

# KEEP IT SAFE



BFFF QUARTERLY HEALTH AND SAFETY UPDATE

**APRIL 2012**

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

We do hope you find 'Keep It Safe' a valuable read. Please contact BFFF on 01400 283090 or email [hazelcranidge@bfff.co.uk](mailto:hazelcranidge@bfff.co.uk) if you have any health and safety issues or wish to receive additional/back copies

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# BFFF HEALTH & SAFETY INITIATIVES

## HEALTH & SAFETY WORKING GROUP

The group met at the end of March and discussed a wide range of H&S issues affecting the frozen food industry.

## HEALTH & SAFETY SEMINAR

Building on the success of the last two health and safety seminars, we shall be making this an annual event with the next seminar taking place on 7<sup>th</sup> November 2012 at the Ricoh Arena, Coventry. The H&S Working Group are currently agreeing the programme for the seminar and approaching speakers and we will provide more details shortly but in the meantime, please do save the date in your diary.

## SHARING OF DELIVERY POINT INFORMATION

One of the items that arose from the seminar was that it would be helpful for the industry if there was a way to share information on delivery points. The Working Group debated this suggestion in more detail and whilst they agreed with the idea in principle they felt that because the data is used for different purposes it could be interpreted differently and may not be effective.

However, the group felt that it would be beneficial to members to build a library of templates by sector groupings so that it is possible for companies to check their risk assessments against the existing templates to see if all necessary questions have been asked. If you have a template that you are willing to share (all information will be anonymous) please do forward it to [hazelcranidge@bfff.co.uk](mailto:hazelcranidge@bfff.co.uk).

## BFFF HEALTH & SAFETY PLEDGE

In 2008, BFFF through our Health & Safety Working Group launched a pledge for members to sign up to in respect of Health & Safety. The pledge is on our website at <http://www.bfff.co.uk/health-and-safety/hs-pledge>. The values are:

- Members are committed to comply with all current health and safety legislation, codes of practice and industry standards
- Members are committed to provide a safe and healthy environment for their employees and all persons affected by their undertaking via co-operation, consultation, engagement, training and review.

- Members continually strive to reduce the accidents and incidents within their businesses and improve standards of health and safety through continuous improvement
- Members measure their company's health and safety performance with set targets benchmarked against others within the sector.
- Members commit to collaborate and share best practice case studies as a means of improving the health and safety performance of the industry

Members who sign up to the pledge receive a certificate, which is updated yearly for display at their premises. This is a free service. If you are wish to sign up please contact [hazelcranidge@bfff.co.uk](mailto:hazelcranidge@bfff.co.uk).

## KEEP IT SAFE NEWSLETTER – NEW Q&A SECTION FOR MEMBERS

This edition of 'Keep It Safe' features a new section, which answers members Health & Safety Queries.

If you have any health and safety queries you need answers for, please send them to [hazelcranidge@bfff.co.uk](mailto:hazelcranidge@bfff.co.uk). We will respond to your query immediately but may also feature it in 'Keep It Safe' – all questions featured in the newsletter will be generic and anonymous.

## BFFF MEMBERS ACCIDENT STATISTICS

We have contacted all members to request their accident statistics for 2011. If you have not already sent yours in please do contact Emma Cranidge for the appropriate form to do so – [emmacranidge@bfff.co.uk](mailto:emmacranidge@bfff.co.uk)

We will be collating the information in the next couple of weeks and will then discuss the findings at the May meeting of the Working Group and will report back on the statistics in the July edition of Keep It Safe.

## LEGISLATIVE UPDATE

### BILL TO END PHOENIX FIRMS IN SAFETY CASES

A construction union has called on MPs to support a Bill aimed at ending the ploys of “phoenix firms”, companies which go into administration in order to escape punishment following a worker’s death or serious injury. The 10 Minute Rule Bill, calls for an amendment to the Health and Safety at Work, etc Act 1974.

The Bill would enable the Health and Safety Executive to apply to the courts for permission to freeze the assets of company under investigation for the death or serious injury of a worker, and to prevent the company voluntarily going into administration.

