept of introducing regulations only as they are needed is absolutely necessary given the existing burden on small businesses, but it will require a change in behaviour for many government departments.”
News

UK gangmaster closed down

The Gangmasters Licensing Authority (GLA) says it may have shut down the UK’s worst gangmaster, after an investigation uncovered a “shocking catalogue of failures”, including workers being trapped in filthy and dangerous living conditions.

The Lancashire gangmaster was discovered to be paying workers well below the minimum wage, with record failures totalling 242 points in non-compliances, when 30 is enough to revoke a licence.

The GLA immediately revoked the licence of Mr Jose Rosa, Director of Plus Staff 24, based in Skelmersdale, noting that a previously revoked gangmaster, Maria Baptista, was “lurking in the background” at the business. This raised the GLA’s suspicions that Mr Rosa, who used to operate as a driver for her, was acting as a front to continue her exploitative ways.

The GLA says the group of over 30 Latvian fruit pickers were subjected to appalling treatment that kept them trapped in the employment of Mr Rosa. Apart from not receiving the minimum wage, deductions left at least one worker owing the gangmaster money after a month of working.

Workers lived in filthy and dangerous houses without suitable bedding and any electrical safety documentation. Holiday entitlement and sick pay was not recorded or had not been paid to the workers, despite this being included in their terms and conditions. In addition, workers were transported to work in an uninsured minibus, sometimes driven by an underage driver.

Management behaviour key to returns to work

New guidance on the successful return to work of employees who have been on long-term sick leave says that management behaviour is a key issue.

The guidance has been produced by the Chartered Institute of Personnel and Development (CIPD) in conjunction with the British Occupational Health Research Foundation, the Health and Safety Executive and the Healthy Working Lives campaign, and focuses on the key behaviours managers need to support successful and lasting returns to work after long-term absence.

It follows the recent introduction of “fit notes” to encourage those on long-term sick leave to make an early return to work with the support of their organisation.

The guidance is available via the CIPD website (see http://bit.ly/b0gEDb).

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Contact us: 020 8247 1175
In the second of a two-part series, Craig Jackson, Professor of Occupational Health Psychology, undertakes an in-depth examination of behavioural safety and its role in road risk. Here, he looks at driving, psychological and personality factors, before setting out his conclusions.

Driving factors
Studies usually conclude that street level advertisements are able to hold driver attention at times when they are not supposed to, while raised-level advertisements pose less of a problem. Landmarks may aid drivers’ navigation and driving, and in-car sat-nav devices could be improved by making reference to external landmarks as navigational cues. A study (Crundall et al, 2006) found using landmarks as key verbal navigation cues resulted in improvements in driver confidence, performance and navigation. Additionally, navigation systems using only “distance to turn” information resulted in significantly more glances to the in-vehicle displays.

Internal distraction is mostly concerned with technological devices, requiring “secondary tasks” that drivers may perform in addition to driving. These include audio, video, phones, radar detectors, sat-nav, and heads-up display technology. Use of in-vehicle technology requires diversion of both peripheral and attention resources from driving, and although voice-based sat-nav systems may reduce the peripheral impairment, they do not appreciably reduce the attention impairment.

One study found that use of hands-free phones in cars slowed down drivers’ reaction times on simple straight roads more than on demanding roads, suggesting that drivers can focus attention when needed and use in-car phones at the same time. However, it should be remembered that mobile telephone use leads to increased workload for both easy and hard driving tasks. This distraction effect has been found to influence general driver safety, and to be exacerbated more in older drivers relative to younger drivers. Other studies looked at the related effects of Adaptive Cruise Control (ACC), which has been anticipated to alter the “psychology of driving” resulting in drivers having less control of their vehicle and being less aware of the driving situation. The role of ACC and its increased use by drivers requires further investigation of its potential to alter driver behaviour.

Studies of night-time drivers reveal that seat belt use at night is considerably lower than during the day.

Some research has suggested that distraction is more of a problem when coupled with a lack of driving experience, and this suggests that teenage drivers and younger drivers are at greater risk of accidents caused by distraction. Other in-car teenagers are a big distraction, even more so when they are male. US data shows that 42% of 16- and 17-year-old drivers in fatal crashes were transporting other teenagers with no adults in the vehicle and that 61% of teenage passenger deaths occurred in vehicles driven by other teenagers.

