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COMPANY POLICY & PROCEDURAL MANUAL FOR HEALTH, SAFETY & WELFARE

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GENERAL STATEMENT OF THE COMPANY'S HEALTH AND SAFETY POLICY UNDER THE HEALTH AND SAFETY AT WORK ETC. ACT 1974

It is the policy of **HURSTWAY CONSTRUCTION CO LTD** to effect the provisions of the Health & Safety at Work etc. Act 1974, Management of Health & Safety Regulations 1999, CDM Regulations 1994 and other relevant legislation and Codes of Practice etc. These measures are aimed at providing safe and healthy working conditions for our employees and to ensure that work carried out by the Company does not adversely affect the Health & Safety of anyone else, e.g. other contractors or members of the public.

We will consult with and inform all of our employees on Health & Safety matters, provide all relevant information to improve safety standards and provide necessary training or 'update' training in respect of risks to their Health & Safety, which may arise out of their work or at their workplace. It is our policy to determine the hazards to Health & Safety in carrying out the work of this Company and to develop risk assessments, in order to take the necessary precautions and therefore ensure a safe and healthy working environment.

This policy will be reviewed annually, or whenever necessary to comply with changes in legislation or Company Policy. We will consult with individual employees before giving them particular Health & Safety responsibilities and in order for this safety policy to be implemented we require the full support of all persons within the Company.

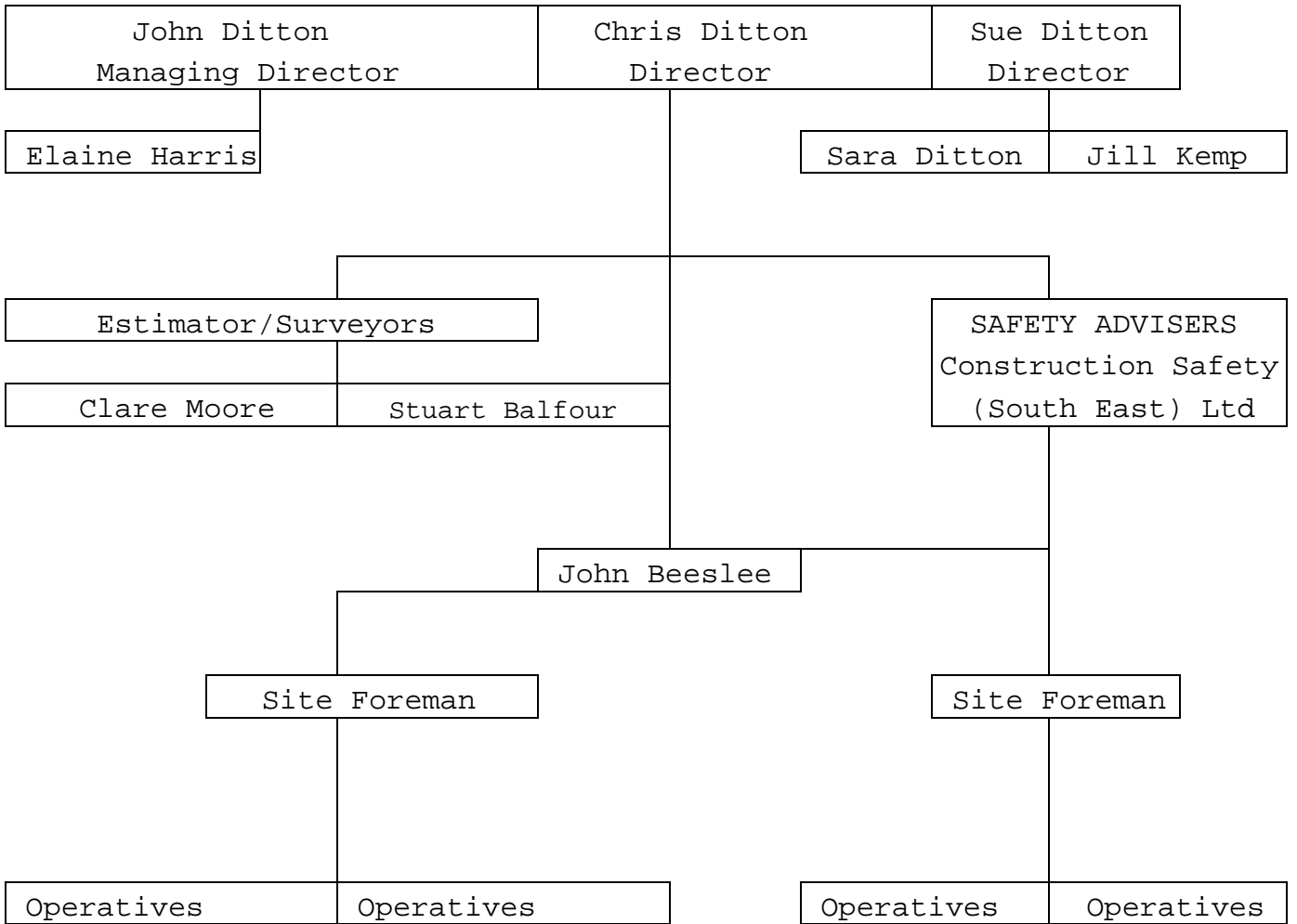
We acknowledge the legal duty to conform to the regulations and that serious penalties exist. Neglect of Health & Safety matters will be considered a serious disciplinary matter.

Christopher Ditton

Director responsible for Health & Safety

4th November 2005

HISTOGRAM



STAFF RESPONSIBILITIES

Directors

The Directors shall take responsibility for safety throughout the Company. In order to protect the Health & Safety of the employees and of others who may be affected by the Company's operations, they will : -

- a) Initiate and from time to time, review the Company's Safety Policy and ensure that it is promoted to all employees and to others acting on behalf of the Company.
- b) Appoint staff to ensure that the Policy is applied in all areas of the Company's activities. Expert advice; he will ensure that such advice is followed.
- c) Know the broad requirements of the Health & Safety at Work Act, the Construction Regulations and other relevant legislation and insist that these are observed.
- d) Monitor compliance with the Policy.
- e) Arrange suitable training so that employees are able to carry out their Health & Safety duties effectively.
- f) Whether acting as Principle Contractor or Contractor, ensure that adequate supervision is provided on all projects to facilitate the required co-ordination and management of site health & safety.
- g) Ensure the effective planning of all contracts to take account of known and foreseen Health & Safety hazards, whether or not shown in the Health & Safety File provided by the Planning Supervisor (if appointed).
- h) Ensure that tenders include adequate allowance for all Health & Safety matters and that necessary arrangements are made with clients and building occupiers.
- i) Ensure that sub-contract tenders include adequate provision for safe working; supervision, handling and access equipment, etc. In the case of demolition or similar hazardous operations, he will require detailed method statements from sub-contractors.
- j) Ensure safe storage of equipment and materials in the yard/stores.
- k) Ensure that suitable arrangements are made for the servicing and repair of Company vehicles and plant.
- l) Take necessary reporting action on injuries, diseases and dangerous occurrences in accordance with current regulations.
- m) Ensure that the policy is properly discussed with and understood by all employees.
- n) COSHH Promote the system and procedures for providing Assessments.

