

KEEP IT SAFE

BFFF QUARTERLY HEALTH AND SAFETY UPDATE

APRIL 2010 EDITION

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

Many of you will have seen our health and safety column in 'The Bulletin'. The Bulletin will contain headline information on health and safety topics; 'Keep it Safe' will provide more comprehensive information relevant to our industry.

We do hope you find 'Keep It Safe' a valuable read. Please contact BFFF on 01400 283090 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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All reasonable care is taken in the preparation of this newsletter, but no liability is accepted for any loss or damage caused to any person, company or organisation relying on any statement or omission in the contents.

BFFF HEALTH AND SAFETY INITIATIVES UPDATE

BFFF Members collated health and safety injury rate statistics

Through BFFF membership, the industry has an ideal opportunity to contribute to collated industry specific health and safety injury rate statistics. The resulting statistics are an excellent benchmarking tool for businesses both on a performance level and indeed as part of a companies defence should a prosecution take place.

We are delighted to enclose our most recent information for 2008 where 13 food producers and 8 wholesalers provided their detailed statistics for comparison. Encouragingly the results show that overall there has been a reduction in the injury rates for both producers and wholesalers. Once again the majority of the accidents occurred in the Slips, Trips and Falls category for both food producers and wholesalers. Manual handling accidents were also highlighted as a key issue for wholesalers.

BFFF will be working with the health and safety working group on the topic of Slips, Trips and Falls to determine whether case studies can be

developed to support the industry in this area. We are also exploring whether these case studies can be incorporated into a seminar designed specifically for BFFF members. The working group is also meeting with a manual handling training specialist in May to understand their specific teaching techniques, which could be of benefit to the membership. As part of the work in both of these areas we would welcome any contributions from members of health and safety case studies that have improved your accident rates. So please feel free to contact Joanna Hancock at the BFFF offices if you have anything that you would like to share with us.

The sharing of information is a key part of the service that BFFF offers and we are delighted that our members have kindly shared their health and safety information with us. All contributors' information is kept confidential within the BFFF offices and contributors have an opportunity for BFFF to provide a detailed comparison for their company. We are in the process of collating the health and safety statistics for 2009 so please feel free to contact Joanna Hancock on e mail joannahancock@bfff.co.uk should you wish to take part.

SECTOR SPECIFIC INFORMATION				
SECTOR	Rate of injury per 100,000 employees for the sector			% CHANGE 2007 -2008
	2006	2007	2008	
	Average	Average	Average	
PRODUCERS All Accidents	23645.9	19342.5	19016.0	- 1.7 %
PRODUCERS Reportable only	1888.2	1208.7	1488.6	23.2%
WHOLESALEERS All Accidents	13999.3	14799.9	10688.2	-27.8%
WHOLESALEERS Reportable only	1893.2	2013.0	1354.0	-32.7%

H&S Working Group

The BFFF H&S working group met in March and as well as reviewing the latest industry statistics (reported above) a variety of industry health and safety issues were raised for discussion.

Some members have reported that it is increasingly difficult to attract employees to undertake first aid training and the first aider role. There are many myths and misunderstandings surrounding this role including a common perception of the first aider being vulnerable to legal action of some kind (criminal or civil) if they do something wrong. We have included guidance on this topic for members further in this newsletter.

Following on from the work of the membership, we are pleased to report that the BFFF work at height guidance has been widely publicised by HSE both on their web site and to the LA. As such we are encouraged that enforcing authorities should be well aware of the guidance and the possibilities regarding the use of non integrated working platforms. For information the guidance is clearly shown on the HSE workplace transport web <http://www.hse.gov.uk/workplacetransport/publications.htm>.

Ammonia refrigerants and its safe application was also raised as a topic of specific interest for the members. This is a wide and complex subject and we are delighted to enclose background information on this topic within the guidance section of this newsletter kindly supplied to the members by Star Technical Solutions.

The BFFF health and safety working group forum is an excellent opportunity for the members to anonymously raise industry health and safety issues for discussion. The next meeting is on the 26th May and please do not hesitate to contact Joanna Hancock on email joannahancock@bfff.co.uk if you would like to raise any subjects for feedback.

Fork lift truck training: Which way forward?

As we reported in the last edition of Keep it Safe, HSE held a workshop in February to gather ideas on the best way to help employers deal with issues surrounding driver training and competence of operators of fork lift trucks and similar workplace vehicles. Thank you to all the members who provided us with very valuable feedback on the specific points raised for discussion by HSE. We were able to make a good representation of our members views on the day, and the workshop was well attended with over 200 people present with representatives from industry, trade associations, training providers and the HSE accredited training bodies.

For your information, your collective views on the questions raised and the emerging themes from the workshop were as follows:

1. Should the training principles for forklift truck drivers apply to all worksite vehicles and mobile plant or are any areas significantly different?

Your collective views showed that you were in favour of the training principles for forklift truck drivers applying to other worksite vehicle with caveats i.e. the courses should use the same principles but be tailored to the equipment. For example a course for a pedestrian ride on pallet truck should not be as onerous as a forklift.

This view was echoed on the day with two thirds of the attendees stating that they would welcome HSE extending their guidance L117 'Rider-operated lift trucks: Operator training' to include rider operated plant with exemptions for some processes and various caveats.

2. What needs to happen about ongoing competence and the continued professional development of drivers?

The majority of you stated that you would welcome clarity in this area with more clear guidance from HSE on refresher training intervals. By far the majority of you are already operating a refresher training program of between one and five years which sometimes varies between sites.

It was clear from the workshop that there is a need for clarified, updated guidance from HSE that addresses the points raised at the workshop with clearer definitions of (for example) the types of training it discusses e.g. refresher training, familiarisation training.

3. What issues arise with drivers from elsewhere in Europe (and further afield)? How is overseas training recognised and understood? What are the issues when our drivers go to work in Europe?

Where drivers from elsewhere in Europe are employed in your businesses, the majority of you assess the driver and retrain them depending on the ability of the driver and some of you train them as if they have had no previous training.

