KEEP IT SAFE

BFFF QUARTERLY HEALTH AND SAFETY UPDATE

OCTOBER 2014

Welcome to the BFFF quarterly Health and Safety newsletter 'Keep it Safe'.

INSIDE THIS ISSUE

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We do hope you find **'Keep It Safe'** a valuable read.

Please contact BFFF on 01400 283096 or email joannahancock@bfff.co.uk if you have any health and safety issues or wish to receive additional/back copies

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BFFF HEALTH AND SAFETY INITIATIVES

HEALTH & SAFETY SEMINAR

BFFF held the fifth Health & Safety seminar on 2nd July at the Ricoh Arena, which was another great success. The sold out event had over 70 delegates from across the membership, including shift managers, team leaders as well as company directors and chief executives.

The seminar included a number of speakers and topics that are current and relevant to the industry, including; HSE priorities and target areas, legionella control and prevention, BFFF Primary Authority Scheme, industry statistics, working at height on refrigerated vehicles and in cold stores, safety climate tool, behaviour based driver safety, and industry case studies covering fire and prosecution.

The Federation introduced exhibitor stands for the first time this year which were a great success. Exhibitors could meet and network with the relevant contacts within the sector.

BFFF received substantial positive feedback from the delegates. One member said that the event was "very well organised and geared towards member requirements – [we] took away a number of good learning points".

Another said of the day; "Topical and engrossing, this event will convince anyone of the Federation's commitment to getting it right."

The presentations from this years' seminar are all available on the BFFF website at http://bfff.co.uk/health-safety/seminar/

Next year's seminar is scheduled for the 1st July 2015 at the Ricoh Arena in Coventry so please save the date. The Federation would also like to welcome feedback from members on topics they want included in next year's event. Please email your thoughts to joannahancock@bfff.co.uk.

BFFF MEMBERS' COLLATED HEALTH AND SAFETY INJURY STATISTICS 2013

We have pleasure in enclosing members' collated health and safety injury statistics for 2013.

Thank you once again for the fantastic support by the members who shared their information with us. 22 Food Producers, 18 Wholesalers and 5 Logistics Service Providers all confidentially shared their information with BFFF, enabling us to produce these industry figures.

The first table shows BFFF members' collated average injury rates per 100,000 employees from 2008 through to 2013.

It is important to note that due to the changes in the RIDDOR reporting parameters, the reportable figures for 2012 and 2013 show the over 7 day accidents whereas the previous years' figures show over 3 day reportable accidents.

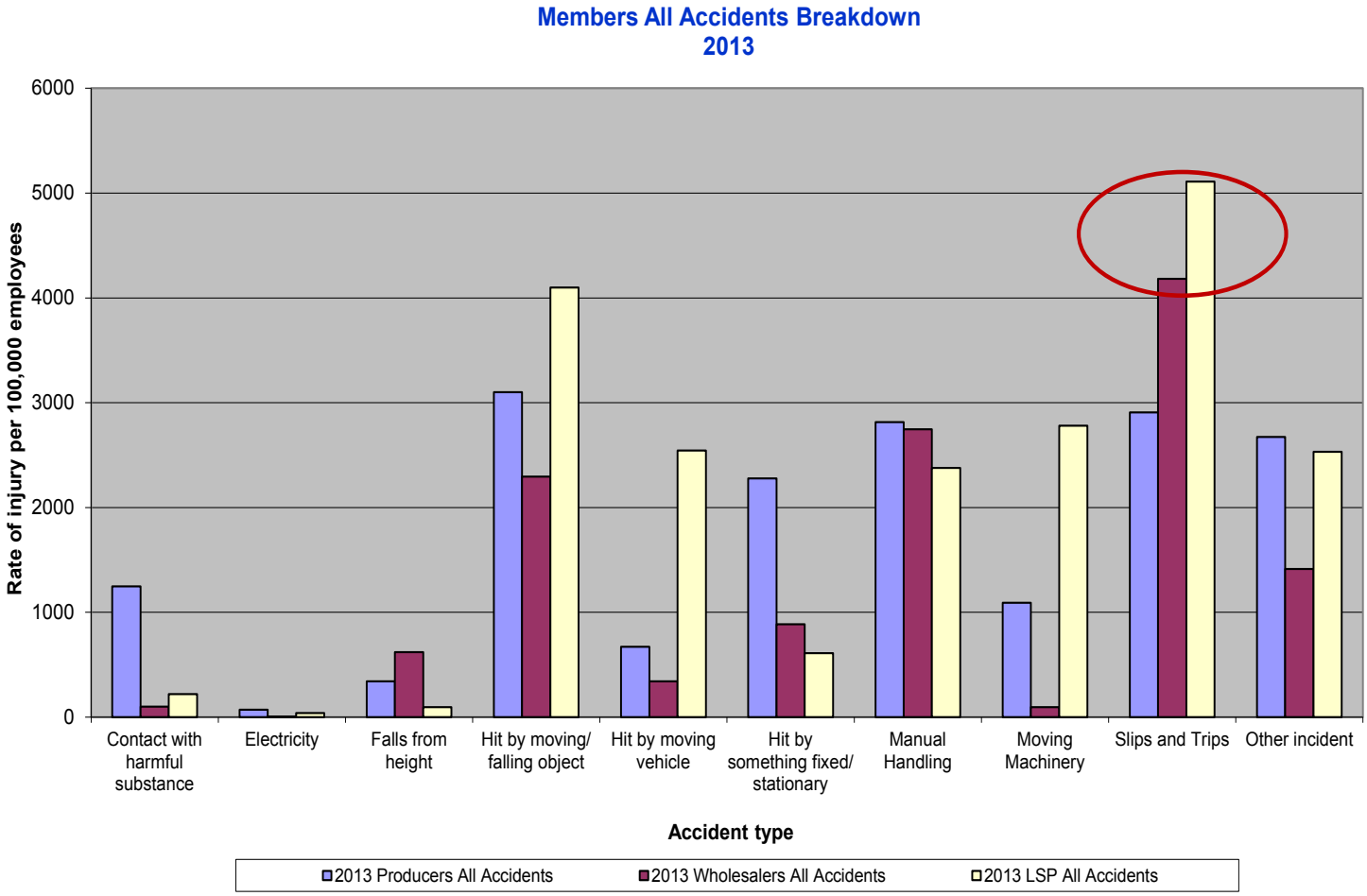
The following charts breakdown the figures into more detail with comparisons for the Food Producers and Wholesalers.

We are delighted to have 5 Logistics Service Providers contributing their statistics over the past 4 years.

Their data is included within the charts however comparisons on the data has not been presented due to the relatively small amount of time that we have been collating their data.

BFFF Members Collated Average Health and Safety Injury Rate Statistics for 2008 through to 2013

SECTOR SPECIFIC INFORMATION								
SECTOR	NO. OF RESPONSES RECEIVED	AVERAGE Rate of injury per 100,000 employees for the sector						% CHANGE 2012-2013
		2008	2009	2010	2011	2012	2013	
PRODUCERS All Accidents	22	19,016	17,446	20,828	17,953	18,909	17,189	-9.1%
PRODUCERS Reportable only		1,489	1,261	1,673	1,609	942	1,663	76.5%
WHOLESALERS All Accidents	18	10,688	12,991	10,648	13,174	10,678	12,678	18.7%
WHOLESALERS Reportable only		1,354	1,736	1,990	2,168	1,433	1,280	-10.7%
LOGISTICS SERVICE PROVIDERS All Accidents	5	n/a	n/a	15,417	12,806	16,025	20,404	27.3%
LOGISTICS SERVICE PROVIDERS Reportable only		n/a	n/a	1,768	1,855	1,244	656	-47.3%



Food Producers

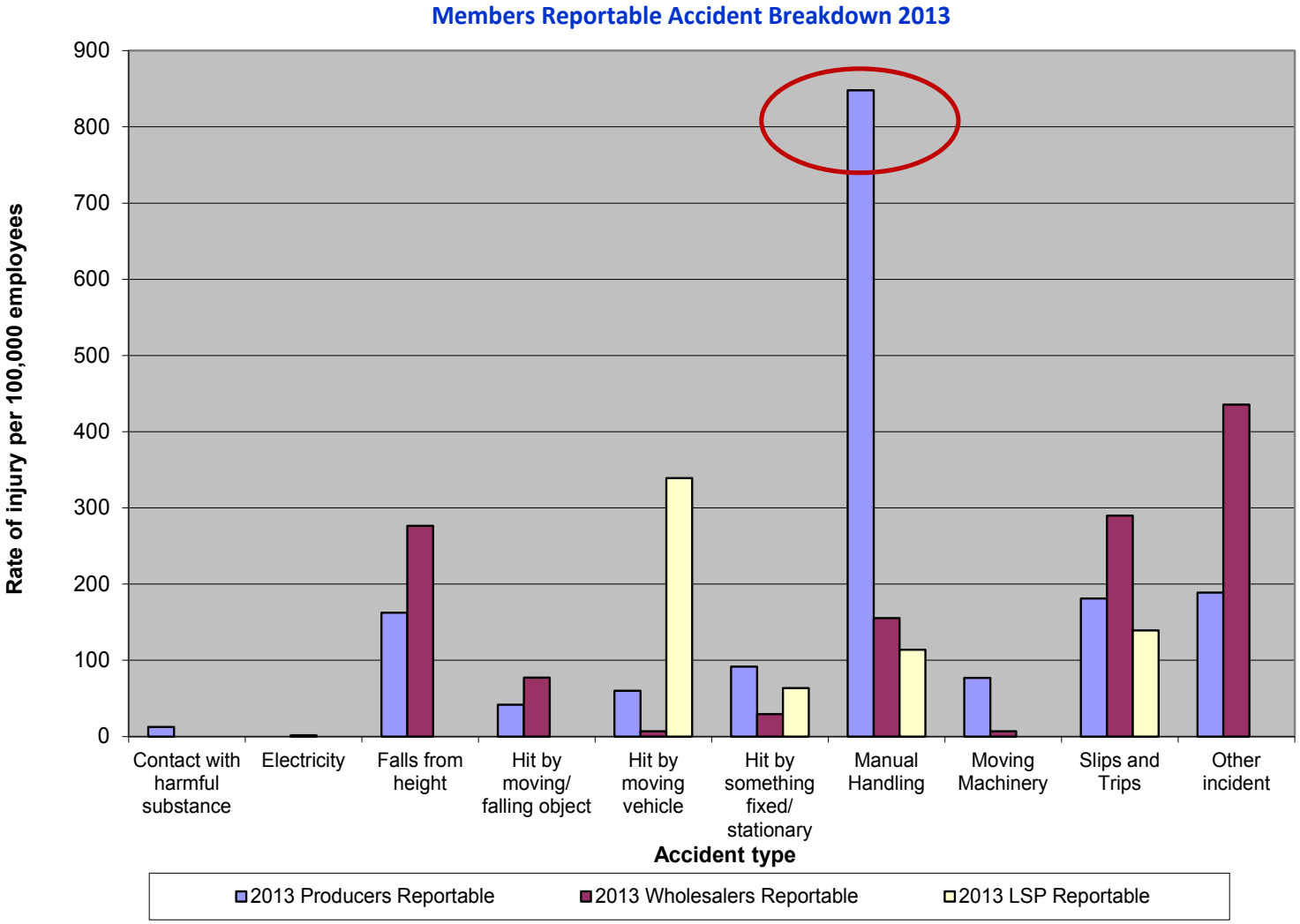
When comparing the 'all accidents' figures from 2008 to 2013, it is encouraging to see that there has been an overall reduction in the accidents. The top three accident category areas shown above are:

