



OFFICE OF RAIL REGULATION

# ORR occupational health programme update

July 2012

## Introduction

This quarterly brief aims to bring you up-to-date on progress with some of the work under the ORR [Occupational Health programme 2010-14](#), to help inform discussions on health at routine liaison meetings with ORR inspectors. We have identified key messages for rail duty holders and would welcome [feedback](#).

### This issue focuses on:

- **Developing front line manager competence on occupational health - new ORR good practice guidance**
- **Recent changes to the law on management of asbestos, and ORR inspection**
- **Sharing good practice in occupational health management – more case studies show the business benefits of a proactive approach**

## 1. ORR guidance on developing rail manager competence on occupational health

One of the aims of ORR's [Health Programme 2010-14](#) is to encourage excellence in health risk management by helping the industry to improve its managers' competence on health. Many rail managers and supervisors are on the front line in identifying and managing risk to workers' health, and they need the right level of skills and knowledge to do this. As well as helping to comply with health and safety law, ensuring that front line managers have the right occupational health training can deliver real business benefits by increasing productivity, reducing sickness absence and costly insurance claims, and can help rail companies to get the most from specialist occupational health services.

[New ORR guidance](#) seeks to help the rail industry to bridge the gaps in rail manager competence on occupational health by providing clear practical advice on what good practice looks like and how to achieve it. We provide good practice guidance on what rail managers need to know on occupational health, and advice on how to achieve this. We suggest a number of free training resources for smaller rail companies, as well as training support for larger rail businesses. As part of this work we have looked to source a syllabus for occupational health training for rail managers.

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We have worked with the National Examining Board for Occupational Safety and Health (NEBOSH) to tailor [a health risk management training syllabus](#) aimed at rail front line managers, which could be developed into a training qualification with sufficient support from the industry. Other occupational health training organisations have indicated that they may also be willing to develop or tailor health risk management courses to meet specific rail industry needs, if there is interest in and commitment from the industry to doing so.

### Key messages:

- **Have you carried out a training needs analysis for those managers with responsibility for managing risks to workers' health? Have relevant front line managers received adequate occupational health training, and have their capabilities in managing health risks been considered in allocating them work, in compliance with Regulation 13 of The Management of Health and Safety Regulations 1999?**
- **Do your front line managers and supervisors know what you expect from them in terms of managing work related ill health? Do they recognise and understand the specific health hazards arising from your operations; the relevant legal requirements; and how you expect risks (for example from exposure to vibration, noise, hazardous substances, musculoskeletal disorders, stress) to be controlled?**
- **Do your front line managers understand how the results of exposure monitoring, health surveillance, as well as ill health absence data, can and should be used to assess the adequacy of existing controls and make improvements?**
- **Is management of occupational health risks built into your wider competence management system? How do you assess and review manager competence to ensure that occupational health training is being applied effectively and consistently to protect workers' health, and reduce associated costs to your business?**

## 2. Control of asbestos – new Regulations in force and ORR inspection

Asbestos is the single greatest cause of work-related deaths in the UK, accounting for over 4,000 deaths a year.

A clear understanding of asbestos risk management principles and practice is essential across the rail industry, where asbestos can be found not only in buildings such as stations, offices, depots and signal boxes, but also lineside in location cabinets, cable trays, points machines, pipes and troughing (which can become damaged by passage of trains) for example. Older rolling stock may include asbestos insulation and fire retardant materials that can be disturbed during refurbishment and maintenance. Work which involves disturbing contaminated ground can also present a potential risk of asbestos exposure. Asbestos management is one of the key occupational health risk topics identified in our new [guidance on what rail managers need to know](#), and is included in the [draft NEBOSH health management syllabus](#) for front line managers.

The Control of Asbestos Regulations (CAR) 2012 came into force on 6 April 2012, replacing the previous Control of Asbestos Regulations 2006. The key requirements on managing licensed and non-licensed work, including the duty to manage asbestos in buildings (identification of asbestos; risk assessment; plans of work; training; monitoring) remain unchanged.

The main changes relate to a new category of non-licensed work known as Notifiable Non-Licensed Work (NNLW). CAR 2012 introduces additional requirements for notification to the

enforcing authority; record keeping; and medical surveillance for this new category of NNLW. It is the responsibility of the person in charge of the job to decide whether the non-licensed work is NNLW. This will depend largely on the type and condition of asbestos containing material, and nature of the work involved. [Extensive guidance](#) on how to go about this, including examples of NNLW and non-licensed (non notifiable) jobs, can be found on HSE's website.