There were no clear positive outcomes from the workshop on how to approach the European issues and HSE are going to come back to us as the matter develops on the European front. Certainly the attendees at the workshop were adopting the same principles as your views.

4. How can HSE help small businesses deal with issues around operator training?

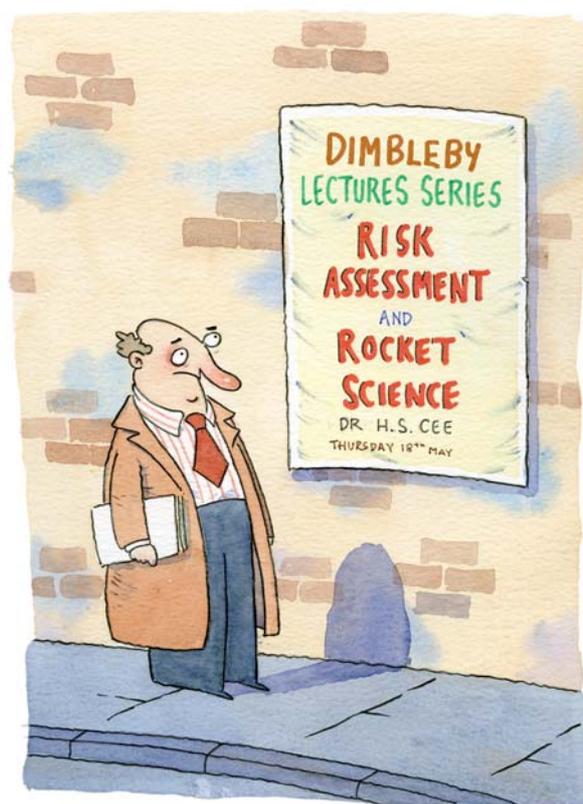
Your views suggested a need for clearer guidance on the legal requirements and how to adhere to the legislation. Also it was suggested that grants could be available to aid training programmes. At the workshop it was expressed that there should be better communication and publicity to raise awareness of L117 and the training requirements, particularly to small businesses. Also it was suggested that HSE should produce a simple leaflet about fork lift

trucks for employers aimed at small businesses and pocket cards for operators.

5. Other general emerging themes from the day were:

- More training is required for managers/supervisors.
- Manufacturers need to remind employers of their duty to provide training.
- Accrediting bodies need to meet more often and work more closely together.

So thank you once again for your valuable input. HSE are now starting to have discussions on how this work can be taken forward and we have asked to be included in any future consultation, therefore we shall keep you all updated on the matter.



The myth: Risk assessment is too complicated for me to do!

The reality: Carrying out a risk assessment should be straightforward. It's about focusing on real risks and hazards that cause real harm and, more importantly, taking action to control them.

HSE FOOD INDUSTRY CASE STUDIES

WORKPLACE TRANSPORT

Workplace transport accidents in the food and drink industries are the second highest cause of fatal injury, comprising almost 30% of fatal accidents. The following case study provides a summary of an accident that caused a serious injury to an employee unloading a trailer and includes the resulting HSE action and advice.

Summary

An international company involved in shipping and warehouse operations were prosecuted following an accident to an employee who was injured while unloading a trailer onto one of the site's loading bays. The employee suffered serious injuries when his head became trapped between the vehicle's frame and the loading dock. (the vehicle reversed up to the loading dock which was part of the building and his head was trapped between this and the vehicle).

The majority of the site's loading bays used manually-operated dock levellers, which are designed to bridge the gap between the floor of the loading bay and the vehicle. The levellers are lifted by hand using a chain and lowered by the weight of an individual standing on it, with a lip at the front edge which rises up automatically to lay across the gap between the vehicle and the leveller. However, the lip of the leveller in the bay that was being used at the time of the accident was not deploying automatically.

As the lorry was being reversed towards the bay, the employee was in the back of the trailer, ready to manually pull up the lip, using a ratchet strap with hook attachment, while the leveller was lowered into the back of the vehicle by a colleague.

The lorry had been reversed too close to the bay and the leveller could not be fully raised, so the driver was instructed to pull forward and reverse again. The vehicle was driven forward but there was a delay in it being reversed, at which point the employee in the back began to lean out of the trailer to repeat the instruction to reverse. As he did this the vehicle reversed, partially crushing

the employees head between the vehicle frame and the wall of the bay. Rubber stops attached to the wall prevented the frame of the trailer hitting the wall and from fully crushing his head.

The employee suffered horrific injuries including a fractured skull, brain injuries, perforated eardrum and other facial injuries resulting in facial paralysis, loss of feeling in the mouth, substantial hearing loss, and weakness to the right side of his body as well as balance-related issues. The hospital consultant commented that it was a miracle that he had survived with such major head injuries.

The investigation showed the company did not have a specific risk assessment, were aware of unsafe system working practices and that there was insufficient maintenance undertaken on dock levellers.

A subsequent incident a few months after the accident, when a leveller collapsed on one side under the weight of a forklift truck indicated that there was a serious risk of personal injury from use of the levellers. This resulted in a number of enforcement notices being issued which prohibited the use of some and required a maintenance system to be created to ensure the levellers were properly maintained.

Action

The company were prosecuted under Sections 2(1) and 3(1) of the Health and Safety at Work Act 1974 for failing to ensure so far as reasonably practicable the health and safety of the injured employee and the agency worker who was operating the leveller. They were also prosecuted under Regulation 5(1) of the Provision & Use of Work Equipment Regulations 1998 for failing to ensure the levellers were maintained.

The company were found guilty and fined a total of £45,000 with an additional £19,371 in costs awarded against them.

Advice

This was an avoidable serious incident that almost resulted in the death of an employee. The injuries sustained were significant.

It is important that equipment is maintained so that its performance does not deteriorate to the extent that it puts people at risk. For maintenance to be effective it needs to be targeted at the parts of work equipment where failure or deterioration could lead to health and safety risks. In this case, evidence shows that problems with the lips on the levellers were a recurring fault. No real action was taken by the company to ensure that the levellers were maintained to a suitable standard, in an efficient state, in efficient working order and in good repair.