1. Hit by moving/ falling object
2. Slips & Trips
3. Manual Handling

Wholesalers

Although the 'all accidents' figure has increased from last year there has been an improvement compared to 2011. The top three accident categories for Wholesalers were:

1. Slips & Trips
2. Manual Handling
3. Hit by moving/ falling object



Food Producers

The RIDDOR reporting timeframes changed in 2012 making comparisons to previous years difficult. However the top three reportable accident categories were:

1. Manual Handling
2. Slips and Trips
3. Fall from height

Wholesalers

Again the change in reporting timeframes means comparisons to previous years is difficult. However the top three reportable accident categories were:

1. Slips and Trips
2. Falls from height
3. Manual Handling

Slips & Trips and Manual Handling Incidents

Slips & Trips and Manual handling accidents remain in the top 3 categories for both 'all accidents' and 'reportable accidents' for food producers and wholesalers.

As such we took the opportunity to compare accidents within these categories for the past 6 years to establish any trends with the following results:

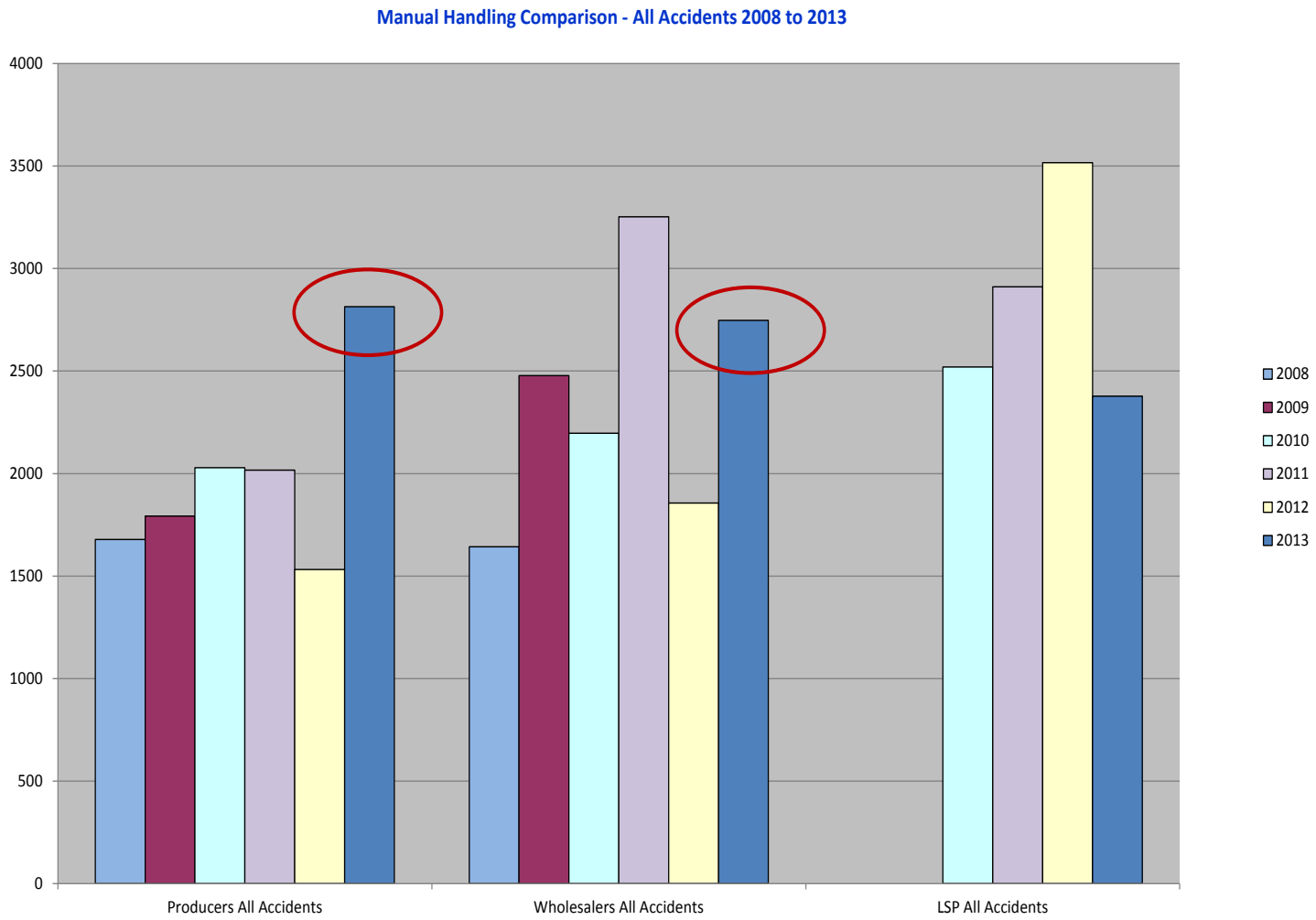
Slips and trips - Encouragingly the injury rate for 'all accidents' in Food Producers has seen a significant reduction in this accident category by 32% since 2008, with the rate of injury for 2013 being recorded as 2907 per 100,000 employees.

Whereas the injury rate for all accidents in Wholesalers in this category has increased by 9.8% since 2008 with the injury rate in 2013 being recorded as 4182 per 100,000 employees.

Manual Handling There has been a growing upward trend in the 'all accidents' injury rate for Food Producers and Wholesale businesses for this accident category. Manual handling is clearly one of the focus areas for our industry.

The correlation of the results on Manual Handling accidents and the trends within the slips and trips accidents will be discussed in depth at the next BFFF Health and Safety Expert group meeting. The group will be working together on how we can support members to reduce accidents in this area.

So thank you once again to all participating members. All members' information is treated confidentially and each contributing member has the opportunity to have a detailed comparison (see example). Members have reported they find these comparisons extremely useful as a guide to performance and benchmarking tool for their business. Please do contact Joanna Hancock if you would like to receive the detailed information or would like more information on taking part in the future.



BFFF HEALTH AND SAFETY EXPERT GROUP

The BFFF Health & Safety Expert group met on the 24th September. The group consists of health and safety experts from across the BFFF membership who work in a proactive and open manner to discuss industry level health and safety issues for the benefit of the industry. Furthermore, with our close relationship with the Fire Service, the scope of the group has now been widened to incorporate any fire issues or new fire guidance for our sector.

The meeting was well attended from all the sectors and involved some very useful and interesting discussions on the direction of our work at height guidance, members accident statistics and the Fire work. There was excellent participation from the group and the meeting was rounded off by an interesting presentation from Pippa Brockington from HSE on Managing Shift Work at Fatigue. She is an expert in that field and the working group enjoyed being able to question a specialist on the topic.

Please feel free to contact Joanna Hancock for any detailed information on the meeting or to raise any future topics for discussion.

WORKING AT HEIGHT ON REFRIGERATED VEHICLES / TRAILERS

At the end of 2012 we became aware of issues with refrigeration engineers falling from the top of vehicles whilst carrying out maintenance work.

There was no guidance on the safe systems of work in this area.

We decided to develop guidance on behalf of the whole of the industry through a comprehensive working party of 30 representative companies from all aspects of the industry.

The group developed the guidance and produced the fourth draft which was sent to our regulatory contacts within HSE and also our Primary authority to review in December.

One of the sections includes a hierarchy of working at height access equipment for this operation which includes the use of ladders when other fixed/ mobile working at height access equipment is not suitable.

Our Primary Authority and the Expert Group were comfortable with this hierarchy, however HSE felt that ladders should not be used for planned maintenance work.

All agreed there would be significant financial and operational implications if ladders are not permitted for planned maintenance.

To help persuade HSE of the group's position BFFF held a meeting with HSE on the 24th June accompanied by select members of the working group to present our case.

We also organised a practical demonstration on the 21st July to fully demonstrate the safe systems of work around the use of ladders for maintenance of refrigeration units on vehicles. The demonstration was held at Michael Ward in Bolton using a Brakes vehicle.

Representatives from the working group attended as well as the Freight Transport Association, two representatives from HSE and our Primary Authority partner from Wakefield.

Our main contact within HSE, Simon Parry, also at the demonstration will now be co-ordinating the review of the guidance from HSE.

The demonstration clearly showed the safe system of work with several engineers on hand to talk through the procedures as well as vehicles of all different sizes and shapes.

HSE now have substantial information in the form of presentations from our meeting in June, example safe systems of work, example risk assessments, training videos and the practical demonstration to help their consideration.

They commended the BFFF on tackling an industry issue, developing and co-ordinating a competent working party and developing the guidance.

There are issues within HSE surrounding the use of ladders for planned maintenance and we hope to hear back from them at some stage during October/ November and will keep members informed.

