



Wilkins Safety Group

Monday, 11th August 2014

Inside this Issue

1. Equal Opportunities Including Equalities Act 2006?
2. Housing firm in court over Blackpool balcony collapse
3. Poole contractor in court after falling steel injures workers

Welcome to our latest Update E-Newsletter

As ever, please feel free to share this with friends and colleagues. You will also find PDF versions of all our other newsletters on our website: www.wilkinssafety.co.uk with lots more useful information and a wealth of leaflets covering Health and Safety topics.



We are looking at something slightly different this week as we have been asked for advice about Equal Opportunities.

Race, Disability, Gender and Creed. These are all concerns in any company irrespective of size. As such you must consider the guidelines of the Equalities Act 2006.

We have given you a brief guide to this below.

We also have 2 recent HSE cases for you to look at and consider:

- **Resident Andrew Bleasedale** had returned from the shops to his home at Newby Place in Mereside on 29 May 2012 when he felt the balcony move beneath his feet as he turned the key in his front door. **He dived into his flat and looked back to see that the walkway had gone.**
- **Ryan Smith, 31, damaged a vertebrae** and was forced to wear a brace for several months as a result of the incident at a renovation project in Bournemouth on 16 July 2013. Co-worker **Paul Martret, 42, suffered a fractured elbow as a result of the blow.**

Do you have any comments or questions about any health and safety subject?

If you do; or if you would like us to cover any particular subject in our newsletter, please let us know either by commenting on our [Facebook page](#) or send us an email at info@wilkinssafety.co.uk

Equal Opportunities Including Equalities Act 2006

Each Company should be committed to the Policy of equal treatment of all employees and applicants, etc. and requires all employees, of whatever grade or authority, to abide by and adhere to this general principle and the requirements of the Codes of Practice issued by the Equal Opportunities Commission and the Commission for Racial Equality. You should endeavour to apply equality to all and not utilise 'positive or negative' discrimination to any party.



These commitments should be reflected throughout your employment practices, including recruitment, selection, development and retention of employees and also in your approach to customer services.

The Company should have well established policies and procedures to ensure that Equality of Opportunity is available to all members of the Community who either seek to be, or who are, employed by them.

All employees and members of the Management should fully recognize their legal obligation and be expected to abide by the requirements under the 1976 Race Relations Act (Amended 2003), the Sex Discrimination Act 1975 (Amendment) regulation 2008 and subsequent legislation relating to these Acts including the Race Relations Amendment Act 2003 and the Disability Discrimination Act 2005, Equalities Act 2010.

- Treating any individual on grounds of sex, colour, marital status, race, nationality or ethnic or national origin, religion, sexual orientation, disability or membership or non-membership or a trade union, less favourably than others.
- Expecting an individual; solely on the grounds stated above to comply with requirement(s) for any reason whatsoever related to their employment which are different to the requirements of others.
- Imposing on an individual requirements, which are in effect more onerous on that individual than they are on others. For example this would, include applying a condition (which is not warranted by the requirements of the position) which makes it more difficult for members of a particular race or sex to comply than others not of that race or sex.
- Victimisation of an employee.
- Harassment of an employee (which for the purpose of this Policy, and the actions and sanctions applicable thereto, is regarded as discrimination).
- Any other act or omission of an act, which has as its effect the disadvantaging of an employee or applicant against - another, or others, purely on the above grounds. Thus, in all disciplinary matters as well as-consideration for training, promotion, etc.- in other words all instances where those in control of employees are required to make judgements between them - it is essential that meant, experience, skills and temperament are considered as objectively as possible.
- No member of your company should be subject to discriminatory treatment, either directly or indirectly, on any of the grounds stated above.
- Your company should commit to the immediate investigation of any claims of discrimination on the above grounds, and, where such is found to be the case, a requirement that the practice cease forthwith, restitution of damage or loss (if necessary), and to the investigation of any employee accused of discrimination.