Further information can be found in 'Simple guide to the Provision and Use of Work Equipment Regulations 1998' which gives a general indication of some of the main requirements of the Regulations – see www.hse.gov.uk/pubns/indg291.pdf. Information on how to carry out a risk assessment can be found at www.hse.gov.uk/risk.

MACHINERY GUARDING

In the food and drink industries, machinery and plant causes over 30% of fatal injuries and over 10% of major injuries. The following case study provides a summary of an accident relating to unguarded machinery.

Summary

A bakery in the North West was prosecuted following an accident to an employee who fell and trapped his hand in the unguarded rollers of a machine.

The employee was working on a production line making naan breads. The machine, which was imported from Lebanon and was not CE marked, makes the dough and then flattens it through a series of rollers on a conveyor belt before it goes through an oven.

The worker stood on a nearby steel step so that he could pour flour into the machine's hopper, which was approximately seven feet off the ground. While balancing on the step he slipped on some flour and fell towards the machine. He put out his hand to break his fall, but it was drawn into the machine by the unguarded rollers.

A colleague saw the incident and pressed the emergency stop button. The fire brigade were called to free him and an ambulance took him to hospital. His injuries included badly bruised fingers and he lost some flesh from one of his fingers. He was off work for a number of weeks and has permanent restrictions in the movement of his hand.

The investigation discovered that a number of guards had been removed from the machine and the company had poor working practices for working at height. The guards, which were placed in a nearby storeroom, have now been replaced.

Action

The company were prosecuted under Section 11 of the Provision and Use of Work Equipment Regulations (PUWER) 1998 for allowing dangerous parts of the machine to be accessed by the operators. They were found guilty and fined £2,750, with an additional £2,550 in costs awarded against them.

Advice

Unguarded or inadequately guarded machines are a source of numerous serious accidents. Exposed parts of machinery must be fully guarded to prevent any contact with the rotating parts.

Under the Provision and Use of Work Equipment Regulations 1998 (PUWER) equipment for use should be adequately guarded BEFORE being used. A simple system for checking over equipment before use would have identified a missing guard.

Further information on how to ensure that risks to workers' health and safety from the use of work equipment and machinery are properly controlled can be found on the HSE website at www.hse.gov.uk/equipment/legislation.htm.

HSE CAMPAIGNS

Each year HSE plans a series of campaigns based on particular health and safety topics aimed at reducing the incidence of work-related fatal and major injuries.

During each campaign, Inspectors visiting premises will focus on the key campaign areas and assess the standards, offer advice and enforce applicable legislation. It is also common during major campaigns that certain businesses will be targeted for inspection based on their activity i.e. if their work area is relevant to the current campaign.

Within this section of Keep it Safe, we will inform you of the proposed campaign profile for the forthcoming year. Some of these details may change as the priorities change within the HSE, however the information will provide you with the main areas of focus in the near future.

Safe & Sound at Work Campaign

The HSE Safe & Sound at Work campaign comes with the catchphrase: "Tell employees about health and safety and they'll know about it. Involve them and they'll understand."

With this in mind, the HSE are encouraging employers and their employees to get involved in workplace health and safety. The campaign's website promotes the benefits of better work involvement and reminds employers of their duties relating to employee consultation under The Health and Safety (Consultation with Employees) Regulations 1996; and The Safety Representatives and Safety Committees Regulations 1977.

Advice on implementing employee consultation is also provided, split into stable workplaces (those whose conditions do not change very often) and dynamic (those whose conditions do frequently change). Both follow a six step process of:

- Informing
- Instruction & training
- Arranging representatives
- Teamwork
- Consulting
- Joint problem solving.

The HSE are also providing subsidised training in employee consultation, offering to train employees on how to represent the views of their colleagues in a positive way. The two-day (or equivalent) course is designed to increase health and safety knowledge and skills and is particularly aimed at non-unionised, small to medium sized organisations, including those in the food manufacturing industry.

In addition a number of case studies are provided which again illustrate the mutual benefits of good consultation that can be gained for both employer and employee. For further information the campaign website can be viewed at <http://www.hse.gov.uk/involvement/doyourbit/index.htm>.

Initiative Launched to Encourage Quieter Workplaces

The HSE has launched a new initiative to encourage manufacturers to make quieter machinery, and businesses to use it, in a bid to reduce noise-related ill health in the workplace. The HSE says that 170,000 people in the UK suffer deafness, tinnitus or other ear conditions as a result of exposure to excessive noise at work.

The "Buy Quiet" campaign is about getting everyone with an interest - manufacturers, suppliers, customers, employers, unions, insurers and consultants - to look at what they can do to reduce the risk. HSE is particularly keen to foster closer relationships with manufacturers to see how noise reductions can be made at source.

It is hoped that the initiative will lead to more options in terms of noise control for organisations buying new machinery into their workplace.

Vehicle Spot Checks Drive New Load Safety Campaign

The Vehicle Operator Services Agency (VOSA), in conjunction with the Health and Safety Executive (HSE), has been performing spot checks on vehicles in support of a drive to ensure that loads are being transported securely.

The checks are designed to coincide with the HSE load safety campaign, focused on reducing the number of deaths and injuries linked to workplace transport. According to the HSE, loading and unloading accounts for one in five workplace transport incidents, many resulting from loads not being properly restrained. Unsafe loads on vehicles injure more than 1200 people a year and cost UK businesses millions of pounds in damaged goods.

During the spot checks, officers from the HSE and VOSA will inspect the loads of vehicles that have been pulled over at random. When similar spot checks took place in April 2009, close to 80% of loads were found not to be sufficiently restrained. Drivers and businesses found to have unsafe loads face fines or even risk having their vehicle ordered off the road.

As part of the HSE's wider campaign, targeted businesses will be mailed with guidance and tips on loading and unloading safely, while radio and trade press adverts will invite workers to visit www.hse.gov.uk/loadsafty for more information.