The construction union UCATT says that the number of phoenix firms escaping justice through entering administration has become an increasing problem in recent years. UCATT says that by opting for administration, companies are often able to avoid prosecution altogether, or, if found guilty, face dramatically reduced financial penalties.

Ms Berger tabled her Bill partially as a result of the death of Mark Thornton in her Liverpool Wavertree constituency in March 2007. Mr Thornton died after a mobile crane toppled over and crushed him. The crane was supplied by a hire firm which prior to the case against the company going to court went into administration. After entering administration, the company was bought out by its directors and resumed trading, using the same equipment, under a similar name.

However, as a result of being in administration, the original firm was fined just £4500. The judge said that an appropriate fine, had the company not been in administration, was £300,000. Luciana Berger MP, said, “Companies whose actions result in the death of a worker must be forced to take responsibility. If passed, my Bill will ensure that companies can’t become phoenix firms to escape justice.”

### RIDDOR MOVES FROM 3 DAY TO 7 DAY REPORTING

HSE has confirmed that, from 6 April 2012, the over three-day injury reporting requirement under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) will change.

Under RIDDOR, employers, the self-employed and people in control of work premises (ie the “responsible person”) have a duty to report serious workplace accidents, occupational diseases and specified dangerous occurrences (near misses).

From 6 April 2012 the trigger point after which an injury must be reported to enforcing authorities will increase, from over three days’ to over seven days’ incapacitation. This will not count the day on which the accident happened. HSE has also clarified that “incapacitation” means that the worker is absent or is unable to do work that they would reasonably be expected to do as part of their normal work.

The safety watchdog is keen to stress that employers and others with responsibilities under RIDDOR must still keep a record of all over three-day injuries. If the employer keeps an accident book, then this record will be enough. It should also be noted that the deadline by which an over seven-day injury must be reported will increase to 15 days from the day of the accident.

### REVISED RIDDOR REPORTING METHOD

Since September 2011 the HSE only accepts reports of fatal or major accidents by telephone following a consultation period. All other reportable work-related injuries and incidents under RIDDOR will need to be reported via the HSE website, with a suite of seven forms available online. HSE recognises that people reporting a traumatic event still need personal interaction therefore the notification of fatal and major incidents and injuries will still take place by phone.

#### Further Information on RIDDOR Changes

The HSE has prepared a new guidance document **INDG 453 Reporting accidents and incidents at work: A brief guide to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR)** to explain the changes and to provide an overview of the RIDDOR Regulations in general. The document can be accessed on their website at [www.hse.gov.uk/pubns/indg453.pdf](http://www.hse.gov.uk/pubns/indg453.pdf).

## Q & A's

Public sector cost cutting and cutbacks to HSE resources have resulted in less HSE campaigns therefore to give our members better value from this newsletter BFFF have decided to replace the HSE Campaigns section with this new Q&A feature. Information relating to H&S campaigns will still appear in the Guidance section.

In this feature we answer your Health and Safety questions, big or small. If you have a question please contact [hazelcranidge@bfff.co.uk](mailto:hazelcranidge@bfff.co.uk). Questions will be answered anonymously.

### WORKING BREAKS WITHIN COLD STORES

Q. Does the law specify when employees working in cold stores must take breaks?

A. There is no specific legal requirement for designated breaks for employees working in cold stores. The HSE advise that there should be special arrangements for the welfare of personnel who are exposed to low temperatures for extended periods. These will include the provision of thermal protective clothing and warming rooms with drinks dispensers.

Also suitable and sufficient breaks should be arranged, based on a comprehensive risk assessment. This risk assessment needs to take into account many factors including the individual, the work activity, the temperature of the working environment (i.e. it is a different scenario if your guys are working part time in an ambient loading bay area as they are having time to warm up) and also the clothing provided.

BFFF checked back on previous work that was undertaken in this area to survey whether members were setting break patterns for their cold store workers the common theme is that most of them do not have set break patterns. Supervisors tend to manage the breaks and ensure that the operators are not getting too cold as a result of their work. It is also clear through the advice of the HSE that you would run into issues if you fixed a break pattern without taking into consideration the views of the workforce and fulfilling an adequate risk assessment.