BFFF JOINS STRONGER TOGETHER NETWORK TO ERADICATE HUMAN TRAFFICKING AND FORCED LABOUR

stronger together
tackling hidden labour exploitation

BFFF has joined leading business bodies and national supermarkets in the fight against modern day slavery by becoming a supporting partner of the Stronger Together network.

BFFF has joined the Association of Labour Providers, the British Retail Consortium, the Gangmasters Licensing Authority and some of the UK's largest supermarket chains, including the Co-operative Food, Marks & Spencer, Sainsbury's, Tesco and Waitrose, in a cross-sector effort to reduce human trafficking and forced labour in the UK.

In this country trafficking for labour exploitation largely impacts on sectors with a predominance of migrant workers in their supply chain such as construction, catering, industrial, logistics, hospitality, cleaning, food processing and agriculture.

BFFF is promoting the online resources available to recruiters and UK employers to help them identify, tackle and deter hidden third party worker exploitation in their supply chains. Recruiters and employers can access:

- best practice guidance
- multi-language workplace posters
- worker leaflets
- template procedures
- an anti-trafficking video
- a series of workshops across the UK

Stronger Together programme coordinator and Association of Labour Providers (ALP) director, David Camp, says:

"We warmly welcome BFFF as a supporting partner to the Stronger Together network. Tackling human trafficking for labour exploitation requires a collaborative approach to raise awareness and support employers and recruitment businesses in dealing with this growing scourge in supply chains."

For more information about Stronger Together and to register for a regional workshop visit www.stronger2gether.org

PRIMARY AUTHORITY - FIRE

We are delighted that the launch of our Fire Primary Authority, an exclusive member benefit, has launched with great success.

This important addition to our Primary Authority portfolio enables members to obtain consistent fire safety advice for their businesses through a dedicated Fire authority. Our partner is Lincolnshire Fire and Rescue (LFR). The scheme is open to all BFFF members with premises in England and Wales.

Members feedback to our recent survey has enabled us to work with LFR to plan 'assured' industry standard guidance and topics at the top of our agenda are;

- Fire Risk Assessments
- Business continuity
- Emergency Planning
- Training

The BFFF scheme offers members bespoke fire safety advice for their business.

One member has already used the scheme to avoid enforcement action on their business:

"As part of our Primary Authority with Lincolnshire, we recently engaged them in supporting us with a potential conflict with another Fire Authority. Through the knowledge and approach of the team we were able to achieve a solution which removed any threat of conflict and also provided a workable approach going forward. Without their involvement this wouldn't have been possible."

For further information on the scheme or to join, contact crystalholmes@bfff.co.uk

BFFF AWARDED SPECIAL CONTRIBUTION AWARD

Joanna Hancock and Su Dakin, expert BFFF team members, have been rewarded by the Government's Better Regulation Delivery Office (BRDO) with a special recognition award for their work on BFFF's Primary Authority partnerships.

Jo and Su were presented with the award following their ground breaking work in setting up Primary Authority partnerships that will benefit the trade association's varied members.

The BRDO were especially impressed with the work that was done in setting up direct-administered partnerships to provide their members with fire safety advice.

BFFF Chief Executive, Brian Young, said: "We're delighted that the work BFFF - and in particular Jo and Su - did in pioneering primary authorities for trade associations has been recognised by a government body like BRDO. They have worked hard to set up partnerships to support BFFF's members, and in October 2013 BFFF became one of the first trade associations to sign up to the newly extended Primary Authority scheme."

Mr Young continued: "The judges pointed to the constructive challenges Jo and Su put to BRDO in setting up some of the first trade association Primary Authority agreements in order to achieve the best outcome for our members. Meeting the needs of members is at the heart of everything we do and our work with BRDO reflects this."

BFFF continue to be heavily involved in developing Primary Authority for trade associations including through involvement with business expert groups and exploring mechanisms for regulators and business to work collaboratively.

Primary Authority agreements enable assured regulatory compliance for BFFF members of all sizes across local authority borders.

For more information on BFFF's Primary Authority agreements or to join a scheme, please contact crystalholmes@bfff.co.uk.

MEMBER BENEFIT
Primary Authority Scheme

BFFF is delighted to be able to offer Primary Authority Schemes exclusively for members

Introducing Primary Authority

BFFF can now offer agreed industry advice for members under the Primary Authority Scheme. The advice is 'assured' which means it is legally backed. If the advice is followed, another Local Authority cannot ask you to do anything different.

BFFF has partnered with the Environmental Health team in Wakefield and the Trading Standards team in Cambridgeshire to deliver this service. Both of these Local Authorities specialise in Primary Authority and have expertise in the frozen food industry.

The scheme is free for members to join and will help support members to stay on the right side of regulation.

BFFF have also launched a Fire Safety Primary Authority Scheme in partnership with Lincolnshire Fire & Rescue. This innovative scheme allows members to join to receive industry level advice on all aspects of Fire Safety, but also have a dedicated fire safety contact to provide bespoke advice to businesses. The fire scheme has flexible membership options.

To take part Members can choose to sign up to any combination of the regulatory categories below:

Fair Trading
Food Safety
Health and Safety
Fire Safety
Food Standards (Labelling & Composition)
Weights and Measures

Key benefits for signed up members include:

- Advice and guidance has Regulatory backing, if you follow it, you cannot be asked to do something different.
- Access to the advice of dedicated Environmental Health and Trading Standards Professionals who are experts in the Frozen Food Sector and know how enforcement works!
- It is free to join the scheme and the key benefits of assured advice and guidance with legal backing are also free. Support through any enforcement action or business specific queries do attract a modest 'at cost' charge.

Cambridgeshire County Council

Lincolnshire Fire & Rescue – A Proud Service of the County Council

wakefield council working for you

If you have any queries about the scheme please contact:

Su Dakin
Tel: 01400 283094
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Food Safety
Food Standards (labelling & composition)
Weights and Measures
Fair Trading

Crystal Holmes
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General Enquiries

Joanna Hancock
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Health and Safety
Fire Safety

FIRE SAFETY

WHAT ARE 'SIGNIFICANT FINDINGS'?

George Orwell said "Myths, which are believed in, tend to become true". If George Orwell was right, this article should dispel one of them. That myth being, what are the significant findings in relation to your fire risk assessment?

The Regulatory Reform (Fire Safety) Order 2005 clearly states in Article 9(6) that as soon as practicable after the assessment is made or reviewed the responsible person must record certain information and in particular the 'significant findings'. Many people wrongly assume that the term 'significant findings' relates solely to the content of the 'action plan', however, this is not the case.

In the context of fire safety legislation these are significant hazards and risks to persons that were found by the assessment; precautions already in place to protect persons from fire; and preventative and protective measures (i.e. general fire precautions) that will be taken to address the hazards and risks identified by the risk assessment.

Whilst 'significant findings' may well feature in a fire risk assessment action plan, they will also feature within the main body of a suitable and sufficient fire risk assessment and some may not feature within the action plan at all. A significant finding may indeed be significant, but does not always automatically require action, however, should indicate measures taken and measures that will need to be taken for compliance with the legislation.

Usually, basic information on such factors can be considered as significant findings of the fire risk assessment and accordingly, such information needs to be recorded. Such factors include, but are not limited to: the height of the premises, the construction of the premises, the activities and processes carried out on the premises, the complexity of the premises, the approximate floor area, the approximate number of occupants of the premises, the maximum number of members of the public likely to be present, the occupancy profile of the premises, the familiarity of the occupants with the premises, the state (or likely state) of the occupants (e.g. awake or asleep, alert or under influence of alcohol or drugs), the history of fires on the premises and the influence of arson and vandalism in the surrounding areas.

Although the above factors cannot, (or cannot readily), be changed, their effect on fire risk, (primarily as a result of their effect on the consequences of a fire), needs to be taken into account in the fire risk assessment and therefore is a significant finding.

Moreover, the analysis of the risk undertaken as part of the assessment process may well have cause to justify certain non-compliance situations and the accompanying commentary will be critical to understand the thought process undertaken at the time of the inspection, albeit right or wrong, these considerations will not appear in the action plan.

It is worth keeping in mind that the information annotated in the fire risk assessment could be construed as a 'contemporaneous notes' if referred to in legal proceedings, that occur post fire audit.

ACETYLENE SAFETY (ENGLAND AND WALES AND SCOTLAND) REGULATIONS 2014 (ASR 2014)

This piece of work consolidates a range of legislative instruments, including regulations and orders, into a single set of regulations. These regulations simplify and, where appropriate, modernise legislative arrangements for compressed acetylene gas whilst maintaining pre-existing safety standards.

The main changes include:

- There will no longer be a requirement to seek HSE approval for certain acetylene equipment (including flashback arrestors and the composition of acetylene cylinders) so long as they comply with current recognised (national/ international) standards.
- Anyone wishing to manufacture, compress or fill a cylinder with acetylene gas greater than 0.62 bar (g) is required to hold a licence, replacing the current complex process for gaining approval.

INDG 327: 'Working safely with acetylene' provides guidance on the fire and explosion hazards of acetylene. Further information can be found on the HSE webpage.

Guidance on the Legislation

The HSE has produced a draft document titled the Explosives Regulations 2014 Guidance on Regulations – Safety Provisions L150. This guidance applies from the 1st October 2014 subject to Parliamentary approval of the Explosive regulations 2014.

E-CIGARETTES AND CONSIDERATIONS

About E-cigarettes

A recent and sudden increase of e-cigarette users in the UK has been noted.

Common names for e-cigarettes include:
- An electronic cigarette (e-cig or e-cigarette)
- Personal vaporiser (PV)
- Electronic nicotine delivery system (ENDS)

They are a battery-powered vaporiser which simulates tobacco smoking by producing an aerosol, commonly called vapour that resembles smoke.

It uses a heating element known as an atomiser (clearomiser). This vaporises a liquid solution known as e-liquid. E-liquids usually contain a mixture of propylene glycol, vegetable glycerine, nicotine, and flavourings, while others release a flavoured vapour without nicotine.

There are different types with two main power packs, ones with single use batteries and ones with lithium-ion batteries which are rechargeable.

Single use batteries will work for a given period of time and once the charge is exhausted then the unit is disposed of. They are non-rechargeable units.