Peter Brown from the HSE said: "There is absolutely no excuse for unsafe loads. We hear from drivers that they were only 'going down the road' or 'they were running late' but these just won't wash, not when people's health or lives are at risk."

HSE Focus for Food Manufacture Industry

The HSE's main enforcement focus for the food manufacture industry in 2010 remains the management of health and safety and, in particular director/board level leadership and worker involvement.

Other topics that HSE inspectors are likely to examine remain:

- Migrant Workers and other vulnerable workers. Good management practice and compliance with legal responsibilities;
- Risk Management. Competent management in terms of basic, sensible and proportionate health and safety also competency of any health and safety consultants contracted;

- Musculoskeletal Disorders (MSDs). Whether tasks causing high risk of manual handling injuries and consequent ill health have been addressed, including awareness of upper limb disorders (ULDs) and use of available tools for assessing repetitive injuries;
- Noise and Vibration. good practice in controlling noise and vibration, including health surveillance;
- Falls from Height. Preventing falls from height by using appropriate equipment and safeguards;
- Dermatitis. Prevention of control of dermatitis caused by contact with food products, cleaning agents etc by elimination of the risk where possible, skin checks, hand-care regime and correct glove selection and use;
- Machinery. E.g. compliance with Supply of Machinery (Safety) Regulations;
- Loading and Unloading of Vehicles. Management of workplace transport around loading bays and MSD/back injury prevention;
- Slips and Trips. Management of control measures to prevent injuries caused by slipping on food products, wet floors etc.
- Occupational Asthma. Prevention of occupational asthma from flour and other dusts.

Future Events

Business advice opens days are being run throughout the year. The open days cover all aspects of business including Health and Safety issues. They are manned by a full team of business experts who aim to help businesses to meet and understand their legal responsibilities. They also aim to help businesses to enhance their operations through the use of new technology and better marketing techniques.

Confirmed business advice open days for the next few months are as follows:

Location	Date(s)	Venue
Edinburgh	Thursday 22 April 2010	Murrayfield
Crawley	Thursday 29 April 2010	Lingfield Park Racecourse & Golf Club
Chigwell	Tuesday 11 May 2010	The Menzies, Prince Regents Hotel
Ceredigion	Thursday 13 May 2010	Hugh Owen Building, Penglais
Blackpool	Wednesday 19 May 2010	Hilton Hotel
Staines	Thursday 20 May 2010	The Thames Club
Oxford	Thursday 27 May 2010	The Kassam Stadium
Coventry	Thursday 10 June 2010	The Royal Agricultural Society of England, Stoneleigh Park
Newbury	Tuesday 15 June 2010	The Chequers Hotel
Haltwhistle	Thursday 17 June 2010	Methodist Hall, Haltwhistle
Llandudno	Thursday 24 June 2010	Venue Cmyru

Other events of interest over the next few months are:

Event	Location	Date	Venue
Healthy Working Lives - Awareness of Health Risks at Work	Glasgow	22 April 2010	TBC
Safety & Health Expo	Birmingham	11th – 13th May	NEC

Legislative Update

Workplace Temperature Review

The Institution of Occupational Safety and Health (IOSH) recently assisted the Health and Safety Executive (HSE) in the latter's current review of maximum temperatures in relation to workplaces, by sending out a survey on the topic to its members.

The issue of maximum temperatures in workplaces has long been contentious, and many unions have campaigned for increased regulation with regard to maximum temperatures.

For example, the Trades Union Congress (TUC) has repeatedly called for the introduction of an upper limit on workplace temperature, with UK summers being predicted to get gradually hotter and drier over the coming years.

Although employees are not expected to work when the temperature drops below 16°C (or 13°C if they do physically demanding work), there are no similar restrictions for when the workplace becomes too hot.

As part of its review on maximum temperatures in workplaces, the HSE wants to identify those sectors where thermal environment is an issue and to scope the full extent of the problems experienced.

Specifically, the HSE would like to determine whether problems caused by thermal environments are specific to certain sectors or whether they affect all areas of industry.

In addition, the safety watchdog is also said to be examining practical effective steps that can be taken to address the issue in workplaces.

In support of the HSE review, IOSH sent its members a survey on the topic of maximum temperatures in workplaces, asking for feedback on illnesses caused by high workplace temperatures, such as fainting, headaches or nausea, as well as on injuries related to hot workplaces.

The Fire Safety (Employees' Capabilities) (England) Regulations 2010

A minor change to H&S law comes into effect on 6th April 2010. The Fire Safety (Employees' Capabilities) (England) Regulations 2010 have been brought about to address a technical issue in England's application of the Framework Directive on Health and Safety of Workers 89/391/EEC.

Both the Regulatory Reform (Fire Safety) Order 2005 (FSO) and the Health and Safety at Work etc. Act 1974 (HSWA) require that employers to take into account the capabilities of their workers as regards health and safety when entrusting tasks to their employees. In order to avoid an overlap in these requirements, article 47 of the FSO disapplied the obligations in the HSWA and any regulations made under it to which the FSO applies. This included the obligations in relation to workers' capabilities in the Management of Health and Safety at Work Regulations 1999, so far as they related to fire safety.

The result for organisations is that there is no real change to fire safety training standards; the same responsibilities are present now as before the new Regulations. However as with many minor changes in H&S law, this may be used as a marketing hook by companies aiming to sell their services, in this case fire marshal/warden training. Some may even suggest that previously trained marshals/wardens be re-trained 'under the new Regulations' but if they had suitable and sufficient training before, it will still be relevant after application of the new Regulations.

'Keep it Safe' is now available to all BFFF members via the Health & Safety page of the 'Members Only' section of our website

<http://www.bfff.co.uk/members>

Login details have been provided to our main and Health & Safety contacts at each member company.