- o) NOISE Promote the system and procedures for providing Assessments and ensure that the necessary records are maintained.
- p) Ensure that funds and facilities are requested to meet the requirements of the Policy.
- q) Ensure involvement and interest and the implementation of Construction (Design Management) Regulations 1994 and how this integrates with: - Management of Health & Safety at Work, Work Equipment, Personal Protective Equipment, Manual Handling of Loads, Display Screen Equipment, Workplace Health & Safety Welfare.
- r) Set an example.

STAFF RESPONSIBILITIES

CONTRACTS MANAGER

The Contracts Manager is responsible to the Managing Director for assisting in the implementation of the Company Safety Policy by: -

- a) Applying knowledge of the broad requirements of the Health & Safety at Work Act, the Construction Regulations and other relevant legislation to ensure that relevant Health & Safety matters are taken into account when submitting tenders. Such matters include;
 - i) Plant or equipment necessary to ensure safe access, safe working, or ease of handling.
 - ii) Site fencing or other protection for the public.
 - iii) Training requirements.
 - iv) Specialised equipment required for identified hazards.
 - v) Storage requirements.
 - vi) Welfare facilities.
 - vii) Safety File and CDM.
- b) Negotiating with clients, their representative and building occupiers to agree relevant Health & Safety arrangements, such as emergency procedures, protection of the public and the provision of welfare and first aid facilities.
- c) Ensuring that when plant, equipment and materials are bought or hired, information on their safe use is obtained from suppliers and passed to site staff.
- d) COSHH Ensure that all sub-contractors estimate/quotations include the necessary information relating to the regulations. Monitor that new substances are assessed and all precautions are allowed for in our tender.
- e) NOISE Ensure that all sub-contractors estimate/quotations include the necessary information relating to the new regulations.
- f) Setting a personal example

STAFF RESPONSIBILITIES

Supervisors & Site Foreman

Foreman are responsible to their Contracts Manager for organising work on their sites so that it is carried out safely and the Company Safety Policy is implemented.

- a) Be familiar with the requirements of the Health & Safety at Work Act, the construction Regulations and other relevant legislation and insist that they be observed.
- b) Ensure that agreed procedures are followed, or that clear instruction on how to achieve safe working is given and followed.
- c) Supervise the work of Company employees and co-ordinate the work of Sub-contractors.
- d) Ensure that employees and sub-contractors are familiar with and observe the Company Safety Policy and Site Rules.
- e) Maintain a tidy site.
- f) Ensure that all scaffolds, working platforms, etc. are properly erected and safe before accepting them on behalf of the Company and before allowing them to be used.
- g) Ensure that all plant, tools and equipment are safe to use and operated or used by trained and competent persons.
- h) Ensure that information on the safe use of all materials is known and followed.
- i) Ensure that materials are stored safely and that, where appropriate, suitable fire extinguishers are readily available to stores and work places.
- j) Ensure that adequate welfare and first aid facilities are maintained, they will ensure that employees and sub-contractors are informed of the arrangements.
- k) Ensure that appropriate protective clothing and safety equipment is worn and used.
- l) Notify their Director of any accident or dangerous occurrence and take immediate action to prevent a recurrence. They will ensure that details of all accidents are recorded in the Site Accident Book.
- m) Ensure that suitable induction training on the Company Safety Policy and Site Rules is provided for new starters on site.
- n) Co-operate with Inspectors from the Health & Safety Executive (HSE) and with visiting Safety Consultants and act on their recommendations.
- o) Ensure as far as possible, the security of the site, taking all reasonable precautions for the safety of unauthorised persons, particularly children, who may succeed in entering the site.

- p) Maintain records of all assessment and procedures.
- q) Maintain the site Health & Safety plan.
- r) Set a personal example.

STAFF RESPONSIBILITIES

Operatives

Operatives are responsible to their Foreman for :-

- a) Co-operating in the implementation of the Company Safety Policy.
- b) Observing site rules and following instructions laid down, working methods or other procedures designed to ensure safe and healthy working.
- c) Using the appropriate protective clothing and safety equipment, as instructed.
- d) Not operating tools, plant or equipment unless authorised to do so.
- e) Reporting hazards, or defects in plant or equipment.
- f) Developing a personal concern for the safety of themselves and others.
- g) Keeping their work area tidy.
- h) Maintaining the standard of welfare facilities that are provided.
- i) Suggesting way of eliminating hazards.
- j) Reporting any injuries incurred at work.
- k) **COSHH** the regulations are designed to make your working environment safe. It is essential that you are properly instructed and you understand the safe methods of working. Be aware that some processes can be hazardous to your health if the assessed precautions are not maintained.
- l) **NOISE** certain work processes produce noise levels above 85db and at this level you are required to wear ear protectors. Your site foreman will assess the risk and provide you with suitable equipment and inform you of the safe exposure time allowed.
- m) **Manual Handling** the regulations are designed to make the work process safer. It is essential that safe methods of manual handling of heavy or awkward items be carried out in a way that will lessen the risk of damage to yourself. Training will be given and constant reminders will be given.
- n) **Workplace Equipment** the regulations require all plant equipment to be properly regularly tested and certified as being fit for use.
- o) You require a certificate of competence or to have received training for driving mechanical plant, erecting scaffold, changing abrasive wheels, use of cartridge tools etc. Your foreman will advise you on site.
- p) Set a personal example.

STAFF RESPONSIBILITIES

Office Staff

The Office Staff are responsible to the Directors for ensuring safe and healthy working conditions and the provision of adequate fire precautions and first aid arrangements at head office. In particular they will :-

- a) Ensure that in offices :
 - i) A reasonable temperature of 16°C is maintained and that working areas, corridors and stairs are adequately lit.
 - ii) Cleaning is carried out at the end of each working day and rubbish disposed of.
 - iii) Adequate washing and toilet facilities are maintained.
 - iv) Electrical installations are properly maintained and that electrical equipment is periodically checked. (Portable Appliance Testing) and fixed installations.
 - v) Flooring is maintained in safe condition.
 - vi) Regularly arrange for the practice of fire drills to be carried out, make a record of all training given.
- b) Ensure that maintenance and repair work and window cleaning is carried out safely and without risks to employees or members of the public.
- c) Liaise with the Local Fire Authority over necessary precautions and where appropriate, the issue of a Fire Certificate. Ensure that any recommendations are implemented, that adequate fire precautions are maintained and that all office staff are familiar with action to be taken in the event of fire.
- d) Ensure the provision of adequate first aid facilities and that all staff are aware of the arrangements.
- e) Ensure that all office staff are familiar with and understand the Company Safety Policy.
- f) Investigate all accidents and take appropriate action to prevent a recurrence. Notify the Safety Officer or Responsible Director of any reportable injury.
- g) **COSHH** ensure that necessary Assessments for substances and processes carried out in the office are made by the Director responsible.
- h) Ensure that all staff are aware of their responsibilities under recent regulations i.e. Display Screen Equipment, Workplace Health & Safety & Welfare.
- i) Regularly inspect and make a record of the working of fire doors, posting of fire exit signs
- j) Positioning of fire extinguishers. Note the general condition, identify hazards and report all to the Safety Officer or Responsible Director.
- k) Set a personal example.