Rechargeable Lithium-Ion batteries can be recharged using a USB connector that is usually supplied with the kit when purchased.

Battery Failure Issues

Batteries made from lithium-ion can be recharged but can fail whilst on charge with explosive force. Several factors can lead to battery failure including:
- Use of incorrect charger.
- Battery which has been damaged by dropping or impact.
- USB lead plugged into non approved mains power transformer.
- Poor manufacturing of battery.
- Some E-Cigarette batteries do not have over charge / over heat protection.

Battery failures resulting in fires

Merseyside Fire and Rescue Service (MF&RS) have responded or are aware of 10 incidents since October 2012 where failure of the battery pack has resulted in a fire. It is believed many more have occurred that have not been reported.

Each incident which is classed as a house fire requires two fire appliances and an investigation officer to attend.

Incidents:

Date	Time	Locality	Cause	Incident No & Type
10/06/2014	20.30	LIVERPOOL	E-Cig on charge	08230 – House Fire
24/03/2014	17.18	LIVERPOOL	E-Cig on charge	43823 – House Fire
20/12/2013	01.04	WIRRAL	E-Cig on charge	35270 – House Fire
25/08/2013	Evening	LIVERPOOL	E-Cig on charge	NHS Hospital – late firecall
17/07/2013	16.02	LIVERPOOL	E-Cig on charge	15807 – House Fire
28/06/2013	16.56	ST HELENS	E-Cig on charge	12982 – House Fire
21/05/2013	22.55	KNOWSLEY	E-Cig on charge	08246 – House Fire
26/04/2013	15.24	KNOWSLEY	E-Cig on charge	04857 – House Fire
13/11/2012	17.47	ST HELENS	E-Cig on charge	26435 – House Fire
13/10/2012	02.47	SEFTON	E-Cig on charge	21954 – House Fire

Safety Advice

Suppliers of e-cigarette equipment give varying levels of advice with regard to the charging of batteries. One company gives advice as follows:

- ✓ Do use correct charger.
- ✓ Do remove from charge when complete.
- ✓ Do dispose of batteries correctly.
- ✓ Do use fire retardant bags.
- ✗ Never leave a battery on charge unattended.
- ✗ Do not drop, strike or subject battery to impact.
- ✗ Do not use if battery has signs of damage.
- ✗ Do not over charge battery.
- ✗ Do not use if wet or exposed to water.
- ✗ Do not over tighten atomiser or when connecting to charger.

Protective Bags

Specialist fire retardant bags are available for a cost of approximately £5.00 which can be used when batteries are being charged.

The bags are designed to contain the battery and charger whilst on charge.

Case Study

A fire call was received in November 2012 to a property in St Helens due to reports of smoke inside the property. Two fire appliances responded and requested specialist fire investigation officer to assist with determining the cause.

On investigation it was found that an e-cigarette was placed on charge in the bedroom and left to charge up.

The e-cigarette was ordered as a kit on the internet and had delivered to the property in the morning. It was placed on charge in the bedroom and the occupier left the property. On returning the occupier opened the front door and immediately noticed smoke in the property.

The investigation found the remains of an e-cigarette still on charge had ruptured and ejected molten metals across the bedroom landing on the double bed.

The double bed ignited and the fire spread across the bed.

Due to the occupier being out at the time no injuries were sustained however the whole property was damaged by fire, heat or smoke.

Considerations

E-cigarettes are being diversified for other uses such as used to simulate illegal substances such as marijuana and e-spliff and e-joints are being sold on the internet.

Alternative uses of e-cigarettes are now emerging online.

National Incidents

MF&RS first reported e-cigarette failures and subsequent fires to all Fire and Rescue Services in the UK via a national reporting system (FINDS) in 2012. Since then numerous Fire Services have reported increased occurrences of fires where the suspected cause is due to e-cigarettes.

SAFETY FOCUS

"THE SKY'S THE LIMIT" ON HEALTH AND SAFETY FINES

A law firm has warned that "the sky's the limit" for health and safety and environmental fines for large companies, following a recent ruling by the Court of Appeal in two landmark cases.

The law firm, Walker Morris, was referring to two recent appeals heard jointly by the Court of Appeal due to the shared issues they raised with regard to the levels of fines to be imposed for offences by large companies.

The appeals focused on the levels of fines imposed for radioactive waste and health and safety offences committed by large companies and introduced requirements on those offenders regarding the provision of financial and corporate information prior to sentencing.

The two companies involved were the nuclear processing site, Sellafield, and Network Rail.

The Sellafield appeal focused on a number of offences committed by the company in failing to separate radioactive waste from non-radioactive waste and dispose of the radioactive waste appropriately. Sellafield pleaded guilty and the Crown Court imposed a fine of £700,000.

In the second appeal, Network Rail pleaded guilty to a breach of s.3 of the Health and Safety at Work, etc Act 1974 for failing to conduct an appropriate risk assessment of a level crossing on which a child was very seriously injured. The Crown Court fined Network Rail £500,000.

Both companies appealed against the size of the fines. However, the Court of Appeal dismissed the appeals.

Corporate Manslaughter

Corporate manslaughter was not a new concept in 2007 when the Corporate Manslaughter and Corporate Homicide Act 2007 (the 2007 Act) went onto the statute books. Prior to that, it was possible for a corporate body to be found guilty of manslaughter following a health and safety-related fatality.

However, it was necessary to prove that in the defendant corporation there was a senior individual(s) who could be said to embody the organisation — usually referred to as the "controlling mind" — and whose gross negligence amounted to manslaughter.

This was difficult to prove beyond all reasonable doubt.

The only successful prosecutions were against small organisations where the direct causal link between the events and the controlling mind could be established to the satisfaction of a jury.

Conviction Criteria

- Organisations will be guilty of corporate manslaughter (or, in Scotland, corporate homicide) if the way in which their activities are managed or organised by their senior management is a substantial element in the breach of the duty of care owed.
- Provisions under the Corporate Manslaughter and Corporate Homicide Act 2007 mean that it may be easier to bring successful prosecutions against companies whose gross management failings lead to the death of an employee, or a member of the public, to whom a duty of care is owed.
- In many instances "senior managers" will play a more significant role in managing activities than their title might suggest, and perform duties above and beyond the content of their job description.
- To avoid prosecution, companies will need to show that they have an effective health and safety management system, transparent procedures and defined lines of reporting and responsibility.
- A duty can be said to be owed if foreseeability, proximity and reasonable grounds to impose such a duty are all present.
- Whether a particular organisation owes a duty of care to a particular individual is a question of law.
- A breach of a duty of care by an organisation is a "gross" breach if the conduct alleged to amount to a breach of that duty falls far below what can reasonably be expected of the organisation in the circumstances.

HSE FOOD INDUSTRY CASE STUDIES

YOUNG WORKER LOSES FINGER IN UNGUARDED MACHINE

Summary

A food production company has been fined after a 16-year-old worker had to have his finger amputated after it became trapped in an unguarded machine.

The teenager was attempting to clear a blockage on a biscuit crumbing machine when the incident occurred.

He reached too far into the hopper and his right hand was pulled into a screw conveyor, a machine which uses a rotating screw blade to break biscuits as they travel up a tube.

He injured a number of fingers, but his middle finger was so badly damaged it had to be amputated.

The investigation found that both the hopper and the screw conveyor were unguarded, and had been since the machine was bought several years earlier.

The Court were told that the worker, who is now 17, left the company following the incident as it was only intended to be a part-time job until he started a college plumbing course.

He missed two months of the course but has since made good progress and is catching up with his peers.

Action

The company pleaded guilty to breaching Regulation 11(1) of the Provision and Use of Work Equipment Regulations 1998. Wolverhampton magistrates fined the company £7,000 with full costs of £4,000.

Advice

Speaking after the Court hearing, the HSE inspector said:

“To be injured so seriously just a few weeks into his working life has been profoundly upsetting for this young man. The incident was entirely avoidable. The risks of clearing blockages had not been properly identified. If they had been, workers would not have been able to access dangerous moving parts of machinery.

“The company has since fitted a guard. It is just a shame they did not do this before someone suffered life-changing injuries.”

WORKER KILLED BY RUNAWAY LORRY

Summary

A logistics company were prosecuted after a runaway lorry killed one of their drivers.

The 44 year-old worker, had just started his night shift when the incident occurred. He was crushed against a stationary vehicle when his own vehicle moved off while he was coupling the tractor unit to the trailer.

As he coupled up the airlines between his tractor and the trailer unit the air would have filled the trailer air reservoirs (as the engine was running) which would have released the pneumatic brakes. Either the mechanical trailer brake was not engaged or the employee disengaged it.

The consequences of not applying the parking brake were aggravated by the steepness of the slope. He died at the scene from a serious chest injury.

After striking him the lorry continued to roll down a slope, travelling another 27 metres before crashing into a wall. Had it not been stopped by the wall it may have rolled directly out onto a public highway.

The HSE investigation identified issues with the company's drivers coupling up vehicles without following the company's rules. They were not applying the handbrake to the tractor unit or turning off the engine.

This dangerous practice was known to the company who failed to effectively monitor its employees and ensure they followed the correct, safe working procedure.

It was also found that there were no appropriate measures in place to prevent vehicles parked on the slope from rolling away, such as flattening it out, installing road bumps in front of the vehicle wheels, or using chocks.

Action

The company pleaded guilty to breaching Sections 2(1) and 3(1) of the Health and Safety at Work etc Act 1974. They were fined a total of £300,000 and also ordered to pay costs of £26,000.

Advice

After the hearing the HSE inspector said:

"This death was entirely preventable and the worker's life has needlessly been lost."

"It happened because of a poor and dangerous practice that the company was aware of but did nothing to stop. Appropriate controls should also have been in place to ensure vehicles did not roll away.

"What is so disappointing is that there had been previous similar incidents at this company and at the same site. Lessons should have been learned from these but were not."