Guidance



The Application of Ammonia in Refrigeration Systems - Safety & Environmental Requirements

i. Characteristics of Ammonia

As a refrigerant, ammonia has been in continuous use for more than 100 years. The past 10 years has seen a renaissance in its use, with application in areas where it has been considered unsuitable for many decades – since the advent of the synthetic CFC and HCFC refrigerants. The reason ammonia, unlike every other working fluid used or considered for use, has stayed the test of time is that it manifests many positive characteristics, including:

- Chemically stable and inert
- Wide operating range
- Excellent thermodynamic properties
- Low cost: refrigerant and oils
- Good safety record
- Zero Ozone Depleting Potential (ODP)
- Zero direct Global Warming Potential (GWP)

Its renaissance is primarily tied to its positive environmental credentials of zero ODP and GWP, combined with high efficiency. Many organizations are specifying its use for their refrigeration projects as it provides an environmentally friendly, technical viable, cost effective and future proof solution to their needs.

The use of ammonia is of course a compromise. Although it manifests many of the characteristics for what might be the definition of the “perfect refrigerant,” it has two negative attributes that provide challenges in its application; these being its potentially flammable and toxic nature.

At normal temperature and pressure, ammonia gas is flammable in air at concentrations above 15% v/v (150,000 ppm). The upper flammable limit is 28% (280,000 ppm).

In its gaseous form ammonia has a characteristically pungent odour, which can be detected at very low concentrations (5-50 ppm). The existing threshold limit value for an 8-hour period is 25 ppm, and for a 15-minute period, 35 ppm is allowed. Very short-term exposure to concentrations in the range 400 to 500 ppm would be unlikely to cause irreversible damage or a fatality. In higher concentrations (500-5000 ppm) irreversible damage may be caused to mucous membranes. Short-term exposure to these high concentrations can be fatal. The practical limit for R717 (ammonia refrigerant), defined as highest concentration level in an occupied space which will not result in any escape impairing, (i.e. acute) effects, is 500ppm.

A further characteristic of ammonia is that large quantities of liquid sprayed into air can form an aerosol cloud of high density and very low temperature (approximately -70°C).

ii. Regulations relevant to Ammonia refrigerant use

Regulations, Standards & Guidelines provide the framework for ensuring the safe and appropriate application of all refrigerants, in terms of the design, manufacture, installation, operation and maintenance of the systems in which they operate. And there are many of them! With regard to ammonia's potentially flammable and toxic nature there are 3 essential sets of UK developed regulations that apply, these being:

- The Management of Health & Safety at Work Regulations 1999
- The Control of Substances Hazardous to Health Regulations 2002
- The Dangerous Substances and Explosive Atmosphere Regulations 2002

While the specific focus of these regulations is somewhat different, there is significant overlap in terms of what they are intended to achieve and how the regulations require you to go about it.

The general approach that is required of all these regulations, with regard to the flammability and toxicity risks associated with ammonia as a refrigerant, is the following:

- *“Assess the level of risk related to its use by carrying out risk assessments pertinent to that risk.”*

For ammonia's flammability risk this will involve assessing where leaks may occur that could lead to potentially flammable levels being reached. For ammonia's toxicity risk this will involve assessing where leaks may occur that could lead to potentially harmful toxic levels being reached.

- *“Put control measures in place to either remove those risks or, where this is not possible, control to risk levels that are as low as reasonably practicable” & “Put controls in place to reduce the effects of any incidents involving ammonia.”*

Here the various published standards and guidelines provide the basis and insight into achieving the appropriate level of control. In particular all ammonia installations should be designed, installed, operated and maintained to meet the requirements of BS EN 378 – 2008: “Refrigerating systems and heat pumps. Safety and environmental requirements,” Parts 1 to 4 and the Institute of Refrigeration's, Code of Practice for A2 & A3 Refrigerants (flammable including hydrocarbons).

iii. Considerations for new installations

Where new ammonia installations are being considered there are often opportunities to reduce the risks associated with its use; by the specification of low charge designs, the use of secondary fluids, such as carbon dioxide and glycols, which are cooled by the primary ammonia system and then pumped to production areas and by the removal of potential leak sources to the outside, eg valve stations on roofs. While these types of risk reduction options are best and most easily considered for new plant they may also be valid retrofit options if risk considerations dictate changes need to be made.

iv. Reducing the risks

For all ammonia installations the standards and codes provide the methodology for reducing risk as far as reasonably practicable, with the general route being the application of leak detection systems, set to alarm at appropriate levels, ventilation and ultimately electrical isolation.

In addition, there are a range of practical measures that can be adopted to assist with mitigating risk, including: safety showers, provision of canister respirator sets in enclosed areas, eg plant rooms & roof voids, controlling access to plant rooms and other enclosed spaces, provision of ammonia scrubbing plant and automatic isolation of liquid supply to production areas if leak conditions exist.

- *“Prepare plans and procedures to deal with accidents, incidents and emergencies involving ammonia releases” & “Make sure employees are properly informed about and trained to control or deal with the risks from ammonia.”*

Many sites, though by no means all, have developed Ammonia Release Response Plans. That is, to some extent, thought has been given to and developed in writing, on what they should do in the event of ammonia releases.

These response plans are generally described in the form of an escalation procedure, since the vast majority of ammonia releases are relatively minor and can be dealt with quickly and the minimum of fuss. Here refrigeration plant operators will typically have had training in what they need to do in dealing with the situation.

What is far more rare, although still a legal obligation, is to ensure all employees, and others who might visit the facility, are aware of the presence of ammonia on the site and what they should do in coming across the range of potential scenarios that could arise, up to and including a major ammonia release. All sites will ensure that fire evacuation drills are carried out regularly, but how many consider the need for ammonia release drills, where the decisions that may need to be made are various, depending on the leak scenario and severity, and include questions such as, “should a building be evacuated, or should personnel shelter in place?”

- *Identify and classify areas of the workplace where the risks may occur.*

Where the issue of flammability is being considered this will generally mean classifying plant rooms as Zone 2 Hazardous Areas, and ensuring that in the event of a high level leak the requirements of BS EN 378 are met.

