

# Legislation Outlook

August 2019

This monthly legislation briefing is a **supplement** to your Activ Comply service to help you to **plan ahead** for maintenance of your ISO 14001, OHSAS 18001/ISO 45001, ISO 50001 and ISO 27001 systems. In addition to giving you advance warning about important legislation that will affect your compliance with the standards, we'll provide news, newly-published guidance and government consultations that you might find useful, as well as any other significant legislation beyond the scope of the standards listed that we think may have an impact on your organisation. Unlike other services, we only report items of value: we don't waste your time on items such as an increase in administrative fees or changes that only affect enforcement agencies.

When legislative changes are announced with short notice (<1 month) they are not reported here. All changes are automatically delivered direct into your [Activ Comply](#) system as they come into effect so you can be confident that you are always 100% up to date.

The hot summer months have seen plenty of political wrangling but little new legislation.

If you're feeling the heat, this month's Focus has guidance on when it is too hot to work.

## Upcoming Standard-Related Legislation

### OHSAS 18001 / ISO 45001

#### Regulation (EU) 2019/1148 on the marketing and use of explosives precursors

This [Regulation](#) applies from 1 February 2021 to strengthen the system of controls on precursors that can be used for manufacturing homemade explosives. Changes include:

- discontinuing licensing for the use by the general public of potassium chlorate, potassium perchlorate, sodium chlorate and sodium perchlorate; and
- ensuring that information relating to restricted explosives precursors flows through the supply chain.

**Remember: short-notice changes to legislation are not reported in this briefing; all changes are delivered direct into your Activ Comply system as they come into effect.**

## News

### First Aid at Work Training

The HSE and the First Aid at Work Quality Partnership have issued a notice that they are aware of organisations seeking to commission first aid at work (FAW) training and requiring the training to be delivered over significantly shorter time periods than those recommended in HSE guidance and with student/trainer ratios that could compromise the effectiveness of the training. Employers are reminded that they may be asked to demonstrate to an HSE or local authority inspector that their first aid provision is adequate and appropriate.

### Record Fines for GDPR Breaches

The Information Commissioner's Office (ICO) has issued a notice of its intention to fine two companies a total of nearly £300 million. British Airways face a potential fine of £183 million after user traffic to the British Airways website was diverted to a fraudulent site where the details of approximately 500,000 customers were harvested by the attackers. The hotel chain Marriot International also face a fine of £93 million for failing to conduct due diligence after a breach stemming from a 2016 acquisition was not discovered until 2018, by which time approximately 339 million guest records globally were exposed by the incident.

## Guidance

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### Hand-Arm Vibration

The HSE has updated its guidance document [L140 - Hand-Arm Vibration: The Control Of Vibration At Work Regulations 2005](#) to reflect changes to related legislation, technical advances and experience. The layout of the guidance has also been modified to emphasise control of exposure.

### Fire Safety

The Ministry of Housing, Communities & Local Government has updated its [Approved Document B \(fire safety\)](#), the practical guidance for meeting the requirements of the Building Regulations 2010 in relation to fire safety in England. The Document continues to be split into two volumes; the first dealing with dwellings and the second dealing with buildings other than dwellings.

### Pesticides / Plant Protection Products

The Department of Agriculture, Environment and Rural Affairs in Northern Ireland has issued a [Code of Practice](#) for users of plant protection products to provide information on how to use pesticides and plant protection products safely, and to meet the legal conditions which cover their use.

## Consultations

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### COMAH

The HSE has launched an [online survey](#) to seek the views of COMAH-site operators and others involved in COMAH regarding whether the Control of Major Accident Hazards Regulations 2015 have met their objectives.

### Invasive Alien Species

DEFRA has issued a [consultation](#) seeking views on proposed management measures for 14 plant and animal invasive alien species which are widely spread in England and Wales, including Himalayan balsam, grey squirrel and signal crayfish.

## Focus: Health & Safety in Hot Weather

This summer has seen several days of very high temperatures, leading to some uncomfortable working conditions, but how hot is too hot for indoor workplaces?

Indoor workplace temperature is regulated by the [Workplace \(Health, Safety and Welfare\) Regulations 1992](#). However, these Regulations don't stipulate a maximum temperature, saying only that:

*'during working hours, the temperature in all workplaces inside buildings shall be reasonable'*

A 'reasonable' temperature is otherwise referred to as 'thermal comfort'.

### Thermal Comfort

In most indoor workplaces, such as offices, the most commonly used indicator of thermal comfort is air temperature, but this should not be regarded as the sole indicator. The HSE recognises six factors, four environmental and two personal, that affect thermal comfort.

#### Environmental Factors

- Air temperature - the temperature of the air in the workplace surrounding a person.
- Radiant temperature - thermal radiation from warm objects such as ovens, dryers, machinery and molten metals.
- Air velocity - the speed of air moving across the person which can remove heat if the air is cooler than the environment or through the process of convection where there is no difference in temperature between the air and the environment.
- Humidity - the amount of water in the air will provide humidity. Relative humidity is the ratio between the actual amount of water vapour in the air and the maximum amount of water vapour that the air can hold at that air temperature. High humidity levels prevent the evaporation of sweat, the body's main method of heat reduction.

#### Personal Factors

- Clothing insulation - the insulating effect of clothing on the wearer. This is a particularly important consideration for employees who are required to wear a specific uniform or PPE.
- Metabolic heat - the heat produced by the body, which increases with the amount of physical work done. The amount of increase can vary according to an individual's physical characteristics, such as size, weight, age, fitness level and gender.

The easiest way to check the thermal comfort of your workplace is to ask your employees if they are satisfied with their thermal environment. The HSE has produced a [thermal comfort checklist](#) that can help with this. The 1992 Regulations also contain an obligation to provide a sufficient number of thermometers to enable workers to determine the temperature of indoor workplaces.

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### Control Measures

If your employees are suffering from heat stress, there are six main control measures that you can use to bring heat levels down:

- Environmental controls - control the environmental factors of thermal comfort by lowering the air temperature with air conditioners, dehumidifying the air, increasing air movement by ventilation or insulating sources of radiant heat.
- Separation controls - separate the source of heat or cold from the employee by, for example, erecting barriers that shield or insulate the work area or by restricting access to a hot environment.
- Task controls - restrict the length of time that employees are exposed to hot conditions or the amount of work and rate of work employees are expected to do in hot conditions.
- Clothing controls - ensure that PPE or uniforms are appropriate for hot environments.
- Behavioural adaptations - allow employees to make adjustments to their work environment, such as adjusting thermostats, opening windows, using desk fans.
- Employee monitoring - provide appropriate supervision and training, and obtain medical advice from an occupational health professional for employees who are pregnant, have an illness or disability, or are on medication.

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