- Any employee (no matter what level) found guilty of discrimination will be instructed to desist forthwith. Since discrimination in its many forms is against our company policy, any employee offending will be dealt with under the disciplinary procedure. Unless assurances of further non-discriminatory actions are forthcoming, an employee repeating any act of discrimination may be dismissed.
- You should recognise the right of an employee to belong to, or not to belong to a trade union, and membership or non-membership of such a union will not be taken into account in any way during the career of the employee.
- Your Company should commit itself to the employment of disabled personnel whenever possible, and will treat such employees in aspects of their recruitment and employment in exactly the same manner as other employees, the difficulties of their disablement permitting. Assistance will be given, wherever possible, to ensure that disabled employees are helped in their journeys to and from their place of work, in access to workplace, in gaining access to the facilities on company premises, and in progressing in their career, subject only to the opportunity existing, the applicant's suitability, talent, and wish for it. Appropriate training will be made available to such personnel who require it. The Company should be keen to hear ideas whereby its facilities can be made more user-friendly for the benefit of the disabled.



1. Grievances and Complaints Procedure

All allegations of unlawful discrimination will be treated seriously and dealt with confidentially. The Company should not ignore or treat lightly any justified grievance or complaint.

Behaviour or actions against the spirit and/or the letter of the laws on which this Policy is based will be considered serious disciplinary matters. Any breaches of this Policy and all instances of actual, or alleged inappropriate behaviour, will be

fully investigated and may be subject to disciplinary procedures that may lead to dismissal.

Employees should draw to the attention of the appropriate director any suspected discriminatory acts or practices. Employees must not victimise or retaliate against an employee who has made an allegation or complaint of discrimination. Such behaviour will be treated as gross misconduct.

- In the event that any employee feels that he or she has suffered discrimination in any way your standard grievance procedure should be utilised.
- If the complaint is against the employees own immediate or other superior, confidential application should be made to the Managing Director, who may authorize immediate reference to the next tier of management if this seems appropriate in the circumstances.
- In instances of sexual harassment as far as possible, the anonymity of the complainant will be protected.
- It should not be overlooked that an employee who discriminates or harasses may be liable for payment of damages to the person offended, in addition to any damages payable by the company should it have failed to ensure the practice ceased forthwith.
- To make a complaint of discrimination, harassment, victimisation, or unfair treatment it will be necessary to have available:
 - a. Details of what, when, and where the occurrence took place.
 - b. Any witness statements or names.
 - c. Names of any others who have been treated in a similar way.

- d. Details of any former complaint made about the incident, date, where and to whom made.
- e. A preference for a solution to the incident.

Until a hearing is arranged, complainants should keep the matter confidential and arranging for details of witnesses to be given to the Managing Director.

2. Equal Pay and Job Evaluation

You should recognize the principles of the Equal Pay Acts and apply them to pay and other contractual matters and prohibit discrimination where men and women are doing:

- Like work.
- Work which has been rated as equivalent.
- Work which is of equal value.

In applying the principals of the Equal Pay Acts, you should be committed to promoting equal pay across all our jobs to both existing employees and to new employment opportunities. Try to operate a pay system which is based on objective criteria and free from bias.

Where an existing job changes or additional duties become a requirement of the post, an evaluation of the post will be undertaken to ensure that the salary and grade awarded is correct, fair and non-discriminatory to other posts.

- Where a new position is created, the Managing Director will supervise the production of a job description and the post will be evaluated prior to advertisement and approval. The evaluation will be based on the duties and responsibilities defined in the job description to ensure that a fair and accurate grade is applied.
- Where a post holder is appointed to a newly created post, the jobholder will undertake a job evaluation interview six months from the start date to ensure that the post has been evaluated correctly as the post develops.
- Adequate and appropriate training and guidance is available for managers and supervisory staff involved in decisions on pay and benefits.

3. Responsibilities

While the main responsibility for providing equal opportunity is that of the employer, it is important to make clear that individuals at all level within the Company also have responsibilities given that the prevention of discrimination must be a joint task of members of staff and management centrally. All staff must understand and be committed to the implementation of the Policy.

The equal opportunities policy applies to all members of staff. It is the responsibility of each Head of Department or Office and all other supervisory staff to actively promote equality of opportunity within their own sphere of responsibility.

Recognize the importance of providing equal opportunities for training, career development and promotion applicable to the differing needs of academic, academic-related, clerical, technical, manual and other staff. It recognizes also that training can play an important role in changing procedures and behaviour.