These are to electrically isolate all equipment in the room, typically via shunt trips off the supply distribution boards, at ammonia concentrations no greater than 20% of the LFL. While it is appropriate to classify plant rooms as Zone 2 hazardous areas from a flammability perspective, since it can be anticipated that flammable concentrations could occur, albeit, "infrequently and for short periods," BS EN 378, Part 3, Clause 6.3 allows relaxation of the normal hazardous area code requirements, stating that, "Electrical equipment in rooms in which a refrigeration system containing ammonia is located need not conform to the requirements for hazardous areas."

Ammonia refrigeration systems have a good safety record. They are generally of an industrial nature, robustly built, using welded steel pipework, and leakage levels, compared to many HCFC and HFC systems, are typically low. In addition, the self-alarmed nature of ammonia, where it is detectable at very low concentrations, <5ppm, and unpleasantly irritating at much above 50 – 100ppm, mean there should be a low threshold of tolerance to its presence.

Most accidents involving ammonia releases are due to human error, with the statistics indicating poor training and lack of awareness of the dangers associated with working with ammonia as key contributors to the incidents. Those most at risk of ammonia releases are the refrigeration plant operators and maintainers. It is beholden on those owning and operating these systems to ensure they, and the safety systems installed with them, are properly maintained and that site personnel, not just those directly involved in operating the ammonia systems, are aware of its presence on site and know what they should do in the event of an ammonia release.

This ammonia safety guidance has been produced by David Blackhurst, Director of Star Technical Solutions tel: 0141 6387916 e mail dblackhurst@star-ts.co.uk.

Further detailed guidance on the safe use of Ammonia is available from the Institute of Refrigeration web site <http://www.ior.org.uk>

New Fit Notes Guide

The Trades Union Congress (TUC) has published a new guide, Changes to the Medical Certificate, to the new method for issuing sick notes. From 6 April 2010, general practitioners (GPs) will be able to assess an individual worker's suitability to return to work and, where appropriate, suggest a return to a certain type of work, even if it is not to their original job.

At the same time, the TUC has called on employers to work closely with unions to ensure that the so-called "fit notes" work to the benefit of employees in the UK who are made ill or injured every year as a result of their jobs.

TUC General Secretary, Brendan Barber, said, "Good employers already assist their workers who are on long-term sick leave to return to work on a phased or a supported basis. The new 'fit note' arrangements will hopefully lead to more workers being given the support they need to return after an illness or injury."

However, he also pointed out that GPs may not have sufficient knowledge of someone's workplace to allow them to make realistic recommendations for changes to an individual's work environment or duties.

In addition, Mr Barber highlighted that many employers lack the necessary support to act on a GP's recommendations, hence the need for the new guide, or might see the fit note as a "green light to force workers back to work before they are well enough to return" which would lead to "increased sickness absence and unnecessary conflict" in the longer term.

First Aiders

First Aid Requirements

Firstly, it is useful to point out that first aider requirements stem from the risk assessment process. An assessment of first aid needs identifies the requirement for trained first aiders (either FAW or EFAW) or appointed persons based on factors such as the level of risk for work activities, proximity to nearest A&E/ambulance response times, availability of first aiders if sharing premises with other organisations etc. The assessment should also identify the numbers of each type of first aider required.

With this in mind, we can acknowledge that first aiders are in essence a control measure put in place to mitigate a risk. It becomes important then that the employer makes sure that if the control is identified that it is properly implemented - this can be interpreted as falling under Regulation 5 of the Management Regs. (requiring employers to make suitable arrangements for control measures).

Myths and Misunderstandings

Persuading employees to become first aiders can be difficult due to a common perception of the first aider being vulnerable to legal action of some kind (criminal or civil) if they do something wrong or, as some scare stories go, if they "violate a person's dignity". However in a workplace setting persons are highly unlikely to be prosecuted under criminal law provided they administer aid within the scope of their training - the same goes for civil cases.

Another issue that can cause some disquiet in the minds of first aiders is insurance cover. In most cases the employer's compulsory liability insurance will cover the actions of a qualified first aider or appointed person when undertaking first aid at work and following the techniques given at their training. If in doubt, the insurers or the insurance broker should be contacted to clarify the situation.

Any actions undertaken by a first aider outside company premises (except self-treatment by a member of staff away from base) are unlikely to be covered by the normal employer's liability insurance.

Some schemes of personal insurance are available from the voluntary aid societies (such as the Red Cross and St John Ambulance) that will cover first aiders who may voluntarily operate outside the work premises.

Recruiting First Aiders

When looking for volunteers to become first aiders there are a number of options to incentivise a reluctant workforce. Firstly, there is a moral argument to put to them: "could you stand by if your workmates were injured or became ill at work" and conversely "if you became ill or suffered an accident at work, would you expect your colleagues to stand idly by while you suffered?" Obviously aiming to dispel the myth of the threat of prosecution for administering first aid will help to make the training more appealing.

Recruiting persons with first aid qualifications when interviewing for new roles can be useful. Stronger tactics may involve writing first aiding into relevant job responsibilities and it could be argued (albeit tenuously) that if a person is selected by management to be a first aider, then they may be guilty of an offence under Section 7 of HSAWA for not complying with an arrangement for H&S put in place by the employer, thus enabling existing disciplinary procedures to be utilised. These tactics are not without risks though and may inflame existing poor management/employee relationships and potentially lead to employment disputes.

At the most basic level appealing to worker's material instincts can also yield results - payment of a small discretionary financial reward for volunteering is commonplace throughout workplaces.

HSE Rebrands Food Manufacturing Website

As part of an ongoing series of updates to its website, the HSE has now rebranded its food and drink manufacture website. The rebranded site includes a new design, new features, better navigation and links to other resources.

The revamped site can be viewed at www.hse.gov.uk/food/index.htm

Protecting Migrant Workers

The HSE has published new guidance on the subject of the protection of migrant workers in the workplace.

The guidance outlines the approach to take, particularly in the case of small businesses, for those who employ migrant workers who have come to work in Great Britain in the last five years and are working, legally or otherwise, or other recently arrived workers from overseas.

The guidance will assist employers in thinking through some of the problems that can arise, and the steps to take to make sure risks are controlled.

The publication points out that risk assessment is a legal requirement under the Management of Health and Safety at Work Regulations 1999.

