

## **SIMPLY SAFE AUGUST 2010**

### **HOIST GUIDANCE 'RAISES' AWARENESS!**



The HSE has recently published its long awaited guidance on the safe operation of cellar hoists. For many years, cellar hoists have been installed by businesses seeking a solution as to how they can safely get heavy products such as barrels, kegs and boxes from one level to another whilst not endangering the health of their staff or their draymen. There has been much discussion and debate regarding the design of these hoists which it is hoped will be clarified by the new guidance.

Cellar hoists fall under the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) and the Provision and Use of Work Equipment Regulations 1998 (PUWER) and are therefore a focus of any health and safety audit or assessment of any business with one installed. As well as the equipment itself, the controls relating the safety of the openings and shafts into which these hoists are installed will also require suitable controls to prevent falls from height.

The new guidance provides practical advice on issues such as the positioning of controls, the safety of openings and the prevention of persons being struck by falling objects. Whilst the guidance provides some good general advice, a robust risk assessment and training must be put into place that details the controls which must then be trained to all staff whose job it will be to use the lift. Remember that controls must consider not only staff, but also any third parties who may be using it together with visitors and any other persons who may come into contact with the lifting operation or be in the vicinity of any lift opening.

For more information, the new HSE guidance can be downloaded free from the HSE at <http://www.hse.gov.uk/lau/lacs/49-10.htm>. If you have a lift but are not confident about whether or not your risk assessment, safe systems of work or training are suitable and sufficient why not give Perry Scott Nash a call to discuss your particular circumstances.

### **"NOT FROM AROUND HERE...!" – WHAT DOES "LOCAL" IMPLY?**

When considering what terminology would best appeal to the average customer, businesses may wish to exploit pride in a region by using the word 'local', but some investigation into what this term means has thrown up some questions to be considered.

The term 'local' is vague and, to some extent, its usage will depend upon where a particular type of food would normally be sourced. For example, some supermarkets may describe strawberries as 'local' by way of them being sourced from the UK rather than Spain! Consumer groups have made the case that these products should be labelled as 'British', 'Welsh', etc, rather than 'local'. Even the term 'regional' has been identified as too vague!

Trading Standards Officers have been seen more recently to employ guidance similar to the approach taken by Farmers' Markets, which takes that term 'local' to mean sourced within a 30 mile radius. The Guidance identified two acceptable definitions of the word local! One being radius as already stated and the other being the county boundary.

So what about food from a local source which is transported hundreds of miles away for processing only to be returned as a 'local' product! What is clear is that businesses must be careful when looking to embellish descriptors on their menus. Whilst it may sell a few extra portions, marketing departments must make sure descriptions and provenance are matters of fact that can be proven. Further guidance from the Farmers Markets can be obtained from <http://www.farmersmarkets.net/certification2.htm> or by contacting Perry Scott Nash for more advice and information.

## **DID YOU "HEAR" THE ONE ABOUT...?**

If only this could have ended in a joke! Businesses who expose their staff to loud music (either from DJs or live amplified performances) have been required for a number of years to carry out a risk assessment under the Control of Noise at Work Regulations 2005. Assessments are required to identify where a risk of hearing loss exists through exposure to noise (in this case loud music) and to ensure that control measures are in place to reduce exposure through the adoption of a number of measures including providing ear effective defenders and training staff on when and how they must be used in order to lower noise exposure to a safe level.



There have been a number of problems with the local implementation of controls. The wearing of ear defenders has not been uniformly adopted and where staff have been provided with training, instruction and the correct ear plugs, there are still questions as to whether controls are proving effective. Until now, there has been little focus on the enforcement of the requirements for businesses to carry out health surveillance, but this is starting to change.

The Noise Regulations (2005) require that employers ensure that measures which they have put into practice are complimented by requiring their employees to attend routine hearing checks. The purposes of these is to obtain an initial understanding of an employee's current hearing capability. Subsequent tests to be carried out every one to two years would then identify whether the controls which have been adopted have worked to prevent a reduction in the employee's hearing capability.

Employers who have not yet thought about how they might seek to provide audiometric testing to their staff should start to make plans as to how they will meet these specific requirements of the Control of Noise at Work Regulations. If you need further advice please give us a call. We are all ears!

## **... AND FINALLY – SILENT DISCOS – NOT GREAT FOR A FIRST DATE!**

Businesses wishing to take an altogether different approach to noise should consider a (very) slow growing trend for silent discos. Persons attending are encouraged to wear earphones which are connected wirelessly (otherwise the cords will cause a trip hazard!) to the music database and individuals choose to listen to their own personal favourites. As the Control of Noise at Work Regulations only apply to those persons at work – staff working in these venues are not affected by the noise from the music.

Aside from staff being shouted at, there is also the potential problem of the singing patrons who will blissfully unaware of their own tone-deafness! As for whether this is the answer...? if the singing goes above 85dB then staff will still find themselves having to wear ear defenders!