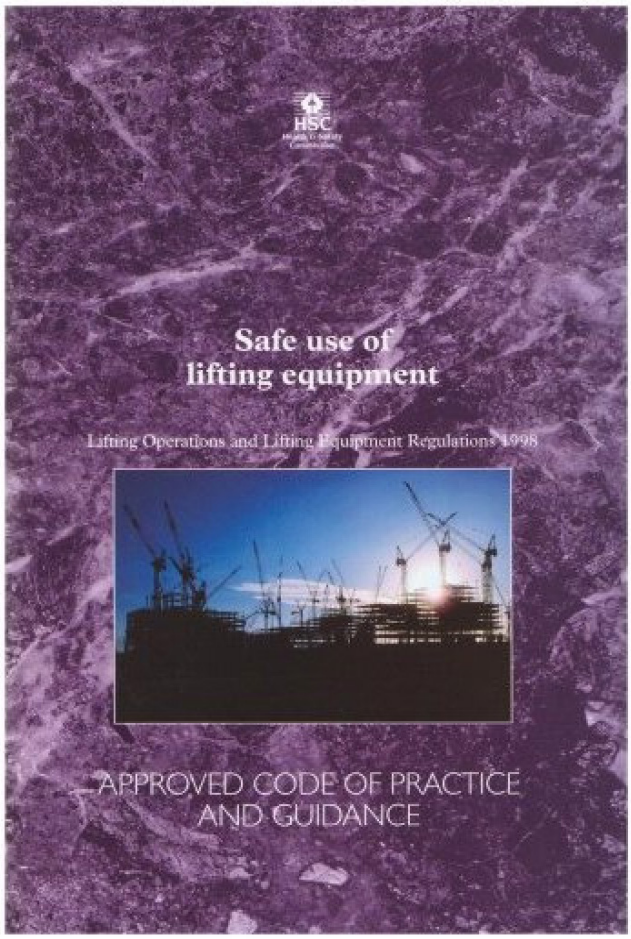
LEGISLATIVE UPDATE

HSE CONSULTATIONS

HSE has sought views on a number of revised Approved Codes of Practice (ACoPs), following the agreement to review such documents identified by Professor Ragnar Löfstedt in his report Reclaiming Health and Safety for All: An Independent Review of Health and Safety Legislation.

Approved Code of Practice (ACOP) L113 relating to the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER).

The proposed amendments are designed to bring the document up to date with regulatory and other changes and to make the understanding and use of the document easier, particularly with regard to clarifying which equipment is subject to the provisions of the regulations and the role of the competent person.



The amendments also accommodate suggestions made in the earlier consultation (September 2012).

Please note that this consultation is not seeking views on the Lifting Operations and Lifting Equipment Regulations 1998 to which this ACOP applies. There are no plans to change the regulations themselves at this time.

Approved Code of Practice (ACOP) L101 Relating to the Confined Spaces Regulations 1997

The proposed amendments are intended to bring the document up to date with regulatory and other changes and to make the understanding and use of the document easier, particularly with regard to clarifying the definition of a confined space. The changes also accommodate suggestions made in an earlier consultation (September 2012).

Please note that this consultation is not seeking views on the Confined Spaces Regulations 1997 to which this ACOP applies. There are no plans to change the regulations themselves at this time.

Approved Code of Practice (ACOP) L122 to the Pressure Systems Safety Regulations 2000

The HSE notes that, in a general review of ACOPs, there were very few responses concerning this particular ACOP compared to other ACOPs. Although it is crucial for ensuring safe use of pressure systems, it is not particularly high profile outside its target audience, nor is it controversial. The consultation asked specific questions on the revised ACOP's new format, eg where material has been moved from the introduction to an appendix. The regulations are unchanged, so there are no new requirements for compliance.

The consultation ends on 13th October 2014.

Self-Employed Persons

HSE has also proposed to exempt self-employed persons from s.3(2) of the Health and Safety at Work, etc Act 1974 (HSWA), except those undertaking activities on a prescribed list. It welcomed views on the clarity of the proposed definitions, relied upon in the draft regulations, of those, self-employed persons who will continue to have duties under health and safety law and on the costs and benefits of the proposed changes as set out in the Impact Assessment annexed to the consultation document.

The proposal to exempt certain self-employed persons from health and safety law is again derived from a recommendation made by Professor Löfstedt in his report Reclaiming Health and Safety for All: An Independent Review of Health and Safety Legislation. He recommended that self-employed persons be exempt from health and safety law where they pose no potential risk of harm to others through their work activity.

The Great Britain regulatory framework for health and safety, in particular s.3(2) of HSWA, places general duties on everyone "at work" including the self-employed.

The prescribed list is designed to strike a balance between the need to free self-employed persons from unnecessary perceived requirements, while still providing the important protections to those who need it. It covers activities in areas including: agriculture and forestry; construction and design; compressed air; diving; chemicals, explosives and other dangerous substances; asbestos; electricity; equipment and plant; pressure systems; mining and quarrying; pipelines; railways and other guided transport; health and social care; waste management; amusement; gas; genetically modified organisms; nuclear and ionising radiation; and offshore work.

Q & A'S

FOLLOWING GP'S RECOMMENDATIONS ON FIT NOTE

Q. An employee has produced a "fit note" from their GP with a recommendation for amended duties, stating that they should refrain from undertaking any form of lifting or carrying of loads.

Are we legally bound to adhere to this recommendation from the GP?

A. The purpose of a fit note is to inform the employer whether that employee's doctor thinks they are not fit for any work or whether they may be fit for work but not necessarily undertaking their current job.

An employee can only be given a fit note if their doctor considers their fitness for work is impaired.

Government guidance notes that the advice in the fit note is about an employee's fitness for work in general, and not specifically about their current job.

The fit note enables a doctor to provide guidance on general adaptations that might assist an employee in returning to work.

Options include a phased return to work, altered hours, amended duties and workplace adaptations.

Official guidance to the fit note regime suggests that on receipt of such a note, the employer should commence discussions with the employee, their representative (if applicable) and specialists such as HR and occupational health professionals to determine if it is reasonable to implement the recommendations made.

Where there could be health and safety implications, a risk assessment may have to be undertaken so as to address the potential change in activities and what control measures may be utilised.

Government guidance notes that the recommendations contained in the fit note are not legally binding and states that the "assessment about whether your employee is not fit for work or may be fit for work (and any other advice in the fit note) is classed as advice, and it is for employers to determine whether or not to accept it".

If an employer cannot agree to the implementation of any of the changes recommended, then the employer should treat the fit note as if it says that the employee is not fit for work.

Alternatively, the employer is within their rights to gather other evidence about an employee's fitness for work from other doctors or healthcare professionals, particularly if they believe the employee is not fit for work.

An employer can opt to give the evidence from this route precedence over the advice in the fit note but it should be noted that if the employee disagrees with the findings the employer "may need to demonstrate to an employment tribunal why the alternative source of evidence was more acceptable to you than the fit note".

USING LADDERS FOR IN-HOUSE MAINTENANCE

Q. We have an in-house team that carries out a number of limited, small-scale repairs and maintenance functions. These include minor repairs of the roof. It has been suggested that we should not be using ladders for such work. Is this the case?

A. One of the leading causes of workplace fatalities and major injuries is falls from height from a ladder. The Work at Height Regulations 2005 require the employer to properly plan and supervise this work and ensure that it is carried out by competent people.

The regulations require the employer to assess the risks from working at height and to select the equipment that is appropriate for the work. In doing so it must take account of factors such as the:

- working conditions (eg weather)
- nature, frequency and duration of the work
- risks to the safety of everyone where the work equipment will be used.

The Health and Safety Executive (HSE) "Height Aware" campaign provides some useful information on the subject of minor roof maintenance work, which is defined as work which:

- can be completed in a matter of minutes, not hours
- is infrequent
- only needs one or two people
- does not involve difficult work (eg heavy or awkward loads)
- only involves a small area.

The use of ladders may be considered in these circumstances. HSE guidance document INDG455 Safe Use of Ladders and Stepladders states that "the law says that ladders can be used for work at height when a risk assessment has shown that using equipment offering a higher level of fall protection is not justified because of the low risk and short duration of use; or there are existing workplace features which cannot be altered".

It continues by emphasising that the employer should only use ladders in situations where they can be used safely, eg where the ladder will be level and stable, and where it is reasonably practicable to do so, the ladder can be secured.

INDG284 Working on Roofs states: "It may not be reasonably practicable to provide full edge protection for short-duration work but you will need to provide something in its place".

This is said to be a safe means of access to the roof level and a properly constructed and supported roof ladder.

Ladders should, therefore, be used only when this is clearly justified through a risk assessment and, where the decision to use them is taken, the most appropriate equipment must be used.

In addition, those using the equipment need to be competent and capable in the use of the ladders.

GUIDANCE

RISK ASSESSMENTS: A BRIEF GUIDE TO CONTROLLING RISKS IN THE WORKPLACE

HSE has published a revised leaflet aiming to help you identify, assess and control health and safety risks associated with workplace hazards – the guidance replaces 'Five steps to risk assessment'.

It is mainly aimed at employers, managers and others with responsibility for health and safety, and will also be useful to employees and safety representatives.

The new guidance makes clear that only significant findings need to be recorded and emphasises the importance of controlling the risks identified. However, the guidance still suggests that you should identify the hazards, think about who might be harmed, evaluate the risks, record your significant findings and review your risk assessment.

If you have previously used 'Five steps' to carry out your own risk assessment there is no need to repeat it. You should review your risk assessment if you think it is no longer valid or if there are any significant changes. You can get a copy here: http://www.hse.gov.uk/pubns/indg163.htm?eban=govdel-workplace-transport&cr=29-Aug-2014

HSE

Health and Safety Executive

Risk assessment

A brief guide to controlling risks in the workplace

This is a web-friendly version of leaflet INDG163(rev4), published 08/14

This leaflet is aimed at employers, managers and others with responsibility for health and safety. It will also be useful to employees and safety representatives.

Introduction

As part of managing the health and safety of your business, you must control the risks in your workplace. To do this you need to think about what might cause harm to people and decide whether you are taking reasonable steps to prevent that harm.

This is known as risk assessment and it is something you are required by law to carry out. **If you have fewer than five employees you don't have to write anything down.**

A risk assessment is not about creating huge amounts of paperwork, but rather about identifying sensible measures to control the risks in your workplace. You are probably already taking steps to protect your employees, but your risk assessment will help you decide whether you have covered all you need to.