Vehicle type may have an influence on driver behaviour, accident type and rates, and the results can often be contradictory. Farmer and Lund (2002) found 4x4s to be involved in fewer accidents than cars, but that the mechanics of accidents involving 4x4s were such that car drivers suffered greater injury. Some studies that accounted for environmental factors (rural roads) and driver factors (teenagers and the elderly) have suggested it is the higher centre of gravity and rollover potential of 4x4 vehicles that result in a level of fatalities disproportionate to the accident rate of these vehicles.

Studies of night-time drivers reveal that seat belt use at night is considerably lower than during the day (when crash rates are highest). Using military grade night-vision technology, some researchers found night-time belt use to
be at 76.6% of drivers, compared with 83% of day-time drivers. Given the link between night-time accidents and less seat belt use, it seems sensible to suggest that drivers electing not to use seat belts is an important element in vehicle behavioural safety.

**Psychological factors**

This section relates to aspects of thinking, information processing, cognition and behaviour that can alter driving performance. One major area of influence on drivers’ behaviour has been hypothesised as the driving styles of their parents, and although the exact mechanisms of such influence are not clearly defined, studies have found that levels of parental and offspring accidents and driving convictions tend to be moderately correlated. Studies consistently show parents’ self-reported driving behaviour explained their children’s self-reported driving behaviour. A study using covert observation of driving skills at school gate drop-offs showed the element of consistency in parents’ driving behaviours (both good and bad) to be an important determinant of whether certain driving behaviours become adopted by the child-driver at a later date.

The most accurate predictors of driver failure status seem to be cognitive aspects, such as:

- poor anticipation
- poor observation (distraction)
- improper stopping positions on the road
- poor visual scanning
- poor knowledge of the rules of the road
- increasing age.

Researchers found that cognitive aspects of drivers were stronger predictors of driver errors than were physical disabilities. Understanding in-car cognitive processes has been viewed as a key method in changing undesirable driving behaviour, particularly speeding. Some successful Scottish road safety campaigns have used the Theory of Planned Behaviour (TPB) as a cognitive model to understand driver behaviour. Perceptions by drivers themselves were also shown to be important determinants of driver safety and for a false sense of security regarding their own abilities. The belief that they are better drivers than they really are is one of the main causes of accidents.

In track testing conditions, drivers often maintain distances considered to be unsafe in relation to drivers’ reaction times. Between 85% and 90% of drivers claim they drive more slowly than the “average” driver, and this is related to the Downward Comparison Theory, where drivers estimate other drivers to be poorer drivers than they actually are (as opposed to themselves being better than they actually are).

**Personality factors**

This section relates to aspects of personality that may influence driver behaviour. The majority of studies in this area have, unsurprisingly, looked at what factors may be associated with risky, dangerous or aggressive driving, as well as accidents and convictions. Despite assumptions that aspects of personality are easily observable in the way people drive there remains some scepticism as to how generic the direct effects of personality may be. A study of young drivers suggested that speeding was predicted by the personality of “rebellion against authority”, and that drink-driving could be predicted by drivers with an optimistic yet sensation-seeking personality style. This suggests that personality-prediction of specificbehaviours is difficult and complex and personality traits do not obviously always manifest themselves as observable (risky) behaviours.

Another study evaluated the roles of three personality traits — sensation-seeking, conscientiousness and anger/hostility — in predicting unsafe driving behaviours. Data suggested that each personality trait was correlated to risky driving, but that sensation-seeking was the best predictor of driving
violations. Anger/hostility and sensation seeking were seen to interact in order to provide a combined effect in predicting self-reported driving violations. However, none of the personality traits consistently predicted risky driving in the studies in question, leading to the conclusion that personality science has a long way to go in order to reliably predict dangerous driver behaviour. However, some studies suggested that personality type — especially in fearful people — may be predictive of driver errors and mistakes (rather than deliberately dangerous driving).

Although the term “road rage” lacks clinical accuracy, and there is much dispute about what it is, the acts of violence committed by drivers as a result of driving disputes is commonly viewed as road rage. A study asked volunteers to recall events when they had experienced anger-inducing events when driving, along with their feelings and behaviours. The authors concluded that the personality trait of attributing blame to other people, coupled with anger-hostility, is related to the likelihood of road rage.

Some articles point to the effects of long-term alcohol and illicit drug use as playing a role in driving aggression — accident records show drug use and alcohol problems are significantly greater for those involved in the most serious forms of road rage behaviour. Further work may be needed to identify the exact mechanisms by which illicit drug use and problem drinking are linked to road rage, but it is suggested it could be related to lower social class and lack of education. However, one study contradicted that suggestion, stating that those with higher incomes (among males) tended to have greater rates of previous accidents (Karlaftis et al, 2003).