STAFF RESPONSIBILITIES

Sub Contractors

The sub-contractors safety arrangements will be checked by the Directors against the requirements of this document and the specific procedures contained in the general management procedures and project safety plan for the job.

Any shortcomings on the part of the sub-contractor brought to his attention and eliminated.

Sub-contractors have specific and direct responsibility to their own employees and others that may be affected by their work with regard to Health & Safety, they should :

- a) Identify the hazards of their work and inform the Site Supervisor where there is a risk.
- b) Ensure their own systems of work, plant and workplaces under their control are safe.
- c) Co-operate with the Site Supervisor and other sub-contractors to co-ordinate the work by liaison and consultation.
- d) Comply with the Site Safety Rules and conditions for the project.
- e) Sub-contractors should not deviate from planned procedures and programmes without the agreement of the Directors.
- f) If sub-contractors employ their own sub-contractors, they should ensure that equivalent safety standards are achieved.
- g) Provide necessary training and supervision of activities.
- h) Make due allowance on price for Health & Safety & Welfare facilities.
- i) Shared welfare facilities, including water, sewage disposal and an agreed power supply are to be discussed and agreed at the pre-commencement meeting. It is expected that sub-contractors will either supply their own First Aid facilities or negotiate with the Company to share certain facilities with them.

ARRANGEMENTS FOR IMPLEMENTATION OF THE SAFETY POLICY

1. Information Training and Consultation
2. Pre-site Planning
3. Plant & Equipment
4. Accident Reporting
5. Monitoring
6. Disputes
7. Drugs & Alcohol
8. Disciplinary Procedures
9. Personal Protective Equipment at Work (PPE) Regulations 1992
10. Management of Health & Safety at Work Regulations
11. Control of Substances Hazardous for Health Regulations (COSHH)
12. Noise at Work Regulations
13. Electricity at Work Regulations
14. Provision and Use of Work Equipment Regulations 1998
15. Manual Handling Operations
16. Construction Design Management Regulations (CDM)
17. Workplace (Health, Safety & Welfare Regulations) 1992
18. Health & Safety (Display Screen Equipment) Regulations 1992

1. Information Training & Consultation

The Company will provide for its employees relevant safety information and training requirements as it becomes available. The Company will also provide to its employees the relevant training and facilities required to comply with current and pending legislation and requirements.

2. Pre-site Planning

- a) Tenders will be sufficient to cover methods of working and adequate welfare facilities.
- b) At the planning stage, action will be taken to ensure compliance with all relevant regulations.

In particular :-

- i) Adequately trained management and operatives.
 - ii) The most appropriate order and method of working.
 - iii) The drawing up of Hazard/Risk Assessments where necessary.
 - iv) Method Statements as required.
 - v) The arrangements for a safe supply of electrical power and the provision of adequate lighting.
 - vi) Allocation of responsibilities with sub-contractors.
 - vii) Discussion with sub-contractors as to control and supervision of safety on site.
 - viii) Nomination of an overall safety supervisor for site.
 - ix) The prevention of hazards which might arise from overhead or underground services.
 - x) Facilities for welfare and first aid suitable to the site.
 - xi) Adequate fire precaution and permits to work if necessary.
 - xii) Identification of and planning for, any special risks relevant to the contract.
 - xiii) Hazard / Risk Assessment.
- c) Provisions will be made where required for adequate and clear instructions, to establish working methods, to explain the sequence of operations, to outline potential hazards at each stage, to indicate precautions to be adopted in case of emergency e.g. fire or explosion and particularly in occupied factories etc.
 - d) To check over working methods and precautions with site management before work commences.
 - e) To ensure that work, once started, is carried out as planned or that a revised method is drawn up and that the relevant Regulations and guidance are observed on site.
 - f) That sub-contractors have the necessary equipment and expertise to enable them to carry out their day-to-day activities in a safe and competent manner.

Where sub-contractors employ 5 persons or more, a copy of their current Safety Policy will be required. In addition, sub-contractors must nominate a Safety Supervisor who shall be adequately trained/experienced.

g) To organise the provision of protective clothing and equipment.

h) **Special Hazards**

Unusual or special hazards known at planning stages will be built into safe working methods and implemented by site staff. Situations developing on site will be dealt with where possible or works stopped until all necessary arrangements are made. Including a revision of the Risk/Hazard Assessment and if necessary a new work Method Statement.

i) **New Processes etc.**

All relevant information will be obtained prior to taking into use any new process. Information etc. will be passed to those involved and specific training organised if necessary.

j) Copies of relevant detailed Codes of Practice and other safety literature are available covering all aspects of the company's activities. This information will be disseminated as necessary or by request to any person to whom it is relevant.

k) Steps will be taken to ensure that all necessary authorities are informed and / or consulted.

l) Sub-contractors will be provided with a copy of the Safety Policy and will be expected to work strictly within the bounds of current legislation and codes of safe working practice. They will also be informed of any known hazards on site.

m) The appointed Company Safety assistants, Construction Safety (South East) Ltd, will be consulted as necessary at planning stages and will be informed prior to commencement of contracts for the purpose of carrying out regular site inspections and monitoring the effectiveness of the policy, as deemed necessary.

3. Plant & Equipment

Arrangements will be made to ensure that all plant and equipment used is regularly inspected and maintained in safe working order. Statutory requirements relating to testing and inspection will be obtained and distributed so as to ensure the safe use of new plant and equipment.

4. Accident/Incident Reporting

Adequate arrangements will be made to ensure the proper investigation, recording and reporting of all accident situations. In accordance with RIDDOR 1995 Regulations this will include, when necessary thorough investigation by competent person (Safety Assistant / Advisor) with the aim of preventing recurrences.

5. Monitoring

Directors, through regular site visits will monitor the efficiency of the Policy and report to the Managing Director and meetings will be held at regular intervals to discuss all aspects of Health & Safety and to update the Policy as necessary.

6. Disputes

In the event of any dispute regarding Health & Safety matters, these should be addressed to an immediate supervisor and if not successfully resolved direct to the Managing Director in writing.

7. Drugs and Alcohol

The Company does not permit the consumption of alcohol during working hours and forbids the use of illegal drugs.