Think about how accidents and ill health could happen and concentrate on real risks – those that are most likely and which will cause the most harm.

For some risks, other regulations require particular control measures. Your assessment can help you identify where you need to look at certain risks and these particular control measures in more detail. These control measures do not have to be assessed separately but can be considered as part of, or an extension of, your overall risk assessment.

Identify the hazards

One of the most important aspects of your risk assessment is accurately identifying the potential hazards in your workplace.

A good starting point is to walk around your workplace and think about any hazards. In other words, what is it about the activities, processes or substances used that could injure your employees or harm their health?

When you work in a place every day it is easy to overlook some hazards, so here are some tips to help you identify the ones that matter:

- **Check manufacturers' instructions** or data sheets for chemicals and equipment as they can be very helpful in explaining the hazards and putting them in their true perspective.

Page 1 of 5

NIGHT SHIFT WORK MAY INCREASE RISK OF DIABETES

The Institution of Occupational Safety and Health (IOSH) has highlighted new international research that has concluded that night shift work can lead to an increased risk of workers developing type-2 diabetes.

The research, which was conducted by scientists at Huazhong University of Science and Technology in China, found that shift workers were 9% more likely to have type-2 diabetes.

The study, published in the journal Occupational and Environmental Medicine, also indicated that the risk level in men alone was 35% higher, while those swapping between day and night shifts had their risk of developing type-2 diabetes increased by 42%.

Theories put forward by the researchers for these increased risks include shift work disrupting sleeping and eating patterns.

The issue was recently discussed on BBC Radio 4's Today programme by Jane White, Research and Information Services Manager at IOSH, Professor Lynda Gratton of London Business School, and Today presenter John Humphrys.

Jane White said, "There has been a growing body of evidence over the last decade that shows that shift work, particularly night shift and long-term night shift, is detrimental to health in some ways. This study shows shift work in relation to diabetes, and we've also got evidence that shift work increases your risk of stroke or heart attack and even breast cancer for women."

To combat this, IOSH says that increasing the amount and regularity of sleep, as well as working no longer than a 12-hour stint, can help boost the health and wellbeing of night shift workers.

Jane White said, "There are ways to manage shift work so whatever pattern you are in, the longer you can be in that pattern the more your body clock is going to adjust over time."

HEARING PROTECTION TOOL AND SAFETY REMINDER FOR NOISY WORKPLACES

A dramatic increase in the numbers of such claims has given rise to commentators questioning whether or not these claims represent “the new whiplash”.

The HSE has reminded employees that they have a duty to make full use of hearing protectors that have been provided to them, and reinforced this message with a new online tool which indicates how protection is reduced when protectors are removed for any length of time.

The HSE says that performance of hearing protectors is often less than that reported on the packaging. One reason for this is that protectors are not worn for all of the required time and when protectors are removed in noisy areas, even for short periods, the overall protection provided is severely reduced.

The HSE’s hearing protection online tool features a sliding button, which can be manipulated by visitors to the website, showing the dramatic decrease of effective protection in relation to the percentage of the time not worn.

For example, consider the case of hearing protectors with attenuation (protection) of 25dB, which are provided for one hour of noisy work per day. The expected attenuation is 25dB when worn for the full hour (100% of the time). However, if an employee removes the protectors for just two minutes within the hour (equivalent to the protectors not being worn for just 3% of the time), the effective protection over the full hour is reduced to the equivalent of hearing protectors with an attenuation of just 14dB.

The HSE has reminded employees of their duty to make full use of the hearing protectors provided but is also advising employers to:

- provide a range of suitable hearing protection from which employees can select a comfortable, well-fitting model
- help employees communicate without removing protection in noisy areas (by providing quiet areas or protectors with communication facilities)
- ensure, through training and supervision, that protection is in good condition and is worn where required.

Employers’ Duties

Under the Health and Safety at Work, etc Act 1974, employers have a general duty to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all employees.

Under the Control of Noise at Work Regulations 2005, employers must:

- identify noise hazards in the workplace
- estimate likely exposures to noise of employees
- identify measures required to eliminate or reduce risks, control exposures and protect employees
- make a record of what measures are to be taken in the form of an action plan
- protect employees with hearing protection, making its use mandatory in high-risk cases
- inform, instruct and train employees on the risks from noise, control measures, hearing protection and safe working practices
- provide health surveillance (including hearing checks) for those at risk
- maintain any noise control equipment and hearing protection in order to control exposure.

The Control of Noise at Work Regulations 2005 also imposes limits on exposure which the employer must ensure are not exceeded.

HSE Website: http://www.hse.gov.uk/noise/hearingprotection/index.htm?eban=govdel-noise&cr=05-Jun-2014

DIS8 FREIGHT CONTAINER APPROVAL

HSE has published DIS8 ‘Freight Container Approval – arrangements in Great Britain (the Green Guide). The guide is to explain arrangements that operate in GB for the approval of container design and manufacture in accordance with the requirements of the Freight Containers (Safety Convention) Regulations 1984.

It contains advice for manufacturers and owners who need to apply for container approval, and organisations who wish to be considered for appointment to approve containers.

It is available here: http://www.hse.gov.uk/pubns/dis8.pdf

IND382 DRIVING AT WORK: MANAGING WORK RELATED ROAD SAFETY (REV 1)

HSE

Health and Safety Executive

Driving at work

Managing work-related road safety

INDG382(rev1), published 04/14

Introduction

More than a quarter of all road traffic incidents may involve somebody who is driving as part of their work at the time (Department for Transport figures).[1] Health and safety law applies to work activities on the road in the same way as it does to all work activities and you need to manage the risks to drivers as part of your health and safety arrangements. This leaflet suggests ways you can do this.

Effective management of work-related road safety helps reduce risk, no matter what size your organisation is. It could also result in, for example:

- fewer injuries to drivers;
- reduced risk of work-related ill health;
- reduced stress and improved morale.

Health and safety law does not apply to people commuting (ie travelling between their home and their usual place of work), unless they are travelling from their home to somewhere which is not their usual place of work.

Who should read this leaflet?

The leaflet applies to any employer with employees who drive, or ride a motorcycle or bicycle at work, as well as self-employed people. It also applies to those using their own vehicle for a work-related journey. It will be particularly valuable to those responsible for fleet management. Employees and their safety representatives will also find it helpful.

Employers with large goods vehicles (LGVs) or passenger carrying vehicles (PCVs) may also be subject to specific legal requirements that take priority over the general advice given here.

The law

Employers have duties under health and safety law for on-the-road work activities. The Health and Safety at Work etc Act 1974 (HSW Act)[2] states you must ensure, so far as reasonably practicable, the health and safety of all employees while at work. You must also ensure that others are not put at risk by your work-related driving activities. The self-employed have similar responsibilities.

'So far as reasonably practicable' means balancing the level of risk against the measures needed to control the real risk in terms of money, time or trouble. However, you do not need to take action if it would be grossly disproportionate to the level of risk.

Department for Transport

Page 1 of 10

HSE has revised this guidance which was published online in April 2014. The guidance has some updated general information in it based on comments received during consultation.

The guidance is available here: http://www.hse.gov.uk/pubns/indg382.pdf

UPDATED INFORMATION ON HAND–ARM VIBRATION

The Health and Safety Executive (HSE) has updated its pocket card offering guidance on hand–arm vibration for employees. http://www.hse.gov.uk/pubns/indg296.pdf

Hand–arm vibration comes from the use of hand-held power tools and is the cause of significant ill health, including painful and disabling disorders of the blood vessels, nerves and joints. The condition is preventable, but once the damage is done it is permanent.

The pocket card, INDG296 Hand–arm Vibration. A Guide for Employees, is aimed at workers who regularly use hand-held powered equipment.

It explains:

- what hand–arm vibration syndrome (HAVS) is
- the symptoms of HAVS
- how to reduce the risks of developing the disease.

The card points out that the use of handheld powered work equipment and work pieces can cause both HAVS and carpal tunnel syndrome.

Carpal tunnel syndrome is a nerve disorder that may involve pain, tingling, numbness and weakness in parts of the hand and can be caused by, among other things, exposure to vibration.

The HSE warns that HAVS:

- affects the nerves, blood vessels, muscles and joints of the hand, wrist and arm
- can become severely disabling if ignored
- includes vibration white finger, which can cause severe pain in the affected fingers.

According to the HSE, nearly 2 million people in the UK are at risk of HAVs.

ONLINE TOOLS FOR TACKLING MSDS

Musculoskeletal Disorders (MSDs) are the most common cause of occupational ill health in Great Britain, currently affecting 1 million people a year and costing society £5.7 billion. MSDs affect the muscles, joints, tendons and other parts of the musculoskeletal system.

It is important to understand the risks associated with manual handling and take appropriate measures to assess and ultimately reduce these risks, so the likelihood of suffering from MSDs such as back pain are reduced.

Manual handling

According to the Manual Handling Operations Regulations 1992 (MHOR) - Manual Handling is defined as:

"...any transporting or supporting of a load (including the lifting, putting down, pushing, pulling, carrying or moving thereof) by hand or bodily force"

The MHOR 1992 establish a clear hierarchy of measures for dealing with risks from manual handling, these are:

- avoid hazardous manual handling operations so far as is reasonably practicable;
- assess any hazardous manual handling operations that cannot be avoided; and
- reduce the risk of injury so far as is reasonably practicable.

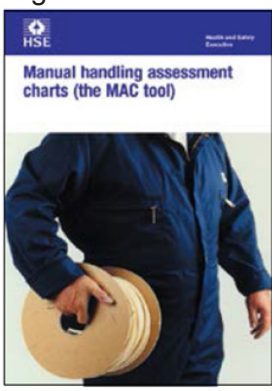
A detailed assessment of every manual handling operation could be a major undertaking and might involve wasted effort. Many handling operations, for example the occasional lifting of a small lightweight object, will involve negligible handling risk. To help identify situations where a more detailed risk assessment in necessary, HSE has developed a filter to screen out straightforward cases.

MAC Tool

The MAC tool has been developed to help the user identify high risk workplace manual handling activities.