Be committed to developing an efficient monitoring system to ensure the effective implementation of this Policy in respect of the recruitment and management of its staff.

You should include a reference to its commitment to the principle of equal opportunity in job advertisements in the public domain.

Ensure you are committed to the investigation of complaints alleging racial, sexual or other discrimination and to the initiation of action where necessary under its normal disciplinary procedures.

4. Responsibilities of Non - Company Employees

Sub-Contractors and their employees, students, clients and other visitors to the Company are also required to act in accordance with this Policy and will remain on site only for so long as they comply with its' terms.

Those who offend against this Policy should be dealt with sensitively but firmly as appropriate in the circumstances. There is a responsibility on all employees to report apparent breaches to their Manager.

5. Recruitment, Advertising and Selection

Pursue your equal opportunities policy by establishing selection and interviewing procedures, which ensure that the policy is observed. Ensure that potential employees are eligible to work in the UK and ensure that selection will be against job description and a persons' experience and/or qualifications. Applicants meeting these criteria will receive an interview and final selection will be based only on who best meet the criteria of the job.

The selection process should be carried out consistently for all jobs at all levels. All applications should be processed in the same way. The staff responsible for short-listing, interviewing and selecting candidates should be clearly informed of the selection criteria and of the need for their consistent application. Person specifications and job descriptions should be limited to those requirements that are necessary for the effective performance of the job. Wherever possible, all applicants should be interviewed by at least two interviewers and all questions asked of the applicants will relate to the requirements of the job. The selection of new staff will be based on the job requirements and the individual's suitability and ability to do, or to train for, the job in question. A record should be kept of all interviews with the finding, recommendations and observations noted.

6. Continuous Development

This policy is not a static document and that it will require on-going review. Changes to the document may be required for a number of reasons including new legislation or through lessons learned as the policy becomes operational.

This policy should also not be used in isolation from other guidelines and practices. Equal opportunities underpin the whole function of the Company in the way we operate and deliver our services.

The responsibility for updating and monitoring the success of the Policy will lie with the Managing Director and Board of Directors.



Let us know how you comply by commenting on our [Facebook page](#) or send us an email at info@wilkinsafety.co.uk

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Now to the latest HSE cases:

Housing firm in court over Blackpool balcony collapse

A resident at a block of flats in Blackpool narrowly avoided being seriously injured or killed when the second floor walkway he was standing on collapsed, a court has heard.



Resident Andrew Bleasedale had returned from the shops to his home at Newby Place in Mereside on 29 May 2012 when he felt the balcony move beneath his feet as he turned the key in his front door. He dived into his flat and looked back to see that the walkway had gone.

Blackpool Coastal Housing Ltd was today (1 August) prosecuted by the Health and Safety Executive (HSE) after an investigation found that the company had known the walkways were dangerous for several years, but had failed to act to make them safe.

The collapsed balcony at Newby Place, Mereside, Blackpool.

Preston Crown Court heard that Blackpool Coastal Housing had taken over responsibility for the flats from Blackpool Borough Council in January 2007. The council had previously arranged for a structural engineer to carry out a survey of the walkways after a worker noticed some of the fixings for the handrails had pulled away from the wall.

Further tests were arranged, which identified structural problems with the balconies at Newby Place and two neighbouring blocks of flats, and alerted the council to the need for major repairs.

However, Blackpool Coastal Housing failed to carry out any repairs – despite many of the senior staff who knew about the structural issues transferring to the new organisation, along with relevant files, when it was set up in 2007.

The court was told that the company eventually appointed a structural engineering consultant to design a temporary propping solution for the balconies in September 2008. However, his recommendations were also not implemented.

Instead, in March 2009, temporary scaffolding was erected under some of the balconies on the opposite side to Mr Bleasedale’s flat, although it is unlikely this would have been capable of supporting them if they fell.

Blackpool Coastal Housing eventually started work to replace these balconies in May 2012. During the project, the site manager reported his concerns that all the balconies at Newby Place may be unsafe, but again Blackpool Coastal Housing failed to take any action.

The court also heard that the company misled HSE about its knowledge of the structural flaws that led to the collapse during the investigation into the incident, until documents were recovered from as far back as February 2006.