Refer to BFFF Guidance "Working In A Cold Store Environment - Advice for Employees" is available on the BFFF website: <http://www.bfff.co.uk/working-cold-store-environment-advice-employees>

For further information refer to HSE guidance HSG76 'Warehousing and storage- A guide to health and safety' which includes a temperature-controlled storage section. Furthermore on page 131 there

is a guide to the recommended PPE to be worn in temperature-controlled storage facilities. It can be downloaded from <http://www.hse.gov.uk/pubns/books/hsg76.htm>.

### HEAD PROTECTION IN COLD STORES

Q. Is head protection needed for cold store workers?

A. Again there is no legislation that specifically states that hard hats should be worn within cold stores as a blanket rule. As with other Health and Safety issues, the requirement to wear head protection will be determined through the risk assessment process.

Therefore the first step is to carry out a risk assessment and as with any health and safety issue, the hierarchy of control measures should be followed to reduce any risks highlighted.

Where possible, removing the hazard is the best option. PPE should always be regarded as a 'last resort' means of preventing or controlling exposure to hazards to safety and health. This means that other methods of controlling exposure must be considered before taking the decision to use PPE.

### Selecting Appropriate PPE

If it is determined that head protection is a safety necessity within the store, then selecting the most suitable and appropriate equipment is the next stage. The HSE Guidance document HSG76- Warehousing and Storage a Guide to Health and Safety as referenced previously includes several points about the selection and recommended PPE.

HSG76 states that the selection of suitable PPE within a temperature-controlled environment should involve the process of risk assessment, taking into consideration temperature, length of exposure, type of operation and personal preference. The aim should always be to choose equipment which will give minimum discomfort to the wearer. Those companies having workers who have to use PPE should involve and consult the employees regarding the selection and specification of the equipment.

Safety helmets with thermal liner; thermal balaclava and thermal hood are all part of the recommended PPE as specified within HSG76 for workers in cold store conditions.

In general the wearing of hard hats is best practise within warehouses particularly where product is stored above head height. This is again reflected in the HSE guidance.

## The Wearing of Head Protection

If it is decided that head protection should be worn as a safety precaution, then the Personal Protective Equipment at Work Regulations 1992 apply. The main requirement of these regulations is that personal protective equipment is to be supplied **and used** at work wherever there are risks to Health and Safety that cannot be adequately controlled in other ways.

The HSE have produced a short guide on the regulations which is available at [www.hse.gov.uk/pubns/indg174.pdf](http://www.hse.gov.uk/pubns/indg174.pdf).

Again if it is determined that head protection is a necessity it will be beneficial to include the necessity to wear them within employees' terms and conditions and Health and Safety rules. Furthermore it is sensible to write in a clause regarding the reclamation of PPE costs if the employee fails to return it at termination of employment.

In any event it is the employee's duty to co-operate with the employer in order that they can fulfil health and safety duties under the Health and Safety at work etc Act 1974. It is also the employers' duty to enforce the wearing of the relevant PPE that is deemed a necessary safety precaution. Therefore disciplinary procedures may be necessary if there are issues with enforcing safety rules.

## Conclusion

If the risk assessment process concludes that employees within the cold store should wear head protection then the employer should consult with affected employees in order to agree on the selection of suitable and appropriate head protection. Once the selection process is complete, the employer must:

- Supply the head protection to all relevant employees free of charge (employees should be provided with an element of choice from suitable head protection to allow for suitable comfort and fit)
- Provide adequate storage facilities for the PPE
- Train employees on how to use and maintain the PPE correctly
- Put into place ongoing processes to inspect and maintain the PPE and replace where necessary
- Enforce the wearing of the PPE in the appropriate areas and take action if the employees disregard the safety processes
- Monitor and review the safety processes put in place

# HSE FOOD INDUSTRY CASE STUDIES

## HSE CASE STUDY - CHEMICAL RELEASE

### Action

### Summary

A large snack foods company and a chemical distribution company were both prosecuted after a delivery driver was killed by a cloud of toxic gas.

