



OFFICE OF RAIL REGULATION

# ORR occupational health programme update

January 2014 (revised edition)

## Introduction

This quarterly brief updates you on progress with some of the work under ORR's [Occupational Health programme 2010-14](#), to inform discussions on health with ORR inspectors. We have identified key messages for rail duty holders and would welcome [feedback](#).

### This issue focuses on:

- Involving safety representatives in health risk management, including on work related stress;
- New practical tools for rail industry line managers on health risk assessment;
- Costs of work related ill health for business - ORR seeks rail industry input;
- New legislation and guidance on health – legionella, COSHH and **NEW important changes on asbestos.**

## 1. A key role for safety representatives in tackling health risks

On 6 November 2013 ORR hosted its third annual trade union safety representatives' conference in conjunction with RMT, ASLEF, TSSA, and UNITE. The conference, attended by around 120 delegates, focused on worker health and wellbeing. The presentations and workshop sessions (now on [our web site](#)) prompted lively discussion on a range of topical health issues, including [RSSB's Workforce Health and Wellbeing project](#), the [role of occupational health providers](#), as well as managing risks from [fatigue](#), [stress](#), [asbestos](#), [silica in ballast dust](#), and [suicide](#). A key theme which emerged throughout the day was the importance of safety representatives being involved in, and working with company managers, to assess risks to health and to agree practical solutions.

Two of the workshop sessions explored how to carry out an organisational stress risk assessment using the [HSE Management Standards approach](#), looking at how safety representatives could best contribute to the process. We asked safety representatives for ideas on how to identify any potential work related stress hot spots using information from the workforce, and also what practical changes to the way the work is done might feature in a stress reduction action plan. A range of suggestions are reflected in the [stress workshop presentation](#) now on our web site.

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### Key messages:

- **Employers have a legal duty to consult safety representatives appointed by a recognised trade union (under the Safety Representatives and Safety Committees Regulations 1977), as well as those employees who are not represented by a trade union (under the Health and Safety (Consultation with Employees) Regulations 1996), on matters relevant to their health and safety.**
- **Encourage your managers to work closely with safety representatives on health risk management, to ensure that risk assessments reflect the day-to-day reality; that any changes are practical and workable; and to build trust with and commitment from the workforce.**
- **Joint working and consultation with the workforce is particularly important in tackling work related stress. Are safety representatives involved in tackling work related stress at an organisational level, in addition to their role with individual cases? Are they involved in helping to identify higher risk job roles, tasks or locations for work related stress, and also in devising practical solutions? Do you include safety representatives in project or focus groups dealing with work related stress? ORR has published a [stress strategy and guidance](#) to provide a useful starting point for discussion.**
- **Safety representatives are encouraged to ask for key health risk topics in their workplace to be routinely discussed at JSC or health and safety committee meetings, and to be actively involved in the health risk assessment process.**

## 2. Practical help for rail industry line managers in assessing health risks

During our inspection work on health, ORR has found widespread poor understanding of health risk assessment among managers and supervisors, most recently on risks from ballast dust, welding fume, and hand arm vibration (HAV). Line managers play a key role in health risk assessment, and may need support to further develop their skills and confidence in applying risk assessment principles to health.

As part of its Workforce Health and Wellbeing Project, RSSB has developed a comprehensive package of resources to support better use of health risk assessment by rail industry line managers. Straightforward guidance for line managers uses clear visual models, showing how assessing the task, individual fitness for work, and protecting employee wellbeing, all contribute to a meaningful health risk assessment. Managers are guided through five easy steps in carrying out a health risk assessment, and case studies on a range of health risk topics, including cab ergonomics, work related stress, noise, dust, and welding illustrate how this has been applied in practice. RSSB's new health risk assessment guidance will form part of a much wider suite of resources for the rail industry on managing workforce health and wellbeing.

The mainline [Track Safety Alliance](#) has also produced a [DVD 'The Ballast dust story'](#), to provide practical guidance on managing risks from exposure to silica in ballast dust; it is aimed at front line staff including managers, supervisors and workers involved in track renewals and enhancements

### Key messages:

- **Look out for the forthcoming launch on [RSSB's refreshed web site](#) of their new Health and Wellbeing Assessment Resources, and think about how you can use them to improve the competence and confidence of your line managers in assessing health risks.**

- Consider reviewing a sample of your health risk assessments against the RSSB five steps approach. What are the health issues/hazards? Who does this apply to? How serious is it? What needs to be done? Are the controls working?
- Do your line managers need any additional support and training to properly understand, implement and review health risk assessments? Are you meeting ORR's [good practice guidance on rail manager competence](#)? Do your managers have access to competent health assistance as required by Regulation 7 of the Management of Health and Safety at Work Regulations 1999?
- Companies involved in track renewals and enhancements are encouraged to make full use of the new [Track Safety Alliance Ballast Dust Story DVD \[NEW live link\]](#), and the [Ballast Dust Working Group resources](#), including tool box talks, to raise awareness of the safe working practices needed when working with ballast dust.

