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| NATIONAL TRAINERS FEDERATION SAFETY VESTS |
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This note guidance has been updated in July 2018 in the light of a pending BHA rule change in October 2018 as to the minimum standard for safety vests.

_BHA Rules

The Rules place an obligation upon the trainer to ensure that a stable employee, jockey or other person wears a skull cap and safety vest (see rule (B) Part 3 25) when mounted on a horse in any place where the horse is under the care and control of the trainer.

The BHA rules currently state that in the case of a safety vest it must conform to (BS) EN 13158:2009. The rule can be found here

<http://rules.britishhorseracing.com/Orders-and-rules&staticID=126937&depth=3>

From 1st October 2018, the rule will change to (BS) EN 13158:2009 or 2018 and that the **“minimum acceptable standard for a safety vest is Level 2”**.

The rules further require that the safety vest must be in a serviceable condition and not modified in any way or attached to the horse or any equipment carried by the horse (Jockey Manual (Section D) of the Rules of racing at Schedule (D) 2 Equipment Part 1).

Fit

Correct fitting is essential. A leaflet is available from the British Equestrian Trade Association (BETA) at www.beta-uk.org and it is recommended that employers take advice from a trained retailer.

Provision of safety vest

Employers must provide safety vests free of charge to employees. Genuinely self-employed workers must obtain and use their own safety vest which must comply with the standard required by the BHA rules.

If employees have their own safety vest that they wish to use, employers must check that it meets the standard and assess if it is suitable for use. If not, then the employer must insist that it is not used and provide the employee with a suitable safety vest.

Trainers should also check their insurance policies to see if their insurer has specific requirements with regard to the standard, level or use of safety vests.

If employment has been terminated and the employee keeps the safety vest without the employer's permission, the employer should be able to deduct the cost of the replacement from any wages owed as long as it has been agreed in the contract of employment or other document signed by the employee prior to the employee leaving the employment and taking the safety vest.

Such provision is contained in the current NTF standard contract of employment.

Alternatively if not using the standard contract, then attached as appendix 1 to this advice note is a suggested form of letter for trainers to have signed by their employees if the employer wishes to have the ability to deduct the cost of a replacement safety vest from an employee should the employee not return his or her safety vest on termination of employment.

Training

Training must be given to employees on the use of safety vests.

Employers must make sure that employees know why the safety vest is to be worn (Le. that it is mandatory under BHA rules and the type of injuries it may help prevent), when it is to be used, repaired or replaced and its limitations.

Safety vests are designed to offer protection to a rider by absorbing the high levels of energy created when falling off, being kicked or stood on by a horse. Safety vests should prevent minor bruising that would have produced stiffness and pain, reduce soft tissue injuries and bruising and may prevent a limited number of rib fractures.

Employers must train and instruct employees on how to wear the safety vest properly and make sure they are doing this and advise on the factors affecting protection [i.e. fitting and use, defect, damage and wear).

Employees should be advised to report any loss of or defect in the body protector and the person to whom this should be reported. Employees should also be advised where it is to be kept and safe storage of it.

In addition, employers could use safety signs to remind employees to wear the safety vests.

Some helpful pointers on training:

- tell your employees that safety vests are compulsory when riding and when else the yard requires them to be worn.
- tell your employees that safety vests may prevent minor bruising that would produce stiffness and pain, reduce soft tissue injuries and bruising and may prevent a limited number of rib fractures (Le. why they are to be worn)
- advise your employees that safety vests must not be cut or altered in any way
- advise your employees that safety vests remain the property of the employer.

If you wish to have the ability to "charge" your employees for safety vests if they leave and take the safety vest with them, ensure the employees are aware of this and get a signed authority to deduct the cost from final wages either through the contract of employment or a separate document.

- explain to your employees any other rules you may have regarding the use, storage, etc of the safety vests

This should be included as part of the induction process for new employees.

Maintenance and replacement

The employer should ensure that there is somewhere to keep the safety vests when not in use and that they are kept clean and in good repair.

BETA recommend that safety vests be replaced at least every 3 years as the impact absorption properties may start to decline after that period. A safety vest should be checked for dents immediately after an accident. The foam will expand back to its original shape 30 minutes after impact but will not provide the same protection in the dented area as impact absorption will have been lost. Replacement panels are available for some safety vests rather than replacement of the whole garment. It is advisable to keep instructions/labels issued with the garment and take advice from an approved supplier if appropriate.

Compliance

As with any safety equipment, employers should ensure compliance from their staff by:

- supplying the safety vests and training on the use and advising employees why they are to be worn (see clause on training)
- monitoring the use of them
- if an employee is found not to be using one, the first step would be a chat about it to ascertain why. The employee should not be allowed to ride or do other work where a

safety vest is deemed necessary without one.

- if the employee has concerns (for example) about the fit or condition or health reasons for not wearing it, then the employer should explore with the employee an alternative safety vest.
- if the employee is simply refusing to wear it, the employee should be advised that if a second offence of not wearing it occurs then disciplinary action will be taken
- ultimately refusing to wear a safety vest could result in dismissal - employers must remember that for any dismissal the correct disciplinary procedure must be followed. Contact the NTF for advice if considering dismissal.

General

When purchasing safety vests for new employees or replacing existing safety vests, employers are advised to liaise with a trained supplier over the type and makes of safety vests available and what is suitable and arrange for the supplier to fit safety vests. The employer must also ensure that the safety vest meets the BHA Rules.

Employer's duty

The employer must ensure that

- the employee knows the dangers
- that the employee knows the precautions to be taken (the mandatory wearing of the safety vest) and why (prevents minor bruising, reduce soft tissue injuries and bruising and may prevent a limited number of rib fractures)
- the employer provides the safety vest to be worn
- the employee knows the safety vests are to be worn and are available.

The employer should monitor the wearing of the safety vests by employees and follow the procedure outlined above if an employee refuses to wear a safety vest. An employee should not be allowed to be mounted on a horse without one or carry out other duties where the trainer has decided a safety vest should be worn.

By taking these steps, an employer should have a defence that he has met his duties with regard to the provision and use of safety vests in the event of a claim from an employee injured whilst not wearing one when he should have been.

It would not be a defence simply to state that the safety vest was available. Training on use and why they are to be worn must have been given and the trainer must take steps to ensure compliance by the employees.

SAMPLE WRITEN AUTHORITY

Employer

Employee

I acknowledge that the safety vest issued to me remains the property of my Employer and upon termination of my employment I will not keep the safety vest.

I agree that if I do keep the safety vest without permission following termination of my employment my employer may deduct from any wages owed to me [then insert either the cost of the safety vest being x; the cost of a replacement safety vest or a set sum being the value of the safety vest] *

Signed

..... (employee)

Dated

.....

copy to employee and copy to be retained by employer on employee's file

** the set sum should be a genuine reflection of the cost of replacing the item and not a penalty charge for not returning it*