The driver worked for the chemical distribution company and was driving a lorry containing four steel tanks, two with sodium chlorite and two containing hydrochloric acid, to one of the snack food company's sites. Both chemicals are used in a starch reclamation unit, which turns waste starch into food-grade material used to make snack foods.

The driver inadvertently mixed up the hoses on the tanks while transferring the two chemicals from the lorry, causing them to produce green fumes of chlorine dioxide. When he realised his error, he stopped the transfer and started to hose-down the area, but he was already starting to be affected by the toxic gas. A number of the snack company's employees came to the assistance of the driver, but they did not know what operation was being carried out, or the nature of the gas being released.

The driver and one of the employees, who tried to help, were both taken to hospital. The employee was in hospital for 30 hours with breathing difficulties, but later recovered. The driver's condition gradually deteriorated and he died from the effects of the gas a month later.

The investigation found a number of failings by both companies. No one from the snack company was present to supervise the delivery and transfer of chemicals from the lorry to the tanks. It took about an hour after the appearance of the gas cloud for the snack company to realise the gravity of matters, and to get employees out of the area. The company had no planned evacuation procedure for a chemical emergency at this location. There were insufficient written procedures for deliveries/receipt of chemicals and the tanks were also insufficiently labelled.

Both companies were pleaded guilty to breaching Sections 2(1) and 3(1) of the Health and Safety at Work etc Act 1974 for failing to conduct their undertaking in such a way as to ensure, so far as was reasonably practicable, the health and safety of their employees and persons not in their employment.

The snack food company were fined a total of £200,000 plus additional costs of £38,971.

The chemical distribution company were fined a total of £150,000 plus additional costs of £29,229.

### Advice

The incident could have been avoided had:

- there been procedures in place for receipt of hazardous chemicals, specifically Hydrochloric acid and Sodium Chlorite;
- the delivery driver been better trained;
- there been emergency procedures for handling spillages and toxic gas releases;
- the bulk tanks and tank valves been more conspicuously labeled.

## HSE CASE STUDY - ACCESS TO DANGEROUS PARTS OF MACHINERY

### Summary

A manufacturing company who produce lids for food containers were prosecuted after a worker had four fingers severed in a lid-punching machine that had been modified by her employers.

The employee was keeping watch over a number of lid cutting machines while other operators were on their breaks. The cutting press was cutting lids from a reel of silver paper threaded through the machine by a series of rollers. One of the machines had jammed three times. On the third occasion, she removed the jammed paper and then put her hand through an opening to apply some tension to the paper while pressing the feed button with her other hand. At this point the cutter tool engaged and cut off four of her fingers.

The cutting tool was not guarded during the rethreading process. The investigation found the company had covered the proximity sensors on the machine so it could be used to cut paper instead of foil lids. The sensors would have stopped the machine operating when paper was being rethreaded through the cutting tool, if they had not been disabled.

The employee suffered life-long injuries in a completely avoidable incident. She has been unable to return to work, and finds it difficult to carry out everyday activities.

### Action

The company pleaded guilty to breaching Regulation 11(1) of the Provision and Use of Work Equipment Regulations 1998 by failing to prevent access to dangerous parts of machinery. They were fined £22,500 plus additional costs of £8,708.

### Advice

The company disabled the sensors on the machine and failed to install an alternative guard to stop employees accessing the dangerous cutting tool inside the machine while it was operating.

Unguarded or inadequately guarded machines are a source of numerous serious accidents. Blockages on these machines are also a common occurrence. It is therefore foreseeable that operators may require entry to the danger zone to clear blockages. This must be carried out in accordance with a safe system of work to ensure that the risks to the operator are controlled.

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](http://www.hse.gov.uk/equipment/legislation.htm).

# GUIDANCE

## INVOLVING THE WORKFORCE IN HEALTH AND SAFETY

### In Practice

According to the Health and Safety Executive, worker participation means “active participation where the workforce and their representatives participate in the key elements of health and safety management, such as setting targets and reviewing performance”.