Blackpool Coastal Housing Ltd, of Abingdon Street in Blackpool, was fined £50,000 and ordered to pay £27,821.25 in prosecution costs after pleading guilty to a breach of the Health and Safety at Work etc Act 1974.

Afterwards Mr Bleasedale said:

“I made complaints about the condition of the balcony several times before the collapse as it was leaning to the extent that I felt the need to walk near to the wall because of the slope.

“When the balcony fell away from under my feet, a gas pipe also ruptured and I could see gas escaping. I waited in my flat and was later rescued by the emergency services.

“After the collapse, I was put into a guesthouse for several months and stayed in a total of five different rooms, which totally unsettled me. The whole affair completely ruined my summer and my daughter’s 21st birthday.

“Newby Place was a good community. People were friendly with each other and often my neighbours would sit outside their front doors chatting, so it’s a miracle no one was hurt.”

HSE Inspector Michael Mullen said:

“The emergency services had to rescue several people from their properties as a result of the collapse, but it’s incredible no one was hurt. We could easily have been dealing with multiple deaths.

“It’s breath-taking that Blackpool Coastal Housing was prepared to take a prolonged gamble with the safety of its tenants at three blocks of flats. The company fell significantly below minimum legal standards for safety, and made a series of bad decisions in its response to the concerns about the balconies over several years.

“It is almost as if the company felt it could wipe the slate clean when it took over responsibility for managing the flats from the council in 2007, and pretend none of the problems with the properties existed.

“This was a potentially life-threatening incident which could and should have been prevented.”

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Poole contractor in court after falling steel injures workers



Two workers were left with broken bones but escaped with their lives after being struck by a length of steel that fell from nine floors above them, a court has heard.

Ryan Smith, 31, damaged a vertebrae and was forced to wear a brace for several months as a result of the incident at a renovation project in Bournemouth on 16 July 2013. Co-worker Paul Martret, 42, suffered a fractured elbow as a result of the blow.

East Dorset Magistrates’ Court was told today (6 August) that both could have been killed by the falling object, which was knocked into a stairwell during work from a temporary platform.

Harbourview Developments Ltd appeared in court as the principal contractor for the refurbishment and conversion of two properties on Christchurch Road.

The work involved removing a stairwell and converting it into a lift shaft. A temporary platform was created using a series of scaffold planks resting on a scaffold tube structure, which was then put in place over the opening to the stairwell.

An investigation by the Health and Safety Executive (HSE) established that work had started to fit a series of vertical and horizontal steel sections around the stairwell to facilitate the construction of additional floors and walls. The

installation of the steel sections involved chipping concrete around the edges underneath the temporary platform, which created a series of gaps up to 16cm wide along the edges.

On 16 July 2013, a subcontractor placed a 1.4 metre, 5kg piece of steel on a structural beam running parallel to the temporary work platform in order to step over it. However, he knocked the steel as he raised his leg, sending it plunging into a gap in the stairwell and towards the workers nine floors below.

They were unable to move away in time and it struck them on their back and elbow respectively.

Magistrates heard the incident could have been avoided had Harbourview Developments Ltd better managed the temporary works to ensure there was no risk from falling materials.

The company, of ArenaBusinessPark, Poole, which is now in liquidation was fined a token amount of £1 after pleading guilty to breaching Regulation 8(b) of the Work at Height Regulations 2005.

Speaking after sentencing HSE inspector Ian Whittles, said:

“Mr Smith and Mr Martret sustained painful injuries, but could both have been killed by the falling metal, which struck them from height, at speed and without warning.

“Harbourview Developments failed to ensure that the refurbishment activity was carried out without presenting a danger. The incident was clearly preventable by using a combination of boarding and debris netting to create a safer working platform where materials or objects couldn’t fall through.

“Working at height remains one of the biggest causes of fatalities and major injuries. It is a high risk activity that requires careful planning and execution at all times.”

Information working at height is available on our website [The Wilkins Safety Group](#) or by phone on 01458 253682 or email info@wilkinssafety.co.uk

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If you have any queries on any health and safety matter, please contact Jon Wilkins on [01458 253682](tel:01458253682) or by email on jon@wilkinssafety.co.uk



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