8. Disciplinary Procedures (see annexe B and C)

Failure to comply with the Company Health & Safety Policy or contravention of statutory requirements, regulations, rules or procedures may result in the offender being temporarily or permanently removed from a site. Persistent offenders may, at the discretion of the Managing Director, be dismissed from the Company.

9. Personal Protective Equipment at Work (PPE) Regulations 1992

The Company will provide suitable PPE as required for work activities. It will be supplied on an annual basis or as required through fair wear and tear.

a) Safety Helmets

The wearing of safety helmets on sites is now a statutory requirement under the 'Head Protection Regulations' 1989. This places duties on employers, employees and the self-employed.

The duty to wear safety helmets applies to all sites where building or civil engineering operations are taking place, except where management issues instructions to the effect that there is no foreseeable head injury risk.

Employers have a duty to provide every employee with his own safety helmet and to maintain it in good condition or replace it when necessary. They also have a duty to ensure that all site workers wear safety helmets while working under their control. This includes issuing instructions enforcing the requirement, by disciplinary action if needed.

Site operatives have a duty to wear their safety helmet at all times when working on site, unless their managers instruct them that there is 'no foreseeable risk of head injury. (They need not be worn in site offices or mess rooms)

The requirement on site operatives includes a duty for them to wear the safety helmet 'properly' and to look after it.

b) Eye Protection

Suitable eye protection must be worn when carrying out any of the wide range of processes, as specified in the Protection of Eyes Regulations 1974.

Examples of these processes are :

- Using abrasive wheels or discs,
- Striking masonry nails,
- Using cartridge tools,
- Gas or electric welding.
- Eye protection against mechanical and chemical hazards must be BSEN166.1B
- Protection during welding must be BS1542:1990 amended 1995.

c) Ear Protection

Ear protectors must be worn when operating within an environment that produces in excess of 85 dB. An assessment will specify the type of ear defender required.

d) Gloves

Industrial gloves must be worn when handling abrasive materials or substances that could damage the skin.

e) Respirator Protection

Dust is a health hazard and masks will be provided and must be worn when conditions dictate. The need for respirators or breathing apparatus will not normally arise, but suitable equipment will be provided where necessary and instruction given in its use.

f) Safety Harness

Where there is any risk of falling more than 2m (6'6") and it is not possible to erect a working platform, safety harnesses must be worn and attached to a secure and tested anchor or horizontal cable. Safety harnesses must conform to BSEN358 and depending on the circumstances may be used in conjunction with a fall arrest device, which will conform to BSEN360-365:1993.

g) Protective Clothing

Suitable items of protective clothing, disposable overalls, overshoes etc. will be provided as necessary.

h) **Footwear**

Employees and sub-contractors are required to wear stout shoes or boots as the wearing of unprotected shoes, can lead to serious injury. Trainers for works on construction sites are to be discouraged. If in the event that soft shoes are required for the nature of the works, i.e. working in completed areas then such shoes must be taken to the place of work and changed into. Should the nature of the work require safety footwear, it will be the responsibility of the employer to provide these as appropriate.

10. **Management of Health & Safety at Work Regulations**

- a) **Risk Assessment** hazard and risk will be assessed at pre-site planning stages to ensure that any risk known at planning stages are built into safe methods and implemented by site staff. Situations developing on site will be dealt with where possible or works stopped until all assessments are made.
- b) All relevant information will be obtained, prior to taking into use any new process. Information etc. must be passed to those involved and specific training organised.
- c) Copies of relevant detailed Codes of Practice and other safety literature are available covering all aspects of the Company's activities. This information will be disseminated as necessary or by request to any person to whom it is relevant.
- d) Steps will be taken to ensure that all necessary authorities are informed and / or consulted when required.
- e) Sub-contractors will be advised of the Safety Policy and will be expected to work strictly within the bounds of current legislation and codes of safe working practice. They will also be informed of any known hazards on site.
- f) Sub-contractors who may use any noxious or toxic substances on site must satisfy the Main Contractor that adequate safety measures are in hand. Supplying COSHH safety data where necessary.
- g) Where sub-contractors supply their own welfare facilities, they will be responsible for keeping them in good, clean and hygienic condition.
- h) Sub-contractors may be asked to produce a method statement for unusual works. The Technical Director will examine this or a member of staff and any action required taken.
- i) The wearing of safety helmets became compulsory on 30th March 1990. Therefore **ALL OPERATIVES MUST WEAR SAFETY HATS ON SITE** except for the conditions laid out in the Head Protection Regulations 1989.

11. Control of Substances Hazardous to Health Regulations (COSHH)

No substances that fall into this category will be used unless :

- a) An assessment of the substances has been made, after taking into account the locations and purpose for which it is to be used.
- b) The relevant 'Hazard Data Sheet' has been obtained from the substance manufacturers or supplier.
- c) The safety precautions necessary have been determined.
- d) Any protective equipment required has been obtained.
- e) The operatives have been informed of the potential hazards, precautions needed and the safe system of work to be adopted.
- f) Training has been given. This is over and above that which is required for normal trade skills and is that which may be necessary, enable the operatives to use the substance without risk to the health of either themselves or others.

While a substantial proportion of materials used in construction work are not classed as being hazardous to health, many products that contain acids, alkaline, solvents or toxic ingredients, do represent a health hazard. Therefore, in order to identify substances that are subject to these regulations, the criteria adopted will be two-fold, firstly; if a material is required to carry the statutory hazardous substances packaging label, secondly; if a health hazard is created during a work operation such as dust from machinery hardwoods, or cutting stone, brick and concrete etc. or vapours produced by mixing different products, then the COSHH assessment procedures will apply.

Where protective clothing or equipment is needed for the safe use of a particular material, it must be ensured that it is suited for both the risk and task to be carried out. A record will be kept of the use, inspections or checks and any maintenance that is carried out on equipment (as required by the regulations).

In almost all circumstances of the use or exposure to these substances is as important as the hazard the substances pose.

The Company's overall approach to COSHH will be in three parts ;

a) **Substitution**

In-house designers and specifiers will, whenever possible, not specify materials which have adverse COSHH assessments and will strive to specify alternatives. When that is not possible they will highlight the need to apply COSHH in the contract documentation.

b) **Centrally Stored Information**

The Company will maintain a generic database of hazardous substances used in the industry. This system will also record details of long term records of any monitoring or medical surveillance carried out. The generic assessments will be reviewed.

c) Assessments

Construction Site Locations

As above the Foreman responsible for each site will assess all the materials in use to identify those to which COSHH applies.

12. Noise at Work Regulations

These regulations will be achieved within the Company by following the procedures listed below :

- i) When noisy plant or equipment is either hired in or purchased, the suppliers will be asked for the noise information details that they are required to provide under these regulations.
- ii) Where existing noisy plant or equipment is used, then measures will be taken to determine the typical noise levels that can be expected from that equipment under normal working conditions.
- iii) Similarly, where it is not possible to establish typical working noise levels due to, say, environmental influences, noise readings will be taken.