In essence, worker participation is employees and managers taking an active role in identifying problems and devising solutions. This means in practice:

- Effective and open dialogue that involves genuinely listening to each other’s concerns;
- Joint problem solving and decision making;
- Participation in the development of safety and health policies and practices;
- Participation of employees in the promotion and achievement of safe and healthy working conditions;
- Workers fully cooperating with employers to improve workplace safety, health and wellbeing;
- Putting in place arrangements so this can happen in practice.

### Legal Requirements

Effective safety management is known to be enhanced by using the experience, feedback and involvement of the workforce, which itself is a legal requirement under the Health and Safety at Work, etc Act 1974. The Safety Representatives and Safety Committees Regulations 1977 set the requirements and provisions for the election of union safety representatives. Similar requirements are set for the election of representatives of employee safety for non-unionised workforce under the Health and Safety (Consultation with Employees) Regulations 1996.

Consultation is a legal requirement in both unionised and non-unionised workplaces. A proactive approach will assist in meeting legal requirements, and has the added potential for reducing accidents and increasing efficiency.

Employers are required to consult with their workforce, usually through a representative, “in good time”. This means that sufficient notice of certain changes must be provided to the people being consulted to enable them to read and appreciate the implications with which they are supplied as part of the consultation.

### Benefits

The safety culture of any workplace is improved by the direct involvement of the workforce. This in turn helps to ensure a safe and efficient workplace which benefits both the organisation and the workforce.

One aspect of the direct involvement of the workforce is genuine joint consultation between the employees and the organisation employing them. This two-way dialogue can ensure that the workforce is aware of the issues that affect their health and safety and that the organisation is made aware of any potential dangers and other issues of health and safety that the employees feel are significant.

### Safety Committee?

Technically, there is no legal requirement to form a safety committee, but it could be argued that this could be considered “best practice” as a means of consultation on matters of health and safety. In non-unionised workplaces, employers may consult with their employees either directly or through elected representatives of employee safety. In very small workplaces, direct consultation with employees may be more straightforward and ultimately more beneficial.

### Consulting with Non-Employees and Others

Self-employed people and non-employees, eg agency staff and volunteers, do not have to be consulted. However, including them in consultation is good practice, particularly if they are working long term at the employer’s workplace. Trainees on work experience are considered to be employees and must also be consulted.

### Methods of Consultation

Consultation methods vary depending on the subject and the nature of the workplace. Examples include:

- Health and safety committees
- Newsletters
- Notice boards
- Suggestion boxes
- Employee surveys.

## PM RENEWS 'WAR' ON HEALTH AND SAFETY

In January, Prime Minister David Cameron made his first policy announcement of the New Year, in which he vowed to free British businesses from “the stranglehold of health and safety red tape”.

Speaking to an audience of small business leaders and entrepreneurs in Maidenhead, Berkshire, David Cameron announced that the Government intends to:

- extend the current scheme that caps the amount that lawyers can earn from small value personal injury claims, and reduce overall costs in cases funded by “no win no fee” deals
- change the health and safety law on strict liability for civil claims so that businesses are no longer automatically at fault if something goes wrong
- investigate insurance companies to ensure businesses are not forced into levels of compliance far beyond what is actually required by the law, to secure their insurance cover
- write to the Chief Executives of all major insurance companies, inviting them to a meeting at Downing Street next month to discuss the issues.

In the speech, David Cameron said his government was “waging war against the excessive health and safety culture that has become an albatross around the neck of British businesses”.

He said every day British firms faced “a tide of risk assessment forms” and “the fear of being sued for massive sums”, with a financial cost running into “billions each year”.

He added, “So this coalition has a clear New Year’s resolution: to kill off the health and safety culture for good.”

### Response

Tom Jones of Thompsons Solicitors said, “Why does the government commission reports when they ignore the conclusions?” Referring to the report published in October 2010 by Lord Young and Professor Löfstedt’s review on health and safety published in November 2011, Tom Jones said, “All government published reports show that there is no compensation culture and yet the government keeps referring back to something that they know doesn’t exist.”

