



# [Inside this issue] FEB/MAR\_05

FEATURE >>> LEGAL >>> DILEMMA >>> NEWS >>> RESEARCH >>> BRIEFING >>> DIARY

- 03 LEADER**  
**To know that we know what we know** The Court of Appeal has dismissed the notion that if the OH department knows of an employee's health condition, then the employer is automatically deemed to know.
- 04 NEWS**  
 ... revalidation of OH physicians ... stress survey ... set the controls – optical radiation directive ... New Year honours ... TUC dispels sick-note myth ... taskforce to cut absence in public sector ... pathways to work ... prison sentence for death at work ... shaking all over – vibration regulations ... loud music risks hospitality workers' hearing ... WEL-set – the new occupational exposure limits ... police chiefs to gain protection from H&S prosecution ... chain smoking ban – smoke-free pubs
- 10 LEGAL NEWS**  
 ... OH information is not known by employer – Court of Appeal ruling
- 11 FEATURE**  
**Workers' health information**  
 John Ballard explains the importance of the fourth and final part of the Employment Practices Data Protection Code, on how to handle workers' health information and comply with the Data Protection Act 1998.
- 16 FEATURE**  
**Smoke-free or smoke screen?**  
 The recent White Paper on public health may not have gone far enough by proposing only a qualified ban on smoking at work. Jim Ford argues the OH case for a complete ban on smoking in all pubs and clubs.
- 19 Legal update**  
 OH at Work provides a comprehensive guide to new and forthcoming legislation and related developments that impact on occupational health at work. It includes everything from COSHH and vibration, to age discrimination and viral hepatitis.
- 30 FEATURE**  
**Exposure to trauma at work – part 2**  
 Gordon Turnbull explores the neurobiological dimension of acute stress reactions and examines how occupational health professionals can play an important role in early intervention and the rehabilitation of trauma victims.
- 34 DILEMMA**  
**Lying on a pre-employment health questionnaire**  
 If someone fails to disclose a health condition in a pre-employment health check should this be grounds for dismissal if the truth is revealed at a later date? Linda Van den Hende and Chris Benson have very different views.
- 36 EXPERT WITNESS**  
**Fair procedures**  
 Diana Kloss explains why employers must ensure that they have fair dismissal procedures and appeal mechanisms in order to comply with the Employment Act 2002 (Dispute Resolution) Regulations 2004. The rules apply to all dismissals, including capability, retirement and redundancy. They also set up procedures for employee grievances.
- 38 RESEARCH DIGEST**  
 ... deadlines increase heart risk ... computer users risk glaucoma ... employers critical of OH professionals ... absence records ... long hours increase driving risks ... night work increases hospital accidents
- 40 BOOKSHELF & DIARY**  
 ... rehabilitation guide ... latex intolerance ... information governance ... key events in occupational health
- 41 TOOLBOX**  
 ... roundup of regulatory changes, guidance, campaigns and consultations ... chromium VI in cement ... mobile phones and health review ... H&S performance tool
- 42 CLASSIFIED**  
 ... job vacancies