The tool can be used to assess the risks posed by lifting, carrying and team manual handling activities. It is designed to help you understand, interpret and categorise the level of risk of the various known risk factors associated with manual handling activities. The MAC incorporates a numerical and a colour coding score system to highlight high risk manual handling tasks.

There were some errors in the previous version, published in January 2014, which means the HSE had to issue a revised version. The changes mainly affect the illustrations, but we advise you to make sure you are using the latest version.



How MAC works

The MAC uses a numerical score and a traffic light approach to indicate the level of risk.

The MAC considers manual handling as three types of distinct operation:

- Single Lifting operation
- Single Carrying operation
- Team Handling operation

These operations are divided into the different manual handling factors and presented as a flow chart. The flow chart leads you, step-by-step, through each factor of the manual handling operation, enabling you to evaluate and grade the degree of risk. Each operation is supported by an assessment guide or aide memoire. These discuss each factor of the flow chart giving helpful pointers to help you to score the task you are observing. To enable you to calculate the risk for the load and frequency of a lifting/carrying operation, a graph is supplied with the flowchart.

Using the MAC will help with the initial screening of possible high risk manual handling activities within the workplace. However, the MAC is NOT appropriate for all manual handing operations, and does NOT comprise a full risk assessment. Therefore it is unlikely to be acceptable if relied upon alone.

To be "suitable and sufficient", a risk assessment will normally need to take account of additional information such as individual capabilities (factors), and should conform to the requirements in the MHOR 1992 (available from HSE Books[5]). Persons with knowledge and experience of the handling operations, industry specific guidance, and specialist advice, may be of assistance. Remember, consult and involve employees and safety reps.

What is ART?

Repetitive tasks are made up of a sequence of upper limb actions, of fairly short duration, which are repeated over and over again, and are almost always the same (eg stitching a piece of cloth, manufacturing one part, packaging one item).

ART is most suited for tasks that:

- involve actions of the upper limbs;
- repeat every few minutes, or even more frequently; and – occur for at least 1–2 hours per day or shift.
- The tasks are typically found in assembly, production, processing, packaging, packing and sorting work, as well as work involving the regular use of hand tools.
- ART is not intended for Display Screen Equipment (DSE) assessments

To download the ART tool click http://books.hse.gov.uk/hse/public/saleproduct.jsf?catalogueCode=INDG438

The Assessment of Repetitive Tasks (ART) tool is designed to help you risk assess tasks that require repetitive movement of the upper limbs (arms and hands). It assists you in assessing some of the common risk factors in repetitive work that contribute to the development of Upper Limb Disorders (ULDs).

The ART tool is intended for people with responsibility for the design, assessment, management, and inspection of repetitive work.

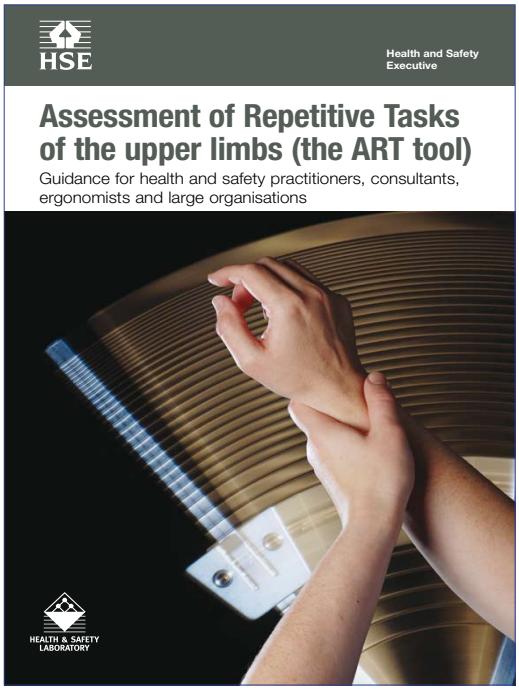
Repetitive tasks are typically found in assembly, production, processing, packaging, packing and sorting work, as well as work involving regular use of hand tools.

ART is not intended for Display Screen Equipment (DSE) assessments.

Why use the ART Tool?

The ART tool is a method that helps to:

- Identify repetitive tasks that have significant risks and where to focus risk reduction measures
- Prioritise repetitive tasks for improvement
- Consider possible risk reduction measures
- Meet legal requirements to ensure the health and safety of employees who perform repetitive work



How does it work?

The ART tool uses a numerical score and a traffic light approach to indicate the level of risk for twelve factors. These factors are grouped into four stages:

- A: Frequency and repetition of movements
- B: Force
- C: Awkward postures of the neck, back, arm, wrist and hand
- D: Additional factors, including breaks and duration

The factors are presented on a flow chart, which leads you, step-by-step, to evaluate and grade the degree of risk.

The tool is supported by an assessment guide, providing instruction to help you to score the repetitive task you are observing. There is also a worksheet to record your assessment.

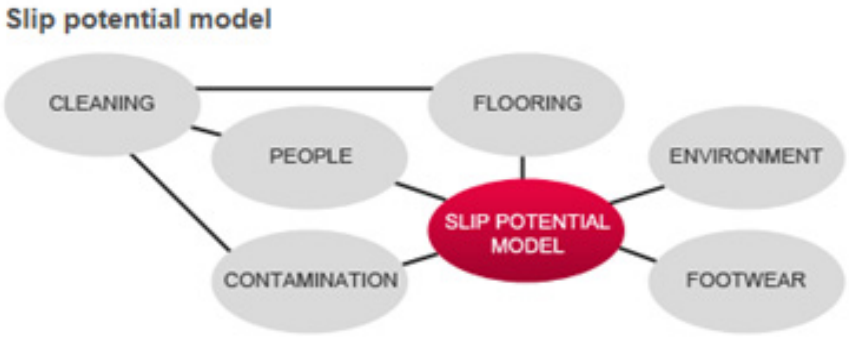
Training is recommended to help you use the ART tool reliably and appropriately – visit http://www.hse.gov.uk/msd/uld/art/whatis.htm for more information.

HSE SITE FOR SLIPS AND TRIPS

Find information on managing this risk within your organisation using HSE's online slip and trip microsite. Use the fully interactive tools to help you in developing ways to reduce the number of slip and trip accidents in your business. Find the site here: http://www.hse.gov.uk/slips/index.htm

Slips

Slip and trip accidents happen for a number of reasons. The following model will help you understand the factors that can contribute to slip accidents and the action to take to prevent them. It is called the slip potential model. One or more of these factors may play a part in any slip accident. The model on the HSE webpages is interactive where you can click on each topic to highlight its significance and the potential controls.

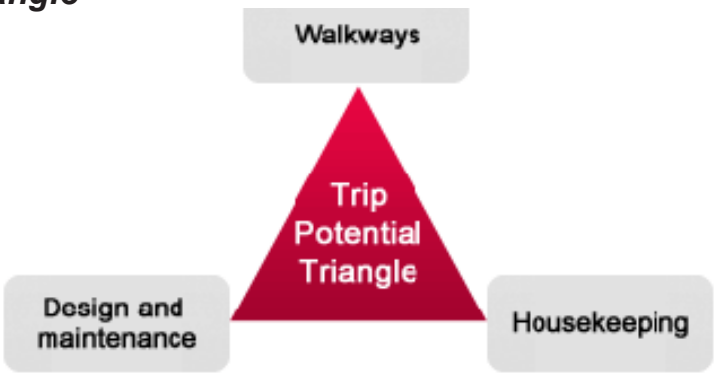


Trips

The majority of trips are caused by obstructions in walkways. The rest are caused by uneven surfaces.

Preventing these accidents is often simple and cost-effective.

Trip potential triangle



Walkways

Check for a suitable walkways - Are they in the right place, are they being used, are they available for use?

What tasks are taking place on the walkway, is the task preventing the employee from seeing where he is going for example.

Housekeeping

It is not just good enough to have a walkway, it must be kept clear, no trailing wires, no obstructions. Employees and cleaners need to have 'a see it, sort it' attitude to ensure these and other work areas are kept clear. Is the cleaning regime effective? Are there enough bins, storage facilities etc?

Design and maintenance

Is the floor suitable for the environment, fitted correctly and properly maintained. Are the walkways wide enough & level. Are stairs suitable, are risers consistent, are nosings highlighted where necessary, are usable handrails available. Environmental factors also fall into this category, is the lighting good enough for employees to see hazards, what about distractions that might prevent them from seeing where they are going.

Further Information

The Health and Safety Laboratory (HSL), the research agency of the Health and Safety Executive (HSE), has developed a new footwear slip resistance rating scheme that it is hoped will help to actively reduce slips and trips.

Known as the GRIP scheme, the slip resistance rating system has been developed by the HSL, and was recently launched in June 2014 at the Safety and Health Expo in London.

The HSL GRIP rating scheme is said to use rigorous, scientific testing to measure and rate the slip resistance of footwear. For more information visit http://www.hsl.gov.uk/news/news_items/taking-steps-against-workplace-slips-and-trips

MANAGING DSE IN THE OFFICE

Introduction

Display screen equipment (DSE) is defined as 'any alphanumeric or graphic display screen, regardless of the display process involved'. This type of equipment can be found in many areas of industry and commerce, with the most common use being word processing. The regulations covering display screen equipment, not only cover the screens, but all associated equipment, e.g. desk, chair, telephone, printer, modem, software etc. as well as the lighting and general environment around the workstation.

Main Hazards

Hazards presented by display screen equipment are generally as a result of the way in which it is used rather than the equipment itself, such as incorrect posture, adjustment of equipment or prolonged use.

Postural difficulties often take the form of back and neck ache as well as sprains and strains of areas such as fingers, hands, wrist, elbow and shoulder. Visual fatigue can result in eyestrain, headaches or other related symptoms.

All types of fatigue may be as a result of poor ergonomics and working arrangements.

Control Measures

The regulations only apply to 'users' or 'operators' of display screen equipment, but any users or operators of this type of equipment not covered by the regulations are still subject to general health and safety legislation. For example, provision of suitable lighting, workstation layout and training.

Definitions

Display screen equipment - any alphanumeric or graphic display screen, regardless of the display process involved.

Operator - a self employed person who habitually uses display screen equipment as a significant part of their normal work.

Workstation - an assembly comprising of screen, keyboard or other inputting device, printer, modem, desk, chair, etc. plus the immediate work environment around the display screen equipment.