Employers with migrant workers in the workplace will need to consider, in particular:

- language and communication issues
- basic competencies, such as literacy, numeracy, physical attributes, general health, and relevant work experience
- whether vocational qualifications are compatible with those in Britain, and are genuine
- the possible effects of the attitudes and assumptions of workers new to work in Britain, or of British workers towards them.

The guidance relating to the food manufacturing industry, entitled Working Safety in a Multicultural Food and Drink Industry can be found at:

http://www.foodnw.co.uk/downloads/working_safely_in_a_multicultural_food_and_drink_industry.pdf

HSE Revamps Safety Alerts System

The HSE has revamped its safety bulletin warning system, with bulletins now available automatically via e-mail, text message or Internet news feeds, as well as on the HSE website.

The HSE is also calling on sectors of industry to commit to play their role in sharing information to prevent accidents, when sending out their own alerts.

HSE safety bulletins are released to keep industry up to date with failures in equipment, process, procedures and substances used in the workplace, and are gathered from investigations, inspections, research, advice from industry and the EU Commission.

They are released when:

- the HSE needs to reach a wide range of duty holders
- there is a new threat to health and safety
- a serious risk is not properly controlled by a number of duty holders
- protection against a major hazard incident has been found to be ineffective.

The HSE recently held a workshop, entitled "Safety Alerts: Everyone has a role to play — what's yours?" to demonstrate the benefits of its new system and to encourage industry to do more to help improve the safety alert system as a whole.

Participants committed to actions including:

- reviewing the format and method of issuing alerts
- sharing alert information with other industries
- setting up forums to share best practice.

In return, the HSE pledged ongoing support to industry to help organisations progress with their commitments.

Injury Lawyer Says Legal Balance is Tipping

John McQuater, the President of the Association of Personal Injury Lawyers (APIL), has recently voiced his concern about balance in the personal injury legal system "tipping the wrong way" in favour of big business.

Addressing guests at the annual President's Lunch event at the Armourer's Hall in London in February 2010, McQuater said that individuals making claims for compensation should be supported by the Government.

He claimed that while the focus of the justice system should be on the injured person, the "balance essential to the integrity of our legal system is tipping the wrong way and it is time to both recognise and address that."

The APIL President also warned of the "dilution of our civil justice system" and referred to the danger of the Government creating a "monolithic litigation system which allows the interests of big business to trample on injured people".

Speaking about his involvement in negotiations on the claims process, Mr McQuater said: "I noticed (during the negotiations) that defendants sometimes commented with passion that they had a right to contest claims they believed to be unmeritorious. Quite so!"

He added: "It must follow, however, that those needlessly injured must be able to seek justice with the support of independent, professional legal advice...that balance must be maintained and APIL is implacably opposed to measures which would alter that balance in favour of the better resourced party."

Trends in Occupational Safety and Health

The European Agency for Safety and Health at Work has published an analysis of the new and emerging risks in occupational safety and health in Europe, in its trends-focused publication entitled Outlook.

The safety and health of EU workers is affected by changing demographic structures, new technologies and the increasing shift in employment towards the service sector.

The latest Outlook offers an overview of the present and future trends of relevance to occupational health, the main workplace risks and their prevention.

The report points out that the occupational safety and health status of the EU workforce is affected by many factors, not least:

- its changing demographic structure
- the spread of new technologies
- a reduction in the importance of economic sectors that previously dominated, such as industry and mining.

Other aspects highlighted in the report are changes not only in the numbers of jobs in each sector, but also the types of jobs that are available. In addition, the age profile of the workforce is changing.

New technologies are creating new categories of employment while globalisation means that health threats that were once distant easily spread around the world in a short period of time.

The report notes that if the EU is to preserve the health of its workforce and maintain its economic strength and its competitiveness, it needs to meet these challenges proactively.

Outlook can be downloaded from the European Agency for Safety and Health website at <http://osha.europa.eu/en/publications/outlook>.

Guidance on corporate manslaughter and publicity orders

Two key pieces of guidance have recently been published as the courts prepare to deal with cases brought for breaches of the Corporate Manslaughter and Corporate Homicide Act 2007.

The Sentencing Guidelines Council (SGC) has published definitive guidelines on corporate manslaughter and health and safety offences causing death, intended to set out principles to guide courts in dealing with companies and organisations that cause death through a gross breach of care or where breach of health and safety requirements are a significant cause of the death.

In addition, the Ministry of Justice has published a circular on the arrangements for implementing section 10 of the Corporate Manslaughter and Corporate Homicide Act 2007, which covers publicity orders.

Most of the Act's provisions came into effect on 6 April 2008, but as publicity orders are an entirely new disposal, commencement was delayed until supporting guidelines were available for the courts in England and Wales.

Therefore, as of 15 February 2010, organisations found guilty under the corporate manslaughter and homicide laws will potentially be liable to publicity orders.

In a statement on its definitive guidelines document, the SGC said: "The advice is clear — punitive and significant fines should be imposed

both to deter and to reflect public concern at avoidable loss of life."

The SGC added: "Fines for companies and organisations found guilty of corporate manslaughter may be millions of pounds and should seldom be below £500,000. For other health and safety offences that cause death, fines from £100,000 up to hundreds of thousands of pounds should be imposed."

The sentencing guidelines can be found at:

http://www.sentencing-guidelines.gov.uk/docs/guideline_on_corporate_manslaughter.pdf

The circular relating to publicity orders can be found at:

<http://www.justice.gov.uk/latest-updates/corporate-manslaughter-act-publicity-orders.htm>

New Primary Authority Scheme Replaces Lead Authority Partnership Scheme

The Lead Authority Partnership Scheme (LAPS) has now closed to new entrants. HSE will provide existing agreements with support until April 2011, with businesses seeking to enter into a partnership being referred to the Local Better Regulation Office's (LBRO) Primary Authority Scheme (PAS).

