GROVE SERVICES (UK) LIMITED

NEWS BRIEF

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HARASSMENT CLAIMS: MANAGING THE RISK

Though not strictly health and safety—this first subject is about risk management.

Most employers are aware of their exposure to claims for injury arising from the negligence of their employees.

Many are not aware of the extent of the risk of claims for harassment. This could arise by the actions of an employee while their managers are blissfully ignorant.

A car dealership in Kent was some what poorer to the value 0f £270,000 following a successful sexual harassment claim against one of its managers. Such claims may arise from discrimination legislation: sex, race, age, disability, religion etc.

A new development is the use of the "anti-stalking" legislation, the Protection from Harassment Act. A major commercial bank found this out to its cost to the tune of £800,000 recently.

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So how do you as an employer manage the risk?

First you need to ensure you have equal opportunities and harassment policies in place and up to date. It is not enough simply to ensure that the policy is in place: all employees need to be aware of it. As part of the induction process staff should be given a copy and asked to sign to say they have read it.

Where possible training should be given to employees so that they are aware of their responsibilities. Managers should be trained in how to handle their complaints.

There is a defence in the case of discriminatory harassment that the employer took all steps possible to prevent the harassment but this is a non-starter if managers do not react to a problem early.

Because of the complexity of the law in this area you need to ensure that you have competent advice from properly qualified employment law specialists.

Early advice is crucial to preventing expensive claims and reducing the wasted management time in dealing with claims at a later stage.

It is also possible to combine advice with insurance back up to cover employment law claims. This will pick up the legal costs and an award if any.

Thomas Mansfield LLP is a firm specialising in the area of employment law. They offer:-

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Article kindly provided by:-

Jonathan Mansfield, Partner -ThomasMansfield LLP the Employment Law Solicitors.

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Hazardous waste?

Foam used in buildings such as “blown-foam panels” may include blowing agents that contain ozone depleting potential (ODP). These pose a threat to the atmosphere due to their obvious risk.

The material has been in use since the early 1980’s, it is a conservative estimate that there is in excess of 80 million square meters of the product in the workplace.

In 2004 the material containing ODP was banned. However, we are not aware of any test that can confirm that the substance was manufactured after 2004—a point of reference may be the existing health and safety file.

The problem is likely to increase over the coming years—when a location requires updating and refreshing.

These are similar to the substances found in fridges—CFC etc, and therefore must be handled and treated in a similar manner.

The problems arise in striping and demolition starts when the material is cut, broken or crushed. This releases the agent to atmosphere.

There is a EU regulation which states that the panels must be recycled. It is a similar way to the refrigerators. To date cutting and burning to recover the concrete and steel has been a method—this must now cease to occur.

Therefore the process and route of disposal has to be considered, how it may be transported, to where it is to be transported and what is the recovery method at the location it is received.

The information may be required to be in place for compliance with the “Construction (Design and Management) Regulations 2007” and the “Site Waste Management Plans” - view volume one issue 40.

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