

COMMITTEE: ADMINISTRATION

DATE: 12TH JULY 2007.

**SUBJECT: REDEPLOYMENT PROCEDURES
ISSUES ARISING FROM HAND ARM VIBRATION
HEALTH SURVEILLANCE**

REPORT BY: HEAD OF HUMAN RESOURCES

CONTACT OFFICER: SUZANNE EBDON

IMPLICATIONS:

LEGAL	✓	COMMUNITY SAFETY
EQUALITIES		ENVIRONMENT
FINANCIAL		CONSULTATIONS
STAFFING		OTHER

WARDS AFFECTED: NONE

PURPOSE

1. To seek Administration Committee's approval to a variation to the Council's redeployment procedures arising out of compliance with the Council's duty relating to Hand, Arm Vibration (HAV) Health Surveillance under Regulation 7 of Control of Vibration at Work Regulations 2005.

RECOMMENDATION(S)

2. **Administration Committee is recommended to approve that employees recommended for redeployment by the Council's doctor following assessment under the Control of Vibration at Work Regulations 2005 be accorded the same priority status as employees classed as having a disability.**

BACKGROUND

3. Hand-arm vibration is vibration transmitted from work processes into workers' hands and arms. Operating hand held power tools, such as powered lawnmowers, could cause it. Regular and frequent exposure to hand-arm vibration can lead to permanent health effects and can cause a range of conditions known collectively as hand-arm vibration syndrome, as well as specific diseases such as carpal tunnel syndrome. The effects on people include:
 - Pain, distress and sleep disturbance
 - Inability to do fine work
 - Reduced ability to work in cold or damp conditions
 - Reduced grip strength, which might affect the ability to work safely.
4. The Council is under a duty under the Control of Vibration at Work Regulations to:
 - Assess the vibration risk to employees
 - Implement control measures to eliminate or reduce exposure to as low a level as is reasonably practicable
 - Provide information and training to employees on health risks and action taken to control those risks
 - Consult with safety/employee representatives
 - Keep a record of the risk assessment and control actions, and review and update regularly
 - Provide suitable health surveillance where the risk assessment indicates a risk to workers health and keep appropriate records
5. Compliance with this duty and matters relating to it are not the responsibility of Administration Committee as they are Health and Safety at Work functions of the Council in its capacity as employer. Such matters are by law the responsibility of the Executive, although the duty relating to Hand Arm Vibration can be complied with under powers delegated to officers by the Executive. There is, however, an issue arising from compliance with this duty that is the responsibility of this Committee and this is set out in this report.

REPORT

6. If an employee, following assessment, presents with adverse symptoms then, after referral to the Council's doctor, redeployment may be recommended if the employee cannot continue to be exposed to the vibration even with adjustments and more frequent health surveillance.

7. In such circumstances, Administration Committee is asked to agree that any employee placed on the redeployment list as a result of this process be afforded the same priority status as employees classified as having a disability.
8. This is requested to try and prevent any dismissals on the grounds of some other substantial reason occurring as a result of the Council's inability to redeploy any affected employee.

The recognised trade unions have agreed to the redeployment policy priority.

LEGAL IMPLICATIONS

9. The legal implications are as set out in the body of the report and this has been agreed with Richard Stevens in Legal Services on 26 June 2007.

PROPOSAL/OPTION

10. Administration Committee is asked to grant affected employees priority status in terms of redeployment as outlined above

LIST OF BACKGROUND PAPERS

LOCAL GOVERNMENT ACT 1972, SECTION 100D

12. There are no background papers relating to this report