From this information and the noise duration times that can be expected per day, an assessment of the potential noise hazard will be made.

The Regulations define the following :

- Daily personal noise exposure LEP.d
- First action level as 85db(A)
- Second action level as 90db(A)
- Peak action level as 200 Pascal

Any likelihood of operatives being exposed to the first or peak action level (the maximum pressure reached by the sound wave as in loud impulsive sources, such as cartridge operated tools), requires an assessment of exposure to be carried out by a competent person, a record kept of the assessment, at this level hearing protection must be available.

At the second action level and above all reasonably practicable steps must be taken to reduce the level of exposure and all operatives exposed at this level must be provided with and wear ear protection. Other precautions include limit on time of exposure and the setting up of 'Ear Protection zones'. Such zones must be clearly defined and identified by appropriate safety signs to BS5378.

Operatives will be given information and training on the risk of hearing damage to which they may be exposed and the steps taken to minimise that risk.

Site supervisors and contracts managers will identify the requirements for Noise Assessments and contact the Company Safety consultant for measurement and advice.

13. Electricity at Work Regulations

In order to comply with the statutory requirements of these regulations, the following policy will be adopted within the Company.

- a) All fixed electrical installations will satisfy the standard specified in the current IEE Wiring Regulations. (This includes site offices, mess, cabins and stores etc.)
- b) All temporary and site electrical supplies will meet the requirements of the relevant British Standards for 110-volt centre tapped earth, construction site electrical equipment, components, tools and wiring.
- c) Each time a mobile generator is used at an operated voltage above 110-volts, then it will be effectively earthed to both the ground earth and any adjacent metalwork.
- d) Regular maintenance inspections will be carried out on all electrical tools, extension leads, transformers and generators etc., to ensure that they remain in safe working conditions at all times. The time period between such inspections will be dictated by the circumstances under which the equipment is required to operate.

14. Provision and Use of Work Equipment Regulations 1998 by :

- a) Making sure that equipment is suitable for use that will be made of it;
- b) Taking into account the working conditions and hazards in the workplace when selecting equipment;
- c) Ensuring equipment is used only for which and under conditions for which it is suitable, ensuring that equipment is maintained in an efficient state, in efficient working order and in good repair;
- d) Giving adequate information, instruction and training.

All equipment must conform to EC product safety directives.

15. Manual Handling Operations Regulation 1992

The Management of Health & Safety at Work Regulations 1999 and the Manual Handling Operations Regulations 1992.

Where it has been assessed that there is a risk of injury from manual handling, the first consideration must be whether the load needs to be handled at all, or whether handling can be minimised. The potential for eliminating the handling of loads on building sites is limited but the positioning of storage and delivery areas can reduce the need for extensive handling.

Where there is no alternative, the use of mechanical handling should be given consideration – this should be done by the Estimator and/or Director at the planning stage if possible.

In the construction industry, ignorance of manual handling procedures accounts for 25 per cent of accidents. The inevitable results of lifting incorrectly are strained backs, slipped discs, sprains and minor strains and a complexity of internal injuries e.g. Hernia.

The correct method of lifting makes the operation easier, less tiring and safer. Lifting should be carried out by the proper use of muscles. Back and abdominal muscles are weak, the leg and thigh muscles are strong. The spine has a natural shape when a man is standing, if he bends over, the spine is arched and becomes weaker. If, therefore the back can be kept in its natural erect position and the leg muscles brought into play and the load is kept close to the body, a man can operate like a human elevator. This results in heavier loads being lifted, with less physical effort.

This is the basis for manual handling. In practice there are six significant points :

Grip – A good grip makes maximum use of the palm of the hand, the ball of the thumb and the base of the fingers. Using the sensitive fingertips can cause considerable damage and the continued use of them leads to strained fingers or strained forearm muscles.

Back – The back should be kept straight to maintain it in its natural and strongest position. This requires bending at the knees and ankles to get down close to the load and then to raise it, pushing upwards with the leg muscles to regain the vertical position.

Chin – The chin should be kept well in so that it is fairly near to the chest, as this helps to keep the spine in its natural shape.

Feet – The proper position of the feet is approximately the width of the hips apart and with one foot slightly in front of the other.

Arms – Arms should be kept as close to the body as possible so that its own members do not unbalance the body itself.

Body – The body, being kept in its normal position, should act as a counterweight to the load.

Providing these principles are applied, the average man can expect to lift his own weight – but even this depends on his age and physical build. Up to 25 years of age, a well-developed young man could expect to lift it. At 40 years of age lifting capacity can be considerably less. The main thing is that operatives should know how much they could lift and not be afraid to ask for help when the load is beyond them. To this end Manual Handling Risk Assessment (from MSA) will be carried out on all operations identified as having significant risk, remedial action taken by the site manager.

16. Construction Design and Management Regulations

The Company has implemented the Construction (Design Management) Regulations 1994, which came into force 31st March 1995 and has and will continue to integrate the requirements into existing procedures.

Sufficient resources for the purpose of carrying out duties under the regulations to act as Planning Supervisor, Principle Contractor or Contractor, dependant upon the particular form of Contract will be allocated.

General Information :

The provisions of the Construction (Design Management) Regulations 1994, hereinafter referred to as CDM, applies to most projects which have a planned duration of more than 30 days or involve more than 500 person days of construction work or involves demolition or dismantling work.

Copies of the F10 notification will be posted on site as required.

17. Workplace (Health, Safety & Welfare) Regulations 1992

The Company will ensure that all equipment supplied is inherently safe; fit for its intended purpose and properly maintained. Work Equipment Regulations 1992.

Site Equipment

All site equipment will be specifically ordered by the Supervisor who will be responsible for obtaining specialist consultation with Consultants, Responsible Managers, Sub-contractors and Specialist Plant Hire companies, to ensure suitability for the purpose intended.

As soon as equipment arrives on site it is checked by the site supervisor to ensure that it is in good working order. All equipment will be hired as necessary and should carry an inspection label at the time of delivery to verify this has taken place.

If the Supervisor is not satisfied, the equipment must be returned immediately.

Whilst in use; the condition of all plant must be monitored on an 'ongoing' basis by the operator. Should at any time equipment not come up to the standard required the hire company will be contacted and a replacement demanded.

Site Offices

All offices will be checked by a qualified electrician for the electrical installations and visually by the site supervisor for general defects prior to accepting delivery on site. Portable appliances will be checked at appropriate intervals.

Emergency and evacuation notices will be displayed prominently and regular 'fire drills' will be undertaken.

The following rules are to be observed on all sites; and will be covered where applicable in the general induction training.

Safe Access

All access routes e.g. roads, gangways, passageways, staircases and working platforms, must be kept free from obstruction and where necessary lit. Work areas must be kept tidy and materials stored safely. Nails protruding from timber must be hammered down or removed.