### 3. Do you know what work related ill health is costing your business?

An updated [HSE cost model](#) estimates that new cases of work related ill health cost GB society around £8.4 billion in 2010-11, far exceeding the £5.4 billion cost of workplace injuries. HSE is currently working on separate estimates on the costs of occupational cancer; which are expected to add considerably to the total ill health cost burden. As well as estimating total costs to society, the HSE cost model also looks at unit costs for each new case of workplace ill health. Total costs to society for an 'average' case of work related ill health were calculated at £16,700. Costs to employers were estimated to be £4,000 for each ill health case, exceeding the £3,700 estimate for each RIDDOR reportable injury.

ORR is keen to see better understanding among rail companies of the full costs of work related ill health and absence, and use of this information to better target and support health risk management. You can find more information on the financial case for better occupational health management on our [web site](#). In April 2014 ORR will be asking rail companies for updated information on incidence, cost (employers' liability insurance claims), and public reporting on work related ill health, as a follow up to the baseline survey we carried out in 2010. Further details on [this survey](#) are on our [web site](#). This repeat quantitative survey will help to inform our assessment of progress made on health by the industry over the last four years; we will publish our revised assessment in the first quarter of 2015. We will also be commissioning independent qualitative research, seeking feedback from rail companies on the impact of ORR's 2010-14 health programme. This will help to inform priorities in our forthcoming health programme for 2014-19.

#### Key messages:

- We ask all rail companies to make a full contribution to both the repeat of our [baseline indicator survey](#) (direct from ORR May-June 2014), and also to the independent survey on the impact of ORR's 2010-14 health programme (via independent consultant January-March 2014).
- Senior rail industry managers are encouraged to review the revised [HSE cost model Costs to Britain of Workplace Injuries and Illness](#), and consider the implications for your business. If you do not have reliable cost estimates for work related ill health, apply the HSE unit cost estimates for workplace ill health to your ill health incidence data to obtain an indication of costs to your business.

## 4. New legislation and guidance on health – asbestos, legionella & COSHH

**NEW - Asbestos in older railway vehicles** – ORR now has the power to grant exemptions for the continued supply of second hand railway vehicles containing asbestos under the recently amended REACH Enforcement Regulations. We have taken the proactive step of authorising a generic exemption allowing the controlled supply of older (pre-2005) railway vehicles and components which contain asbestos, only where strict conditions are met. These conditions require proper assessment and adequate control of risks to health; removal of asbestos, or substitution with non-asbestos parts, where reasonable; and accurate records of any asbestos in the vehicle or component before supply. Anyone involved in the supply chain for second hand rolling stock containing asbestos (including heritage operators) should consult the [updated guidance](#) on our web site for more details. ORR intends to use this legislative change to improve further the standard of management of asbestos in rail vehicles.

**Managing asbestos in railway premises** – HSE has published [revised guidance L143](#) Managing and Working with Asbestos. It is relevant across the rail industry, as it applies to any work liable to disturb asbestos, as well as the specific duty to manage asbestos in railway premises. It also sets out new legal requirements for certain types of non-licensable work with asbestos on notification; designating asbestos areas; and on medical surveillance and record keeping. HSE has also published [general enforcement guidance](#) on the Control of Asbestos Regulations 2012; this informs ORR's enforcement decisions.

**Legionnaires' disease** – HSE has recently revised its [L8 Approved Code of Practice](#) on control of legionella bacteria in water systems. The [technical guidance](#) is now contained in HSG 274. Part 1 covers evaporative cooling systems; part 2 hot and cold water systems; and part 3 other risk systems including vehicle washes and emergency showers.

**COSHH** – the [revised COSHH Approved Code of Practice](#) provides clearer guidance on what you need to do to comply, including on risk assessment and control (with clearer advice on control of carcinogens and substances causing occupational asthma), monitoring of controls measures, and on health surveillance.

### Key messages:

- **NEW** - Anyone supplying (selling, renting, loaning or leasing) railway vehicles containing asbestos must only do so under the conditions of a current [asbestos exemption certificate](#). Users of second hand rolling stock should ensure that the supplier has provided the required information on the location, type, and condition of any asbestos, and ensure that any risks arising from vehicle maintenance are properly managed in compliance with the Control of Asbestos Regulations 2012.
- Check that current arrangements for managing asbestos in railway premises (includes buildings, lineside structures, and railway vehicles) fully meet the [revised HSE guidance L143](#). Consider whether any of your work, for example building maintenance or refurbishment, will be classed as notifiable non-licensed work under the Control of Asbestos Regulations 2012. HSE's web site has [further help on this](#).
- The British Lung Foundation [‘Take 5 and stay alive’ asbestos awareness campaign](#) provides simple advice for tradesmen, which is also relevant to rail maintenance and construction workers who may encounter asbestos in buildings, vehicles, and lineside.

- As part of regular review of risk assessments, rail companies are advised to assess their current arrangements for managing risk from legionella contamination of vulnerable water systems against the revised HSE [technical guidance](#). HSE and the Legionella Control Association are running a series of [events for duty holders](#) on legionella prevention and control between February and April 2014.

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