Conclusion

Some of the research discussed here highlights the wide variety of driving aspects that can influence behaviour behind the wheel. Some is worthy of further investigation, and some is not. Despite the attempts to use behavioural science to highlight those factors associated with, or predictive of unsafe driving, research shows that the safety culture of an organisation and the influence it may have on the behaviour of individual drivers can be a strong predictor of good driving. An Australian study (Wills et al, 2006) looked at six dimensions of safety climate.

1. Communication and procedures.
2. Work pressures.
5. Driver training.

Safety climate, particularly excellent safety rules, communication, and management commitment, were strongly related to good driving behaviour. Importantly, poor safety climate was better able to predict self-reported distraction from the road.

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Out-of-hours cleaning in offices

Heather Mawhinney considers the role of cleaning professionals in offices and looks at what can be done to make their out-of-hours work safer.

Introduction

Cleaning is a multi-million pound industry in the UK, employing hundreds of thousands of workers. It is a growing service sector and, while there are some large contractors, the sector is dominated by small businesses meaning most workers are employed by small to medium-sized enterprises.

Cleaning is an essential task and is a generic job that is carried out in almost every workplace. Indeed, when cleaning is done well it can often reduce risks to workers’ health and safety and lower company costs.

Common factors affecting cleaning

The cleaning sector is under constant competitive pressure. There is an increasing trend for cleaning work to be contracted out, with tenders sometimes being considered on price alone, putting strong cost-cutting pressures on cleaning companies.

Cleaning work is often done outside normal office hours, either in the early morning, evening or during the night. Workers can be on full-time, part-time or temporary contracts or they may be self-employed. They frequently have more than one job. The workforce of office cleaners is predominantly made up of female, part-time workers. In addition, the number of migrant workers employed as office cleaners is increasing.

A broad range of activities are performed during office cleaning and the risks that cleaners are exposed to depend on the tasks they perform in the workplace.

Common office cleaning hazards include:

- slips, trips and falls, especially during “wet work”
- musculoskeletal disorders
- noise and vibration
- exposure to dangerous substances, eg chemical and biological agents
- electricity, resulting in electric shock
- psychosocial issues, eg work-related stress, violence and bullying
- irregular working time and patterns
- those associated with lone working.

These hazards can be broadly categorised as chemical, biological, physical, and organisational and psychosocial factors.

Chemical hazards

The level of exposure of office cleaners to chemicals depends on the type of products they use and the characteristics of their working environment (eg how much ventilation there is) and the conditions of use (eg how frequently products are used and in what quantities).

Office cleaning workers may be exposed to a range of different chemicals, not only from the cleaning products they use but also from the substances contained in the dust, dirt, soot and other such products that they remove.

Additionally, over-dosage, mixing different cleaning products or the incorrect use of some cleaning products may create unexpected chemical reactions and produce dangerous substances.

Biological hazards

Office cleaning staff can also be exposed to different types of biological agents, such as micro-organisms (bacteria, viruses and moulds) and their products (eg fungal secretions) and bacterial endotoxins (which are present in dust and in the aerosols generated during the cleaning process, eg from vacuuming).

In the office environment, cleaners may come into contact with pathogens contained in body fluids, either by inhalation, dermal uptake or incidental ingestion. There is also the possibility that cleaners may come into contact
with animals and insects and their associated secretions and droppings.

Physical hazards
Physical hazards arise from both the work equipment and the environment in which the cleaning is being carried out. They include sharp objects, wet or slippery floors and repetitive heavy lifting. Office cleaning can be physically demanding and may put strain on the musculoskeletal and cardio-respiratory systems. Cleaners often work quickly with awkward postures, a result of the poor ergonomics of the cleaning equipment or of the work environment. Furthermore, they may have to lift heavy pieces of furniture or equipment and are likely to perform a high number of repetitive movements that sometimes require considerable force (e.g. scrubbing).

Organisational and psychosocial factors
Many cleaning companies are experiencing increasing market pressure to offer more flexible and cheaper services. These demands for flexibility are often passed through to staff via short-term contracts and short-notice shift changes.