Ladders

Ladders must be in good condition, based on firm level ground, properly angled (1 unit out for each 4 units height), properly tied (where possible near the top) and must be extended 1.5m (3'6") above the stepping off point, unless there is an alternative suitable handhold. If a ladder cannot be secured, it must be footed. Only light work of short duration is to be carried out from ladders.

Scaffolds

A reputable scaffolding contractor employing suitably certified staff, will erect scaffolds. Scaffolds must not be altered or interfered with by company employees or sub-contractors. Exceptionally, other personnel under the supervision of competent persons may erect bandstand and proprietary tower scaffolds. All working platforms must be fully boarded out and if more than 2m (6'6") in height must have guardrails and toe-boards and brick guards must be fitted where necessary to prevent materials from falling. These types of scaffold must not be excessively loaded.

All recently erected scaffolding must have a certificate of completion from the erection team and be inspected by the Supervisor before anyone is allowed to work from it. Scaffolds will also be inspected weekly and the results recorded on the appropriate form.

Lifting Appliances

A competent person must inspect all lifting appliances in use, including gin wheels, every week and the results recorded. All lifting appliances must be marked with a safe working load and copies of current test and thorough examination certificates will be held on site. Approved type safety hooks must be used on gin wheels.

Company Vehicles and Plant

- a) Vehicles must be properly loaded and passengers are not allowed to travel in any moving vehicles except in the proper seats provided. Drivers of vehicles are responsible for ensuring that they are maintained in a road worthy condition and that any defects are reported and rectified in a timely manner. Only persons with a current full driving licence over the age of 18 may drive company vans and over 25 for company cars. Driving licences must be submitted to the office upon commencement of the use of a vehicle.
- b) No item of plant is to be driven on site except by trained and authorised persons. Where appropriate, plant operators should be in possession of valid Certificates of Training Achievement. Ear protection must always be worn. (See NOISE Regulations safety procedures).
- c) Cartridge Operated Tools Only authorised and trained persons are to operate these tools, which are to be kept in a secure place when not in use. Operators are always to wear goggles.

- d) Abrasive Wheels Serious injury can arise in the use of abrasive wheels. It is essential that the operators are trained in their use, storage and care. Eye protection and when required, hand protection must be worn during all periods of use. The wheel or disc must be guarded at all times when the machine is connected or running.
- e) Operators competence must be established and documentary evidence of their training seen before such appointments are made.
- f) Office Safety The Workplace Health, Safety & Welfare Regulations 1992 are applicable to all our permanent offices only, but whenever practical, they will be applied to our construction sites as well. In order to reduce the risk of accidents and to comply with the requirements of the regulations, the following procedures will be applied under the supervision of the Office Manager; Maintenance – Workplaces, equipment, devices and systems will be maintained in an efficient state, working order and good repair. Where appropriate a suitable system of maintenance will be established. Environmental Factors – enclosed workspaces will be properly ventilated and kept at a reasonable temperature, regularly cleaned, not overcrowded and with adequate lighting. Rest and Welfare Facilities – The Company will supply rest facilities as required within the Regulations. Manual Handling – Use a safe method of lifting any article and get assistance if necessary. A major problem in office safety is the risk of fire and the resultant evacuation procedures have been developed to reduce this risk.
- i) Desks are to be kept tidy and staff trained to ensure that waste paper is disposed of regularly.
 - ii) Wherever practical, areas will be designated 'No Smoking'. When not practical, staff will be instructed to ensure that all smoking materials are properly extinguished before being disposed of in proper receptacles, not wastepaper bins etc.
 - iii) Staff should regularly check their own equipment to ensure that cables and connections on all electrical equipment are sound and that the equipment is earthed.
 - iv) Passageways and stairs must be kept clear of any obstruction. All staff must be familiar with how to use the fire extinguishers which are provided (water for wood or paper fires, dry powder or CO² for fires involving electrical equipment) and with the following emergency procedures and action to be taken in the event of a fire :

On discovering a Fire

Any person discovering a fire, however small, is to :

- Immediately shout '**FIRE, FIRE, FIRE**'.
- Attempt to extinguish the fire with the available appliances, but ONLY IF THIS DOES NOT INVOLVE PERSONAL DANGER.
- Report any details to the office administrator.

Safety Documentation

- First Aid at Work (1981) – to be kept by Office Manager.
- HS@23 Rev “Reporting of injuries, Disease or Dangerous Occurrence” – to be kept by Director in Charge of Safety.

First Aid

The following arrangements will ensure ready access to first aid in the event of an accident.

SITES

(Except for work of short duration, involving only one or two employees)

Sites will be provided with a first aid kit, in the charge of a person appointed by the Director, or allowed shared access of facilities provided by the Principle contractor.

OFFICE

A First Aid kit of suitable scale shall be provided and kept on the premises and a suitable person trained in its use shall be nominated.

18. Health & Safety (Display Screen Equipment) Regulations 1992

When selecting equipment the Company will take into account the working conditions and risks within the workplace. The equipment is to be suitable for the intended use and properly maintained. Adequate information, instruction and training will be given.

ASBESTOS POLICY

Under the Control of Asbestos at Work Regulations 1987, the Company has a duty to :

- Make employees aware of the dangers of asbestos
- Identify possible asbestos on sites by enquiry and survey
- Arrange the safe removal and disposal of asbestos by a licensed contractor

Hurstway Construction are **NOT** licensed under the Asbestos (Licensing) Regulations 1983 (amended 1999) for the removal or disposal of any material containing asbestos.

Any material discovered on site that is known or **suspected** to contain asbestos must be left intact and immediately reported to the Supervisor or Agent in charge. Examples include asbestos cement sheeting, insulation board, cladding and sprayed lagging pipes etc.

The Agent / Supervisor will arrange for a licensed asbestos disposal contractor to sample, analyse and prepare Method Statement and Risk Assessment for its safe removal and disposal to a suitably licensed waste facility.

Where asbestos material is identified in tender documents or pre-contract surveys, a licensed contractor will be arranged beforehand.

Asbestos awareness will be included in site safety briefings and in operative safety training programmes.

The Company is not aware of any asbestos materials in its current premises and should it become aware of any such material in the future, will report to staff occupying those buildings and contractors who may undertake work there. Where there is a significant risk to health, the Company will arrange to contain or remove the material using a licensed contractor.

In accordance with the Asbestos (Prohibitions) (Amendment) Regulations 1999, the Company undertakes not to purchase, install or re-use any asbestos based products in its contracts, premises, plant or vehicles.

ENVIRONMENTAL POLICY

Hurstway Construction recognises that its building and construction related activities have environmental implications.

It is therefore the policy of the Company to :-

- Aspire to reduce environmental damage and increase, where possible, the opportunities for environmental gain.
- Comply with legal requirements.
- Encourage all employees and sub-contractors to avoid and prevent environmental damage and to act as good neighbours to those affected by building and construction activities.
- Provide and exhibit this policy at 12 monthly intervals.