User - an employee who habitually uses display screen equipment as a significant part of their normal work.

Checklist to Identify Users

If most or all of the following points apply then the person is a user:

a. The individual depends on display screen equipment to do the job, i.e. there is no other readily available way of doing the job.

b. The individual has no discretion in whether or not to use the equipment.

c. The individual needs significant training and/or particular skills in the use of display screen equipment to do the job.

d. The individual normally uses display screen equipment for continuous spells of an hour or more.

e. The individual uses the equipment more or less daily.

f. Fast transfer of information between the user and screen is important.

g. The system requires high levels of attention and concentration by the user e.g. where consequences of error may be critical.

Assessments

The regulations require that a risk assessment is carried out to identify any hazards, evaluate the risk, and identify the control measures required. These should be reviewed if there are suspected to longer be valid such as after reported ill health, workstation moved around or on a regular basis.

Control Measures

Many hazards can be eliminated if the display screen equipment matches the ergonomic and comfort needs of the user or operator. These control measures include the following:

- ***Work Chair***

a. The chair provided should be stable, e.g. the wheels of swivel chairs should have 5 points of floor contact for maximum stability, and be capable of full adjustment to suit the operator, i.e. the chair itself should be adjustable in height, and the seat back adjustable in both height and tilt.

b. A footrest should be provided, if needed, to ensure that users do not bend their knees back to place feet on the chair, which reduces the blood supply to the lower legs and feet.

- ***Lighting***

a. Lighting should be appropriate for all the tasks performed at the workstation, e.g. reading from the screen, keyboard work, reading printed text, writing on paper etc.

b. General lighting by artificial or natural light should illuminate the entire room to an adequate standard.

c. Any supplementary lighting provided to cater for personal needs or a particular task should not adversely affect visual conditions at nearby workstations.

d. Generally, natural lighting is preferable to artificial lighting.

- ***Reflections and glare***

a. Problems that can lead to visual fatigue and stress can arise from unshielded bright lights or bright areas in the worker's field of view as well as from reflections on the screen or other parts of the workstation.

b. Measures to minimise these problems include:

  - shielding or blinds.
  - replacing or repositioning sources of light.
  - rearranging or moving work surfaces, documents or all parts of workstations.
  - modifying the colour or reflectance of walls, ceilings, furnishings etc. near to the workstation.
  - Note: Anti-glare screen filters should be considered as a last resort if other measures fail to solve the problem.

- ***Work Desk/Surface - Work Station Equipment***

a. The work surface should be large enough to allow the user to arrange all the equipment that is required i.e. Processor Unit, Monitor, Keyboard, Telephone, source reference documents and still be able to adjust the equipment to achieve a comfortable ergonomically acceptable working position.

b. Consideration should be given to desk top height, thigh clearance as well as knee-hole depth and width. The ideal is for the thighs to be horizontal and for the desk top height to be between 580 - 790mm to comply with current standards.

c. Table-top printers for standing operations should be installed to a height which provides a normal working position

Note: Further advice should be sought for ergonomic factors

d. For tasks consisting of prolonged and consistent use of a display screen, e.g. data entry, the keyboard height should be such that when the user's fingers are resting comfortably on the home-row keys, the angle of the elbow is 90°. The equipment used should be capable of meeting this requirement.

e. The keyboard should be able to be tilted and separated from the screen to enable the operator to find a comfortable position, thereby avoiding fatigue in the arms or hands.

f. The work desk or work surface should be sufficiently large for the operator to have all necessary work aids required. Ideally, it should be a large, low reflection surface and should allow flexible arrangement of the screen, keyboard, documents and related equipment.

g. Most display screen tasks involve the use of some kind of source documentation or reference material. Where appropriate a document holder should be provided. This should be stable, adjustable and positioned so as to minimise the need for uncomfortable head and eye movements. The holder should be a similar viewing distance from and in the same plane as the display screen.

h. For displays with vertical screens, the top row of displayed characters should be level with or just below the user's eye height when the user is in a comfortable operating position.

i. For displays with tilted screens, an imaginary line joining the centre of the screen to the user's eye should be about 15° below the horizontal in the operating position.

j. Unless otherwise stated in the guidance literature, display screens are usually designed to be viewed from between 350 and 600mm. Desks or tables should be deep enough to accommodate the display screen, thus enabling viewing at these distances without cramping the work surface in front of the display.

k. When existing furniture is replaced, the new furniture should not deprive the person of existing facilities.

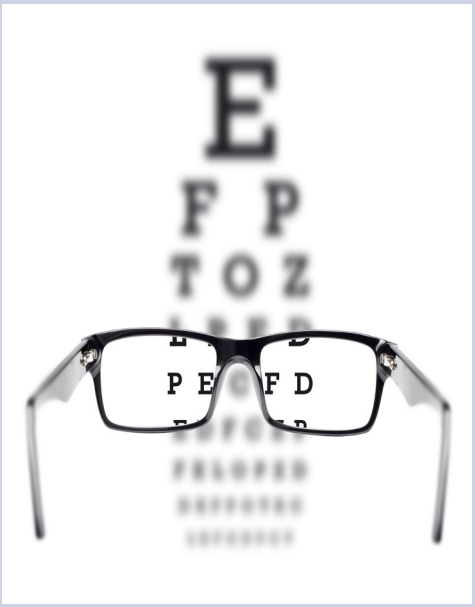
- ***Operating Considerations***

a. Eye Tests. On request, eyesight tests should be made available to all users or potential users, free of charge to the employee. At intervals advised by the optometrist or competent person, these should be repeated. The purpose of testing is to identify any eye sight deficiencies in respect of the use of display screen equipment.

b. Spectacles required for use with display screen equipment should also be provided at the employer's expense.

Note: Any corrective lens required by the individual which is not associated with display screen equipment would be at the individual's own expense. Where temporary staff are employed, e.g. from an agency, the primary employer of the temporary staff is responsible for the above mentioned eye tests and related costs.

c. It is recommended that work at display screen equipment is organised in such a way as to ensure natural breaks, e.g. alternating between this and other types of work. Breaks for non-display screen based work should be arranged so that they are taken prior to the onset of fatigue and not as a recuperative period from it. Short, frequently occurring breaks appear to be more effective than longer ones taken occasionally.



Maintenance

All display screen equipment should be serviced and maintained in accordance with the manufacturer's instructions and in addition, should be covered by the inspection programme for portable electrical equipment.

Training

Training should cover the following areas:

- the positioning of display screens and equipment, with a view to eliminating glare.
- the seating position, its importance and means of adjusting it.
- facilities for and importance of eye testing, correct spectacles etc.
- the need for regular breaks and facilities for this purpose.

Effects on Pregnant Women

Although there has been considerable concern expressed about possible miscarriage and birth defects as a result of exposure to electromagnetic radiation given off by display screen equipment, these concerns have not been confirmed by the many scientific studies carried out.

ENFORCEMENT ACTION

BISCUIT MANUFACTURER FINED AFTER EMPLOYEE SUFFERED BURNS

HSE announced on 12 August 2014 that a West Yorkshire company has been fined after a worker was severely burned in a flashover during hot-cutting work at a biscuit factory.

The worker was one of a team working for a steel fabricating company, which had been hired to remove three disused oil tanks at the biscuit manufacturer's site, and was using an angle grinder to cut a hole in one of the tanks, which had only recently been drained of fuel, when sparks ignited the flammable vapours, causing flames to erupt.

The steel fabricating company was fined £10,000 and ordered to pay £7,885 in full costs after admitting breaching the Health and Safety at Work etc Act 1974.

LARGE FINE FOR HEATING FIRM AFTER WORKER CRUSHED TO DEATH

A Wednesbury heating, ventilation and air conditioning manufacturer has been fined £150,000 after a worker was crushed to death whilst working in its warehouse.

The employee, who was a production supervisor, had been stacking three-meter-long metal tubes in the warehouse when the incident happened.

With the aid of a forklift truck, he had created several stacks, but as he left his cab to set down timber pieces for the next bundle, one of the stacks (weighing a tonne) collapsed onto him. Paramedics pronounced the worker dead at the scene.

HSE found that there were no restraints nor any racking to support the tube stacks and the timber used to separate them were not a standard size.

The worker had been with the company for 34 years, and was a trained forklift driver, but neither he nor his colleagues had been given specific training or instruction on stacking the bundles. There was also no risk assessment in relation to this task.

FIRM IN COURT FOR FAKING SAFETY RECORDS

A North London Wholesaler has been sentenced for operating a fault-ridden forklift truck and trying to deceive safety inspectors by forging a positive examination report on the vehicle.

The company was prosecuted by the Health and Safety Executive (HSE) at Westminster Magistrates' Court on 3rd Sept 2014 after admitting three breaches of safety legislation.

The court heard that the offences resulted from a routine health and safety inspection at their premises. During the visit, an HSE inspector asked to see the vehicle examination records for the company's 2.5-tonne counterbalance forklift truck. A document was later emailed to the inspector but appeared to be – and was later proven to be – a fraud.

HSE found the forklift truck had never been examined, as required by safety rules for lifting equipment, since being purchased in August 2011. A specialist mechanical inspector from HSE, who examined the forklift in April 2013, found more than 40 faults, including some that could have endangered its operator.

The firm was fined a total of £18,000 and ordered to pay £2314 in full costs for single breaches of the Health and Safety at Work etc Act 1974; the Provision and Use of Work Equipment Regulations and the Lifting Operations and Lifting Equipment Regulations.

PACKAGING SUPPLIER IN COURT FOR FORKLIFT INJURIES

HSE announced on 13 August 2014 that a food packaging company in Derbyshire has been fined after an employee suffered severe injuries to his leg when he was struck by a forklift truck.

The company was prosecuted by HSE after an investigation found that the company did not have a safe system of work in place at its factory. The incident occurred when an employee stepped backwards to turn around, and was hit by a forklift truck carrying a large reel of printed film.

The company was fined £30,000 and ordered to pay £2,979 in prosecution costs after pleading guilty to single breaches of the Workplace Regulations 1992 and the Management of Health and Safety at Work Regulations 1999.

SAVE THE DATE

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BFFF

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