Out-of-hours office cleaning is favoured as it does not interfere with the daytime core activities of the company. However, this can have adverse effects on the cleaning workers. Working unsociable hours can disrupt the work-life balance, leading to feelings of social isolation and fatigue.

Legal requirements
Employers have legal responsibilities under the Health and Safety at Work, etc Act 1974 to ensure “so far as is reasonable practicable” that their employees and members of the public are protected from risks to their health and safety that may be created by work activities. Employees have a responsibility to take reasonable care of themselves and to co-operate with their employers in meeting their legal obligations.

The Management of Health and Safety at Work Regulations 1999 require employers to carry out suitable and sufficient risk assessments for both their employees and others affected by the work activities. Effective arrangements for managing risks to health and safety must be implemented.

Risk assessment
Before any out-of-hours office cleaning is undertaken, it is essential to carry out an adequate and suitable risk assessment. This risk assessment should identify the hazards of the work, assess the risks involved and put measures in place to avoid or control these risks.

When conducting the risk assessment, it may be useful to walk through the area where the cleaning staff will be working, noting anything that could potentially pose a risk. It is important to talk to employees and their safety representatives as they are a valuable source of information and advice. This will help to ensure that all relevant hazards have been identified. If the cleaning job has been sub-contracted, it is important to speak to the client company, manage its expectations and reach agreement on issues such as security, policies, procedures, incident reporting and equipment provision.

When the hazards have been identified, consideration should be given to who would be harmed by the hazards and in what way. It is important to look at what controls, if any, are in place (control measures may include information, instruction, training, supervision and personal protective equipment) and then determine, using the hierarchy of controls, if additional measures are needed to further reduce or eliminate the risk. The findings of the risk assessment should be communicated to the office cleaning staff, making sure they understand the risks of the job and how these risks will be controlled and monitored.

Employers should review the risk assessment from time to time and ensure that it is still adequate. If any major changes occur, the risk assessment should be updated immediately.
Union watch

A regular series in which Mike Everley keeps a watchful eye on the health and safety concerns of the major trade unions.

Human rights on fire

A Fire Brigade Union member has won £80,000 in damages after an employment tribunal found he was unfairly dismissed after raising health and safety concerns.

The firefighter, who has arthritis, was dismissed for gross misconduct after sending an e-mail to colleagues asking whether the reclining chairs provided at work were causing back pain. The fire service he worked for insisted on him using a chair on nightshift even though he was concerned that it was injuring his back.

A total of 300 chairs were brought in to replace beds in 41 fire stations in 2006. In 2007, three firefighters were disciplined after they refused to sleep on the reclining chairs.

The employment tribunal found that the union member’s right to freedom of expression under the Human Rights Act had been breached and thus his dismissal was unfair. The tribunal heard that the firefighter, who was dismissed in 2008 following 25 years of service, was among a number of firefighters who found the new chairs uncomfortable. A failure to address his concerns led the union member to send an e-mail to watch managers across the county, asking if they or their colleagues were suffering with the chairs. This was the action that resulted in his dismissal. The tribunal found that the e-mail was of political and public interest, because firefighters needed to be alert and fit to go about their business of fighting fires and effecting rescues. Therefore, the employment tribunal ruled the firefighter was seeking to protect public safety.

Tory MP speaks out

Campaigners, lawyers and a Tory MP have criticised the “drop in the ocean” fines levied on oil giants after the Buncefield explosion. The lawyer representing those affected by the explosion claimed: “The families involved would feel the companies had got away with it...The sentences in this case do not even begin to punish the companies, given the extent of some of their profits...This is hardly an incentive to encourage those in management to do everything they can to ensure it doesn’t happen again.”

The Conservative MP for Hemel Hempstead, Mike Penning, condemned the level of fines and said he would ask Attorney General Dominic Grieve to assess whether they were too lenient. He added: “Frankly these fines are an insult to my constituents.” The level of fines imposed also need to be considered against the backdrop of the Government’s safety plans involving the deregulation of health and safety and cuts in enforcement.

Cameron on a leash

The Communication Workers Union (CWU) National Safety and Environment Officer Dave Joyce has vowed to keep Prime Minister David Cameron on a tight leash with regard to his pre-election promise to tighten up Britain’s feeble dangerous dog laws. As the then Leader of the Opposition, Mr Cameron told the CWU that he supported extending the dangerous dogs legislation to cover all places, including private property, and giving police and local authorities more powers to tackle the problem. The CWU is now hoping the Prime Minister’s bite is as effective as his bark.