For the implementation of this policy the following organisation and arrangements apply :-

The Senior Manager on site, or at place of work will be responsible for the implementation of the Company Environmental Policy and will ensure that :-

- All work is carried out in accordance with all relevant Acts, Regulations and Company Policy and procedures, as defined in the Staff Health & Safety Manual, COSHH Manual, Safety Plans and other company/safety consultant instructions.
- Waste is removed in accordance with legislation by registered carriers to licensed tips.
- Measures are taken to control ground, river and coastal water pollution.
- Measures are taken to control noise pollution.
- A good neighbour policy is implemented.
- Comply with international protocol by ensuring that ozone-depleting gases such as CFC's and halons are not discharged to atmosphere.
- All material wastage is minimised, recycling options promoted and water, paper and energy conserved.
- Wildlife, habitats, flora and fauna, archaeological and heritage sites are protected as appropriate.
- All incidents detrimental to the Environmental are investigated, reported and preventative action taken against repetition.

The Company will :

- Reduce exhaust pollutants from vehicles by operating all cars on unleaded fuel and by progressively fitting catalytic converters
- Seek to conserve the use of energy, water and paper and promote the use of recycled materials at its offices, stores and depots.

The Senior Manager on site, or at place of work will be responsible for bringing to the notice of management any deficiency observed and for providing guidance, information and training.

Within the organisation, arrangements will be made to submit environmental reports and discuss environmental matters at Board Meetings, Safety & Environmental Management meetings and held throughout the company.

Chris Ditton is the Director responsible for the implementation of this policy, together with each Director within their own area of responsibility.

DRUGS & ALCOHOL POLICY

The Company reminds all employees that the consumption of alcohol on Company premises or sites is strictly forbidden. In addition, any employee attending work whilst suffering from, or suspected of suffering from, the effects of alcohol will be dismissed from site and sent home.

It is also forbidden to drive any Company vehicle while under the influence of alcohol, even during non-working hours.

The consumption of any illegal or non-medical drug whilst on Company premises or sites is also strictly forbidden. Any employee suffering from, or suspected of suffering from, the effects of illegal or non-medicinal drug abuse will be dismissed from site and sent home.

Any employee taking a legitimate medicinal drug must take into account its effects and where necessary, must not drive or operate plant or machinery where this would put himself and / or others in danger.

Any sub-contractors found or suspected of alcohol or drug abuse will be dismissed from site without further pay and where necessary, their contract will be terminated.

SMOKEFREE POLICY

Purpose

This policy has been developed to protect all employees, service users, customers and visitors from exposure to second-hand smoke and to assist compliance with the Health Act 2006.

Exposure to second-hand smoke, also known as passive smoking, increases the risk of lung cancer, heart disease and other illnesses. Ventilation or separating smokers and non-smokers within the same airspace does not completely stop potentially dangerous exposure.

Policy

It is the policy of Hurstway Construction that all of our workplaces are smoke free and all employees have a right to work in a smoke free environment. The policy shall come into effect on 1st July 2007 and be reviewed on December 2007 by Chris Ditton.

Smoking is prohibited throughout the entire workplace with no exceptions. This includes company vehicles. This policy applies to all employees, consultants, contractors, customers or members and visitors.

It may be possible to designate some external areas on some sites where smoking will be permitted.

Implementation

Overall responsibility for policy implementation and review rests with Chris Ditton. All staff are obliged to adhere to, and facilitate the implementation of the policy.

The person named above shall inform all existing employees, consultants and contractors of the policy and their role in the implementation and monitoring of the policy. They'll also have to give all new personnel a copy of the policy on recruitment/induction.

Appropriate 'No smoking' signs will be clearly displayed at the entrances to and within the premises.

Non-compliance

Local disciplinary procedures should be followed if a member of staff does not comply with this policy. Those who do not comply with the smoking law are also liable to a fixed penalty fine and possible criminal prosecution.

Help to Stop Smoking

The NHS offer the following free services to help smokers give up:

Local NHS Stop smoking Services – you are four times more likely to give up smoking with the support of your local NHS Stop Smoking Service and nicotine gum and patches. Call the NHS Smoking Helpline on 0800 169 0 169 to find your local service or text 'give up' and your full postcode to 88088.

The NHS Smoking Helpline – you can speak to a specialist adviser or request resources by calling 0800 169 0 169 (lines are open daily from 7am to 11pm).

www.givingupsmoking.co.uk - and online resource for all the advice, information and support you need to stop and stay stopped.

Together – this support programme is free to join, and is designed to help you stop smoking using both medical research as well as insights from ex-smokers. For more information call the NHS Smoking Helpline on 0800 169 0 169 or visit www.givingupsmoking.co.uk

USE OF MOBILE PHONES

The Company is becoming increasingly concerned regarding the use of mobile telephones while employees are driving Company vehicles.

Where the Company provides mobile phones for staff use, these will not be supplied with a "hands free" kit.

The Company wishes to remind employees that the use of mobile phone whilst driving is seen by the police as driving "without due care and attention". All mobile phone users are encouraged to pull over to a safe location before using a mobile phone.

Where an accident occurs as a result of using a mobile phone in a Company vehicle, this will be treated as a disciplinary matter.

ANNEXE A

COMPANY RULES

WORKING HOURS

Working hours are as follows :-

- Start 7.30 a.m.
- Breakfast Break 9.30 to 9.45 a.m.
- Lunch Break 12.30 to 1.00 p.m.
- Finish 5.00 p.m.

Any abuse of these times will be adjusted on time sheets.

OVERTIME

Overtime is not guaranteed for anyone and Saturday / holiday working should always be checked before it is worked.

TIME SHEETS

Time sheets should be properly filled out. They should be received in the office by Monday evening to ensure payment the next Thursday.

There is no reason why you should be an exception !

HOLIDAYS

We require at least four weeks notice of any holiday requirements, these should be written on a request for leave sheet so that we can keep a record. Your **maximum** holiday allowance is:

- 4 days at Christmas
- 4 days at Easter
- 10 days annual
- plus Bank holidays

WORKING IN OCCUPIED PROPERTIES

- Smoking is NOT permitted.
- Please treat premises you are working in as if they were your own.
- Place clean dustsheets as necessary before you start work. Be polite and ask before you use anything that does not belong to you.
- Do not tread on flowerbeds or the like and make sure planks are put down wherever possible.
- Keep as tidy as possible and always clear up at the end of the day, ask for and use rubbish bags and avoid littering other people's property or site.

No one enjoys having the builders in so try and make it as pleasant as possible for them.

WORKING IN UN-OCCUPIED PROPERTIES

In most instances you must obey the same rules for working in occupied properties.

- Site tidiness is still vital to create a better and safer working environment.
- Rubbish should be regularly cleared to either a site or yard skip and skips should be covered during windy weather.