Tom Jones said, “It is time the government stopped making policy on the basis of myth and anecdote in

order to get a headline and to help their friends in the insurance industry to save millions.”

The speech also provoked a scathing response from Brendan Barber, the General Secretary of the Trades Union Congress, who said, “This shows just how out of touch with the reality of working life Number 10 is. Every government report on the UK’s supposed compensation culture has shown it to be a myth, and in fact claims have been declining over the past decade.”

## NEW SAFETY CAMPAIGN TO FOCUS ON PARTICIPATION

Focusing on the twin concepts of management leadership and worker participation in occupational safety and health, the next Healthy Workplaces Campaign starts on 18 April 2012.

Organised by the European Agency for Safety and Health at Work (EU-OSHA), “Working together for risk prevention” will provide reports, practical guides, flyers, posters and DVDs as well as an interactive website offering a range of detailed practical help and guidance.

The campaign is being organised because every 3.5 minutes, a person dies in the EU as a result of a work-related accident or an occupational disease. In 2007, the last year for which comparable statistics are available for all 27 Member States, 6.9 million people suffered one or more accidents at work.

According to the Labour Force Survey 2007, 73% of accidents at work resulted in sick leave of at least one day, while 22% resulted in sick leave of at least one month so that at least 450 million work days are lost each year.

One of the case studies in the campaign guide<sup>1</sup> concerns the 2012 Olympic Games and focuses on how the Olympic Delivery Authority (ODA) achieved its current exemplary safety record.

The Healthy Workplaces Campaign is open to all organisations and individuals at local, national and European levels, including all employers in the public and private sector; managers, supervisors and workers; trade unions and safety representatives; and all organisations and individuals dedicated to improving safety and health.

<sup>1</sup> Accessible at [http://www.healthy-workplaces.eu/campaign\\_guide\\_en.pdf](http://www.healthy-workplaces.eu/campaign_guide_en.pdf).

# ENFORCEMENT

## UNSAFE WORK LEADS TO SEVEN-METRE FALL

A worker was lucky to escape serious injury when he fell seven metres through a skylight on a warehouse roof. The 23-year-old man was helping to replace signage at the premises in Edinburgh, on 6 October 2009 with two colleagues.

The court heard that fixings on the last, and largest, sign to be removed were rotten, which meant the workers' normal method of breaking it into pieces to remove it was not an option. They therefore decided to access it from the roof and then lower it to the ground.

Two of the men went up via a ladder, tied rope around the sign, and lowered it to the ground. As they were gathering their tools to descend, the worker stepped backwards while trying to catch a rope thrown to him by his colleague on the ground and fell through a polycarbonate skylight.

He landed on the floor of the warehouse seven metres below, having hit a water tank on a ledge on the way down. Although he suffered severe bruising, he had no broken bones. The man was treated at the scene by paramedics and was hospitalised overnight. He returned to work some weeks later.

Environmental health officers from the City of Edinburgh Council investigated the incident and found that the signage company had failed to properly plan, supervise, or carry out the work properly. Scaffolding, a mobile access tower, or a mobile elevated work platform could have been used to gain safe access to the sign being replaced, they concluded.

The court heard that selection of the equipment for the job at the warehouse premises had been left to the "common sense" of the men involved in the job, as no guidance had been provided by their employer.

Consequently, his employer pleaded guilty to a breach of reg.4 of the Work at Height Regulations 2005. It was fined £6500. No costs are awarded in Scotland.

Since the incident, the employer has introduced cherry-pickers for this type of job and issued instructions to employees that, for smaller jobs, scaffolding should be used. Site surveys undertaken while pricing jobs now include a risk assessment to ensure the work can be carried out safely.

## MACHINE MODIFICATION LEADS TO FATALITY

A manufacturer must pay £200,000 in fines and costs after a night-shift worker was killed at a factory in Barrow-in-Furness.