NNLW should be notified to the enforcing authority and written records kept of, for example, the list of workers on the job, and the likely level of exposure. Notification of NNLW is made via a [single electronic form](#) on HSE's web site, regardless of who the enforcing authority is (for most rail industry work it will be ORR but there is further guidance on the form). Arrangements for notifying licensed asbestos work remain unchanged.

By April 2015, all workers/self-employed doing NNLW must be under health surveillance by a doctor, with medicals repeated every three years, and health records kept. If workers are already under health surveillance for licensed work, they do not need another medical for NNLW. Importantly, medicals for NNLW are NOT ACCEPTABLE for those doing licensed work. Further information can be found on [ORR's health pages – asbestos](#) and on [HSE's website](#).

ORR has found examples of poor compliance in managing risks from asbestos in the rail industry and has taken [formal enforcement action](#). A Prohibition Notice was served in 2010 on a construction contractor for failure to prevent exposure to asbestos while excavating contaminated ground. Two Improvement Notices were served on a heritage operator in 2012 for failure to properly assess risks from stripping asbestos, and also for failure to provide adequate information, instruction, and training to those involved.

Our planned inspection work on health in 2012-13 includes managing risk from asbestos, with the focus on the arrangements for practical control of exposure. As well as assessing awareness of the new requirements for NNLW under CAR 2012, we will be looking at the duty to manage in non-domestic premises, including co-operation between duty holders; identification of asbestos; accuracy and use of asbestos registers; asbestos management plans including removal, treatment, and condition monitoring; and information, instruction and training. Revised HSE guidance INDG223 [Managing asbestos in buildings – A brief guide](#) includes the changes under CAR 2012 and is aimed at those who own, manage or have responsibility for non-domestic buildings which may contain asbestos, and may be helpful to many rail companies.

### Key messages:

- **Are arrangements in place to identify which types of non-licensed work with asbestos may trigger the requirements for notification and record keeping under CAR 2012? How have the new requirements on NNLW been briefed out to the relevant staff, particularly estates, construction and maintenance managers and supervisors?**
- **Are your HR department and/or occupational health provider aware of the potential need for additional health surveillance for NNLW workers from 2015 onwards?**
- **Do you have robust arrangements for managing the risks of exposure to asbestos from maintenance or repair of non-domestic buildings (which includes most parts of the railway infrastructure, including trains and carriages)? Does your 'asbestos register' accurately record the type, location and condition of any asbestos containing materials? Is it up-to-date, and both accessible and comprehensible to all those who may need it? Do you have suitable plans to manage the risk, including**

ensuring intact material is not disturbed, and removal or repair of material in poor condition?

- Are adequate arrangements in place to train your staff in the risks and control measures required, and to share information with others working on your premises/infrastructure?

### 3. Sharing good practice in managing risks to health – new case studies

ORR is keen to share with the rail industry examples of good practice in managing health, particularly where there are clear business benefits. Several new rail industry case studies have been added recently to our [Managing worker health – examples of good practice web page](#), with several more in the pipeline. These are written by the rail industry for the rail industry, and include contributions from across the sector including train operators, infrastructure managers, and contractors. They cover a wide range of potential health hazards, including musculoskeletal disorders (three examples); stress; radon; silica; hand arm vibration; as well as health surveillance, and wider employee health and wellbeing programmes (two examples).

There is also scope for the rail industry to learn from other sectors. The Olympic Delivery Authority has recently published [research](#) on the impact of on-site occupational health provision in achieving excellence in health and safety management. The report demonstrates convincingly the business benefits of on-site occupational health provision, but also the benefits of directly involving occupational hygienists on site in identifying preventive measures. A simple return on investment calculation for provision of on-site services indicated that for every £1 invested a return of £3.46 in reduced wages and £5.96 in reduced production costs.

ORR is planning a rail industry event on 7 November this year to showcase good practice in health risk management. Details and invitations will follow later in the year.

#### Key messages:

- Rail company managers are encouraged to review the good practice case studies on [ORR's web site](#) and see if there are any useful lessons that could be applied within your business.
- Are there any examples of good practice within your business that you could share with the wider industry, as a written case study and/or at the ORR good practice event in November?
- Please email [ian.gooday@orr.gsi.gov.uk](mailto:ian.gooday@orr.gsi.gov.uk) for case studies to go on ORR's web site.

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