

HEALTH AND SAFETY UPDATE

Newsletter – September 2016

Introduction

It is important to remember that by law, all businesses must adhere to Health and Safety requirements. An employer or a self-employed person is responsible for Health and Safety in their business as well as those affected by that business.

It is advisable to take the time to refresh your memory of the principles in the Health and Safety in the Racing and Breeding Industry (the Red Book) and review your policies and procedures on a regular basis.

By way of reminder, every business must have a health and safety policy. If you have fewer than five employees this does not need to be written down. However, it is considered best practice to have a written policy in any case.

In order to comply with Health and Safety obligations, it is important that the person appointed to be responsible to consider Health and Safety issues on behalf of the organisation has the necessary skills and competence to do so. If there is no one within the organisation with the necessary skills and competence, you must consult with an external adviser with the necessary skills and competence.

Update to Red Book

Please find enclosed a legislative update to the Red Book. Please review this and keep it with previous updates and your copy of the Red Book.

You should already have in your possession a copy of the 2013 Red Book. However, if you require a new copy for any reason it can be downloaded and printed from: <http://www.britishhorseracing.com/resource-centre/rules-guides/>

The importance of dealing with Health and Safety

As you will no doubt be aware, there is a legal obligation on all businesses to do all that is reasonably practicable to ensure the Health and Safety of employees and all those which are affected by what the business does.

It is important that you engage with Health and Safety for a number of very good reasons:

1. There are a number of laws and regulations which require you to do so. If you do not, there is a risk of the business being prosecuted and/or personal prosecution. Health and Safety breaches are a criminal offence.
2. Breaches of Health and Safety laws, if prosecuted, will usually result in a fine (which can be unlimited depending on the offence.) Some offences may also carry a potential sentence of jail time for those responsible for Health and Safety within the business.
3. Better engagement with Health and Safety can lead to better staff morale and lower staff turnover.
4. Often it will lead to greater efficiency and less lost production (as less time is taken off because of accidents.)

5. It may mean that less claims are made against your insurance, which will may have a positive effect on your premium.
6. Avoidance of bad publicity.
7. If you are a Trainer, the BHA requires you to run your business with due care and skill, which includes compliance with requirements of the Health and Safety Executive.

Statistics from the Health and Safety Executive

Interestingly, statistics from the Health and Safety Executive (“HSE”) (<http://www.hse.gov.uk/statistics/>) can provide some insight into trends of accidents and therefore areas of particular concern and on which HSE intend to focus.

During 2014/2015 HSE reported that 1.2 million people who worked who were suffering from an illness they believed was caused or made worse by their work. A very large proportion of these illnesses were either stress, depression or anxiety related or musculoskeletal disorders. There were also 611,000 injuries which occurred at work, with 142 fatalities. The most common kinds of accident were caused by slips and trips (28%), handling, lifting or carrying (23%), and being struck by moving objects (10%). A total of 27.3 million days were lost due to work-related illnesses and injuries.

The statistics remind us that the workplace can present both physical and psychosocial risk factors, in addition to lifting/moving and slips, trips and falls, you should consider risks such as long/irregular hours, dealing with difficult customers etc.

These statistics are collected over a number of different sectors. Each business will be different and you must consider your business’ circumstances in their own right. However, these statistics may provide some insight into trends which can inform the way in which you consider the risks in your business.

First Aiders

We are often asked about the requirement for a first aider and the need for multiple first aiders. As a minimum first aid provision in the workplace should include: a suitably stocked first aid kit; an appointed person to take charge of first aid arrangements; provision of information to employees of first aid arrangements. The contents of your first aid kit should reflect the potential needs identified from your risk assessments and suggested contents lists are available from the Health and Safety Executive.

Provision for first aid should be made available at all times people are at work. As an employer, you are required to carry out an assessment of first aid needs and the number of first aiders required will depend on the outcome of the employer’s assessment of these needs.

Despite the fact that your legal obligation does not extend to providing first aid for non-employees, the Health and Safety Executive *strongly* recommend that you consider the first aid provision for non-employees (including visitors) when assessing your first-aid needs. As a matter of good practice you should do so.

Please note that you should be aware of and make all employees aware of the grid reference to use for the air ambulance service (both at your premises and gallops if separate). This should be displayed prominently by way of reminder for employees in case the need should occur.

Workplace transport

In each year, it is estimated that 50 people are killed and more than 5,000 are injured in accidents involving workplace transport (www.hse.gov.uk/statistics). Although this is not an issue which would immediately come to mind when you think of your Health and Safety obligations; it is an important one to consider.

HSE guidance (<http://www.hse.gov.uk/workplacetransport/index.htm>) suggests that 'Workplace transport' means any vehicle or piece of mobile equipment used in any work setting. It covers a very wide range of vehicles, from cars, vans, lorries and lift trucks, to less common vehicles and plant. Any vehicles used on a yard, including vehicles visiting the yard may be included. Generally speaking, road traffic laws will cover use of vehicles on a public road, however, the obligation may extend to use of vehicles on a public road if this is used as a temporary workplace for example, loading and unloading horses.

It may be that large horse boxes cause a potential hazard for example, as well as areas which vehicles and pedestrians (with or without horses) share.

HSE guidance suggests that risks to consider are grouped into three main categories:

- 1) Safe site (design and activity) includes the layout of the workplace, for example traffic routes and pedestrian crossing points, lighting etc. HSE suggests that the main aim of any design should be the segregation of vehicles from pedestrians. As well as including the activities with vehicles, for example, loading and unloading.
- 2) Safe vehicle includes choosing the most appropriate vehicle for the task and environment and maintaining this.
- 3) Safe driver includes considering the competence and behaviour of those who operate vehicles.

The HSE provides further guidance on workplace transport (<http://www.hse.gov.uk/workplacetransport/index.htm>) which may assist in considering this issue.

Public Liability Insurance Update

All licensed Trainers are required to have Public Liability Insurance providing minimum cover of £2 million. This policy must include cover for any awards of damages given to a member of the public arising out of the death, bodily injury or damage to property suffered by members of the general public at a recognised race meeting.

This requirement is currently under review. It has become apparent that this minimum cover required for Trainers is significantly lower than held by others in similar positions in sporting industries. The BHA is concerned that Trainers could be put at risk in the event that a claim is brought against them, either directly or as part of a litigation chain.

As such, the BHA is undertaking a review considering the possibility of raising the minimum level of Public Liability Insurance cover. Trainers will be advised of any changes, including lead time in due course as the review continues.