LAPS encouraged the forming of partnerships between a Local Authority and a business, organisation or intermediary group with multiple outlets across the country (or a national membership) with the aim to raise the standard of health and safety management within that organisation and encourage consistency of enforcement nationally across Local Authorities (LAs). The lead authority then acted as a focal point of liaison on health and safety issues between other LAs, HSE and that organisation.

PAS builds on the success of LAPS, following much the same model. LBRO states that the scheme will bring benefits to business such as:

- Reducing risk by the Primary Authority providing clear, consistent advice
- Reducing the cost of failure, by the Primary Authority making recommendations to local regulators on how to quickly remedy any problem that arises
- Primary Authorities confirming compliance to other Local Authorities, reducing the costs associated with demonstrating compliance

See <http://www.lbpro.org.uk/lbro-projects-primary-authority.html> for further information.

Although HSE will only continue to support existing agreements until 2011, BFFF will be continuing its tripartite LAPS agreement with HSE and the Local Authority at Boston beyond this date and into the foreseeable future. Both of our partners within the HSE and LA have given their full support to our agreement and we are pleased to report that our strong communication links with both organisations will be continuing. Members requiring further information on the implications on the new Primary Authority scheme should contact Joanna Hancock on 01400 283096 or e mail joannahancock@bfff.co.uk.

New tool launched to help prevent musculoskeletal disorders

A new tool is now available online to help duty holders reduce the likelihood of their employees suffering from musculoskeletal disorders (MSDs) of the upper limbs associated with repetitive tasks.

MSD's affect more than 500,000 people in Britain every year and are often linked to repetitive work tasks such as packing on a production line or the regular use of hand tools. ART is not intended to be used for Display Screen (DSE) assessments.

The Assessment of Repetitive Tasks (ART) tool, developed by HSE and the HSL can help to identify where the significant risks lie, suggest where to focus risk reduction measures and help prioritise improvements.

The ART tool complements existing HSE guidance on upper limbs, and is available online at www.hse.gov.uk/msd/uld/art.

BFFF members collated injury rate statistics

We are in the process of collating members' health and safety statistics for 2009. All contributors' information is kept confidential within the BFFF offices and contributors have an opportunity for BFFF to provide a detailed comparison for their company.

Contact Joanna Hancock on e-mail joannahancock@bfff.co.uk should you wish to take part.

ENFORCEMENT ACTION

First Corporate Manslaughter Case Adjourned

The first trial under the new Corporate Manslaughter Act (R v Peter Eaton and Cotswold Geotechnical Holdings Ltd) was adjourned at the end of February and is unlikely to resume before early October as a result of Mr Eaton requiring medical treatment.

Mr Justice Field told the jury: "What has happened in this case is that I have acceded to the application of the defence to adjourn this trial for a longish period because the defendant requires urgent and intensive medical treatment. It would be unfair to require him to participate in this trial at the same time as undergoing this treatment."

Andrew Stokes, partner at national commercial law firm Beachcroft LLP, said that, while it was entirely understandable why the case had to be delayed, it means that employers are left a little unsure as to how the Act might be applied.

"The final result of this case will have serious implications not only for employers, but the insurance industry also," he pointed out.

Following the recent publication of the guidelines for sentencing offences under the Act, Mr Stokes went on, employers can be in no doubt that convictions for health and safety offences that cause death will seldom attract fines below £100,000. That will rise to £500,000, if a Corporate Manslaughter conviction is secured.

It is alleged that Cotswold Geotechnical Holdings Ltd caused the death of an employee, Alexander Wright, through its systemic failings. Employed as a junior geologist, he was crushed to death in 2008 when the sides of an excavated pit collapsed while he was collecting soil samples.

Food Giant Prosecuted

An international company that supplies food to major UK supermarkets has been fined after a worker's hand was crushed in machinery.

On 24 August 2008, the employee had his hand crushed at the company's factory in Bourne, while assisting colleagues in clearing a blockage in a cabbage washing line.

The man reached into the screw conveyor, which is used to shred the cabbage, to try to remove several cabbages blocking the machine. Although the machine had a guard to prevent anyone reaching the screw conveyor, it had been disabled to allow the machine to run without it. Unfortunately, the machine had not been properly isolated and when the blockage was cleared, it started up again crushing the man's hand.

The company was fined £3000 and ordered to pay full costs of £2000 at Grantham Magistrates' Court after pleading guilty to breaching regulation 11(3) of the Provision and Use of Work Equipment Regulations 1998.

Food company fined following severed fingertip

A food production company has been fined £20,000 following an incident where a man had his fingertip severed at a factory in Southall.

On 17 February 2007, a worker was asked to repair a machine at the company's premises in Southall.

The employee had removed a guard and was cleaning the middle part of the machine with a screwdriver and an airgun. As he put his right hand into the enclosed space, a dangerous part of the machine severed the tip of his right index finger.

The investigation by the Health and Safety Executive (HSE) found that the machine was in a poor state of repair and crucial safety devices were broken or had been removed. In particular, the display screen which provided safety information to the operator was illegible and critical safety switches were disconnected.

The court heard the company had already been served with an improvement notice for a separate

incident, which should have alerted them to proper maintenance systems throughout the general workplace. The HSE prosecuted the company and they pleaded guilty to breaching s.2(1) of the Health and Safety at Work, etc Act 1974, which covers the duty of the employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all the employees.

The company was fined £20,000 and ordered to pay costs of £5491 at the City of London Magistrates' Court.

Following the incident, the company successfully undertook a collaborative project with the HSE aimed at introducing a good health and safety management system and addressing cultural attitudes to health and safety within the organisation. The HSE says the new management systems have had a positive effect throughout the workplace.



The myth: There's nothing you can do about slips and trips and they don't really hurt anyone anyway

The reality: Most slips and trips are preventable and many happen when spills aren't cleared up or clutter tidied away. Last year, there were four fatalities and more than 10 000 employees were seriously injured when they had a slip or trip at work. This results in broken bones and time off work, costing the economy around £800 million per year. Simple mistakes can shatter lives ... your actions could help stop them from happening.

Don't take things for granted, cut corners or wait for someone else to do it. Clear up!