The 28-year-old worker was struck by a piece of machinery while working at a factory on 8 November 2007. The HSE prosecuted the company after its subsequent investigation revealed that a dangerous part of a machine had been left unguarded, having been modified four months earlier and leaving a dangerous gap.

As the worker checked inside the machine at around 5.10am, it began to move and he was struck on the head. He died at the scene and his body was discovered by colleagues around 20 minutes later.

Preston Crown Court was told that the factory had been short-staffed on the night of the incident, with two of the four workers in the team off sick. The dead worker had been moved to work on the machine despite not having had training on how to operate it since its modification.

His employer pleaded guilty to a breach of s2(1) of the HSWA 1974 by failing to ensure the safety of its employees. The company, based in the UK at West Malling, Kent, was fined £180,000, and ordered to pay £20,000 in prosecution costs, at the hearing on 14 December 2011. The judge described the breach as a "misjudgement" on their part.

Following the worker's death, the company fitted two sheets of clear plastic over the gap, which allowed employees to check the machine without being put at risk. It fully cooperated with the HSE investigation and expressed its deep regret over the incident.

## INSPECTOR CRITICISES FACTORY FOR PUTTING MONEY ABOVE SAFETY

A manufacturing company has been prosecuted for continually falling below acceptable health and safety standards at its factory in Uxbridge.

Westminster Magistrates' Court heard that the manufacturer received nine Improvement Notices and a Prohibition Notice for safety failings at its premises between September 2010 and March 2011.

During a routine visit an HSE inspector learned that the company did not have examination certificates for lifting equipment at the factory, which meant the devices had not been tested. The inspector also discovered that staff were operating mobile cranes and forklifts without any training. Improvement Notices were issued for both of these failings.

The inspector revisited the factory on three separate occasions and during each visit found additional safety deficiencies. These included flammable substances being stored outside, rather than inside a fire-resistant unit. There were also inadequate systems in place to ventilate harmful gases, which were created on the production line, and staff were not issued with adequate respiratory protection. Other dangers included an unguarded machine and the factory's electric wiring was in such a bad condition that workers were at risk of coming into contact with exposed electrical wires.

The inspector's final visit took place in March 2011, when he found the company had only taken enough action to be minimally compliant with the notices, and had not addressed all the hazards identified. The inspector believed the company had placed financial motives above the safety of its employees and, as a result, the HSE decided to bring charges against them.

The company appeared in court on 29 February and pleaded guilty to breaching s2(1) of the HSWA 1974. It was fined £18,000, plus full costs of £6210. In mitigation, the firm said it had no previous convictions and has subsequently complied with all the enforcement notices by heavily investing in remedial work. It has also appointed a consultant to manage Health and Safety at the factory.

### MEMBERS Q&A

We are always looking for ways to improve our communications with members and the sharing of information.

We have introduced a Members Q&A section in this edition of 'Keep It Safe'

Please email any queries you have relating to Health & Safety to [hazelcranidge@bff.co.uk](mailto:hazelcranidge@bff.co.uk). We will keep questions anonymous.



## HEALTH & SAFETY SEMINAR

**Wednesday 7 November 2012  
Ricoh Arena, Coventry CV6 6GE**

Share best practice and hear relevant case studies on Health & Safety topics specific to the frozen food industry

Network with other H&S professionals

Our previous seminars utilised a winning formula of speakers from the HSE, a Local Authority Inspector and case studies from BFFF members

Cost: £75 ex VAT per member delegate  
£100 ex VAT per non-member delegate

Contact Hazel Cranidge for more details on 01400 283090 or  
email [hazelcranidge@bfff.co.uk](mailto:hazelcranidge@bfff.co.uk)

*Sponsorship Opportunities Available*



### Feedback

**“The seminar provided a good mix of topics, within a sensible timetable from a variety of speakers”** Simon Williams, Cold Move Ltd.

**“A very worthwhile day if only to re-stress how important H&S is in the Cold Chain”** Jon Barnes, Ardo UK Ltd.

**“An excellent good all round practical seminar, very informative and enlightening”** Andrew Turner, Goodlife Foods Ltd.