



Members present: David Adams, Adeshina, Mahz Azmn, Tyron Bancroft, Adam Barrett, Nick Bathurst, Claire Batten, Bob Beauchanp, Paul Beaumont, Colin Behan, Martin Botha, G Briggs, Jane Brown, Vince Butler, Tanya Chalkley, John Chandler, Nataliya Christensen, Vince Clark, Mark Cummins, Christine Davis, Alan Curtiss, Delwyne Cutilan, Graham Dandridge, Debbiem, Donald Deacy, Ciaran Delaney, Howard de Silva, Robert Devine, Sarah Dickson, Greg Doran, Caroline Drake, Alireza Eshraghi, Gareth Evans, Sue Everall, Andrew Flisher, James Ford, Kate Forster, Sarah Fraser, Paul Friend, Joe Fulbrook, Andrew Furness, Ravindra Ganesh, Jason Gawronski, Laura Graure, Tracy Hammond, David Heath, John Hankey, Nadine Hodgson, Tony Horsfall, Shirley Hoskins, Rasib Hussein, Kevin Isles, Colin Johnson, Caroline Kannwischer, Patrick Kavanagh, Grainne Kelly, Myra Kelly, Neal Kennedy, Helena Knight, Zuzanna LaLanne, Bridget Leathley, Mark Loader, Valerie Loughry, Suzi Lynch, Sarah Lyons, Julian Marks, Dean Middlemore, Debbie Mitchell, Gareth Mullen, Nathalie Muller, John Nelson, Kelly Nichols, Ginika Okoye, Derek Page, Shirley Parsons, Tyrone Partridge, Jon Payne, Mark Polley, Andrew Price, Bernadette Prosser, Jim Prowse, Steve Pulling, Gavin Reese, Sian Roberts, Steve Rogers, Christina Rose, Katie Ruff, Iain Sharp, Azeez Soaga, Timothy Starr, John Steed, Deborah Steer, Daniel Stephenson, Mandy Sturdy, Reg Swartz, Diane Thomason, Leeroy Thompson, Jen Toner, Gordon Tranter, Steve Turner, Chris Williamson, Tom Wilson, Alan Vowler, Sally Wearing, Lee Whales, Nigel Wilkinson, Angela Woods.

Apologies : Grahame Jamieson, Chris Stops

Branch presentation

Nick McMahon Head of Health & Safety at RPC solicitors gave a legal update, focussing on the Covid 19 situation. His slides are on the Thames Valley branch website
<https://iosh.com/media/8101/iosh-legal-update-15-june-2020.pdf>

Members Questions to Nick

1) A member asked what will be the approach of HSE to deaths at work from coronavirus in the healthcare and NHS sectors, in relation to RIDDOR.

Nick explained that this is a difficult situation but the HSE could investigate for 3 reasons :

A release of an infectious agents a dangerous occurrence

The exposure of a person to an infectious agent

The death of a person due to exposure to a biological agent.

The decision to investigate and take enforcement action would be based on the knowledge of the hazard at the time of death – they would presumably take ‘proportionate’ account of the perceived risk and the control measures the employer took (which were reasonably practical) for the situation (bearing in mind the higher risk in healthcare than in an office environment).

2) A member asked what duties employers have to home workers in the current situation.

Nick explained that the situation is likely to last for some considerable time and most homeworkers will be using computers so the DSE regulations apply. The workstation should be assessed in the usual way.

Employers may need to provide equipment as a result, such as an ergonomic chair as well as other aspects (fire safety, electrical safety, lone working).

3) A member asked about the potential liability of employers who had unknowingly bought substandard PPE from the internet. Some employers were desperate to buy equipment at the start.

Nick explained that as a result of the risk assessment PPE should be only considered if other controls are not sufficient.

4) A member asked for advice regarding an employer who has instigated Infra Red thermal monitoring of employees for high temperature as an indicator of the virus.

Nick explained such monitoring was questionable because :

It may indicate a person is infected or maybe just has a high temperature for other reasons.

It may not indicate infection if the person is asymptomatic.

There may be HR issues – is this discriminatory or a data protection issue, is the permission of the worker needed?

5) A member asked if the government is taking a dangerous approach by over-riding the scientific data in favour of the economy, in particular reducing the 2 metre rule while the number of infections is only reducing slowly.

Nick explained this is not a legal question he could answer but he said there were a lot of aspects to consider, not least the mental health of the population caused by self isolating and distancing.

6) A member asked if first aiders can refuse to treat a person who may be infectious as the distancing protocol can't work.

Nick said that this should be based on a risk assessment – revised first aider risk assessment as social distancing may be impossible to treat the casualty. Additional RPE could be needed in addition to the usual disposable gloves.

Reply to: David Heath, Branch Secretary

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