DELIVERY TICKETS

- If you sign for materials on the job you are working please make sure you check what you are receiving and then bring the delivery ticket back to the office as soon as possible.
- If you collect materials from a supplier please ensure you put the job number on the delivery ticket at the time.

COMPANY VEHICLES

The use of a company vehicle is a privilege and should not be abused.

- They should be kept clean and tidy inside and out and any abuse may result in the withdrawal of the vehicle.
- Oil, water and tyres should be checked at least once a week. Any items including dents or scratches reported immediately.

Our vehicles are our biggest advertisement and much money is tied up in them, please treat them accordingly.

HIRED PLANT

- If you have hired plant to do a job please return it immediately, as soon as it is no longer needed. Even if it might be wanted again in a weeks time it is usually well worth returning it.
- Please always keep the plant clean, cleaning charges from hire companies will be passed on to the operative responsible.

COMPANY PLANT

In order to resource our jobs with plant we need to know where the equipment is. It is vital that you inform either the yard foreman or leave a note every time you either take or return plant to the yard.

- If you move plant from job to job please report this to the yard foreman so that we always know where it is.

- Please always keep the plant clean and report any malfunctions or breakages immediately.

USE OF COMPANY MATERIAL OR PLANT

If you wish to borrow or use plant or vehicles for your own use or need material for home please do not just take it. Always ask, the chances are you will be given permission without question but if you do not ask, your action could and probably will be treated as theft.

YARD STOCK

In the interests of economy certain materials will be bought in bulk and issued from the yard.

Please always check the yard first before purchasing from a supplier. In many cases we make very large savings on material issued from the yard.

ANNEXE B

GRIEVANCE PROCEDURE

GRIEVANCE PROCEDURE

There are two ways in which you can seek to resolve a grievance that you may have.

Standard Grievance Procedure (the 3-step process)

1. You must send a written explanation of your grievance to us, stating the basis for your complaint
2. You will then be invited to discuss the issue at a meeting (which both parties must take all reasonable steps to attend). After the meeting you will be informed of our decision and you will be offered the right to appeal.
3. If you wish to appeal against our decision or failure to make a decision, you must inform us immediately. You will then be invited to a meeting to discuss the appeal after which a final decision will be given to you.

The standard grievance procedure will apply in all cases whether you are still employed by us or not. A shorter (modified) procedure can be used if you no longer working for us and:

- a) We / yourself both agree in writing to follow the modified procedure OR
- b) Either party are unable to complete a step in the procedure

Modified Grievance Procedure (the two step process)

1. You must send a written explanation of your grievance to us, stating the basis for your complaint
2. We will set out our response in writing and send it to you.

ANNEXE C

DISCIPLINARY and DISMISSAL PROCEDURE

DISCIPLINARY PROCEDURE

1. Purpose and Scope

The Company's aim is to encourage improvement in individual conduct. This procedure sets out the action, which will be taken when disciplinary rules are breached.

2. Principles

- a) The procedure is designed to establish the facts quickly and to deal consistently with disciplinary issues. No disciplinary action will be taken until the matter has been fully investigated.
- b) At every stage you will have the opportunity to state your case and be represented, if you wish, at the hearings by a fellow employee.
- c) You have the right to appeal against any disciplinary penalty.

3. The Standard Dismissal and Disciplinary Procedure

Stage 1 – Written Explanation

You will be sent a written explanation of the conduct, capability or other circumstances that have led us to think about taking dismissal or disciplinary action against you.

Stage 2 – Discussion Meeting

You (the employee) will be invited to attend a meeting to discuss the issue. After the meeting, we will inform you of our decision and offer you the right to appeal.

Stage 3 – Appeal

If you, as the employee, wish to appeal, you must inform us. You will then be invited to a further meeting to discuss the appeal. After the further meeting we will give you our final decision.

This standard procedure will apply to

- a) All dismissals except some collective or constructive dismissals, some gross misconduct dismissals and dismissals where employment cannot continue for reasons beyond anyone's control
- b) All disciplinary action except oral and written warnings and suspensions on full pay.

In rare cases of gross misconduct the second (modified) procedure will apply. This is as follows

1. The employee will be sent a written explanation of the alleged misconduct that led to their dismissal, including the evidence for this decision and the employee's right to appeal.
2. If the employee wishes to appeal, they must inform the employer, when they will be invited to a meeting to discuss the appeal, after which the final decision of the employer will be given

ANNEXE D

EQUAL OPPORTUNITIES POLICY

POLICY STATEMENT

We are an equal opportunity employer and are committed to a policy of treating all our employees and job applicants equally.

It is our policy to take all reasonable steps to employ and promote employees on the basis of their abilities and qualifications without regard to race, religion, colour, sex, age, national origin, disability or sexual orientation.

We will appoint, train, develop and promote on the basis of merit and ability alone.

Employees must not harass or intimidate other employees on the grounds of race or sex, disability or sexual orientation. Such behaviour may be treated as gross misconduct in accordance with our disciplinary procedure.

Employees should draw the attention of their immediate superior to suspected discriminatory acts or practices.

Employees must not victimise or harass any employee who has made allegations or complaints of sex or racial discrimination, or discrimination on the grounds of disability or sexual orientation. Such behaviour may be treated as gross misconduct in accordance with the disciplinary procedure.

RECRUITMENT

All job applications will be processed in the same way.

The staff responsible for short-listing, interviewing and selecting candidates will be clearly informed of the selection criteria and of the need for their consistent application.

Wherever possible, all applicants will be interviewed by at least two people.

All questions that are put to the applicants will relate solely to the requirements of the job.

If it is necessary to assess whether personal circumstances will affect the performance of the job, this will be discussed objectively, without detailed questions based on assumptions about race, sex, religion, national origin, sexual orientation, disability, marital status, children and domestic obligations.

PROMOTION, TRANSFER AND TRAINING

We will take such measures as may be necessary to ensure the proper training, supervision and instruction for all Department Heads in order to familiarise them with our policy on equal opportunities and in order to help them identify discriminatory acts or practices and to ensure that they promote equal opportunity within the departments for which they are responsible.

All persons responsible for selecting new employees, employees for training, or for transfer to other jobs, will be instructed not to discriminate on gender or racial grounds and on the grounds of the employee's disability or sexual orientation.

When a group of workers predominately of one race, sex or type of disability, is excluded from access to promotion, transfer and training and to other benefits, the promotional system will be reviewed to ensure that there is no unlawful, indirect discrimination.

Where general ability and personal quality are the main requirements for promotion to a post, care will be taken to consider favourable candidates of all races, both sexes and all classes of disability with different career patterns and general experience.

TERMS OF EMPLOYMENT etc.

All terms of employment, benefits, etc. will be reviewed from time to time, in order to ensure that there is no unlawful discrimination on the grounds of race, gender or marriage or any discrimination based on disability or sexual orientation.