

KEEP IT SAFE



BFFF QUARTERLY HEALTH AND SAFETY UPDATE

JANUARY 2011

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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BFFF HEALTH AND SAFETY INITIATIVES

BFFF HEALTH AND SAFETY PLEDGE

It is now over two years since the launch of our BFFF Health and Safety pledge. We have had a fantastic response with over 50 members signed up to the pledge so far.

We developed the pledge through consultation with our Health and Safety working group and our HSE and Local Authority partners. It has been designed for members to show their commitment to providing a safe and healthy working environment for all involved in the food industry. Member companies sign up to show their commitment to the fundamental values outlined within the Pledge, which emphasise the importance of complying with all current health and safety legislation, whilst striving to improve standards of health and safety through continuous improvement.

We would encourage all members to seriously consider signing up to the pledge. There is no cost implication and all members that do sign up receive a colour electronic certificate for display, which is re-issued on a yearly basis. Please do contact Joanna Hancock on e-mail joannahancock@bfff.co.uk for more information.

HEALTH AND SAFETY WORKING GROUP

The working group is due to meet again in January for which we have organised Doug Russell, Health and Safety Officer for the Union of Shop, Distributive and Allied Workers (USDAW) to present to the group on their take on employers liability claims. It will be interesting to understand the subject from their perspective and the areas that are important to their members. I will report the outcome of the meeting within the next Keep it Safe.

The group continues to progress with the development of guidance for employees on the cold storage industry on some of the health issues associated with working within this cold environment. The guidance has had some minor changes and the final document is now with HSE

for their input. We are planning to release this guidance within the next few months.

We have recently launched the new BFFF health and Safety web page, which now contains additional information on the working group members, meeting minutes and of course past editions of Keep it safe. We are planning to evolve this section to include information by topic on the relevant health and safety subjects for our industry so please watch this space.

This working group is available for all members to anonymously raise industry issues for group discussion and feedback. Please contact Joanna Hancock on e mail joannahancock@bfff.co.uk if you would like to raise any points.

HSE SAFETY ALERT- FAILURE OF COLD/ FROZEN FOOD STORE CEILINGS

The HSE has published a safety alert on cold and frozen food store ceilings, following an investigation into a fatal accident caused by the failure of the ceiling of a frozen food store.

The investigation involved an incident in which two men on a ceiling fell to the floor of a store. One of the men died from his injuries.

The HSE's investigation found that the insulation panels of the structure had separated from the steelwork, which supported the ceiling. The investigation also revealed that the bolts had consistently failed at the point where the thread entered the metal nut, which secured them into the supporting frame. Tests identified fatigue and corrosion (due to oxidation and exposure to chlorine) as the main reasons for the deterioration of the bolts.

The HSE said it reminded duty holders that:

- ceilings and roofs should be presumed to be fragile until it is proved that they are not
- environmental conditions may cause deterioration of ceilings, roof claddings or their supports, making them incapable of taking a

person's weight

- panels should not be used as a working platform unless it has been confirmed by a competent person that both the panels and their supports have been specifically designated for that purpose and are suitable
- guidance on loading capacities should always be sought from the manufacturer/supplier if possible
- where frequent access is required, then independently supported walkways should be installed, or boards used to spread loading for other prolonged work activities.

HSE has set out more details and action required in an [HSE Safety Alert](#)

BFFF MEMBERS INSURANCE SCHEME

The New Year is often a time for many businesses to review and renew their insurance needs. During this current difficult economic climate, keeping overheads to a minimum remains a priority area for our members, which includes cost effective insurance. As reported in the last Keep it Safe, BFFF has developed the BFFF Insurance Scheme to support members in this area.

Through Lockton Insurance brokers, the BFFF Insurance scheme provides members with a free Risk Management Assessment service and the possibility to take advantage of a range of insurance products selected for our industry. The specific insurance solutions include:

- Commercial Combined Insurance
- Trade Credit Insurance
- Product Recall & Contamination Insurance
- Environmental Impairment Liability
- Stock, marine cargo and supply chain Insurance

Why not simply tap into the BFFF scheme, enjoy a free risk management assessment and if nothing else keep your existing broker on his toes.

TO FIND OUT HOW THIS SCHEME CAN BENEFIT YOUR BUSINESS PLEASE CONTACT:-

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BFFF LEAD AUTHORITY PARTNERSHIP SCHEME (LAPS) AGREEMENT

We met with our partners on the 11th October when they provided us with an update to their current activities.

HSE reported that the impact of the spending review on HSE is still unclear, but more may be known by early 2011. HSE will be expected to reduce its expenditure over the next 4 years by at least 35% in the same way as many other Government Departments. In the mean time HSE will aim to deliver as many of its stated aims as possible within these constraints, and will consult on any change of focus as a result of the cuts. For now, however, it is 'business as usual'.

HSE updated on their recent campaign activity, which is included within the campaigns section of this newsletter.

Through our partnership with HSE, they have provided us with their reportable injury rates and enforcement statistics that are particular to the frozen food industry. We have enclosed the injury rate statistics relevant to food producers within the following table. They reflect the figures produced by our members' collated statistics reported within the last edition of Keep it Safe.

The long term trends now show:

- a 50% reduction in the overall injury rate since 1990/91

- 31% reduction in the major injury rate since 1996 (when the RIDDOR Regulations came into force)
- fatal injuries in food/ drink manufacture more than halved since 1990/91.

HSE also provided us with the information for Wholesaler businesses, however, the figures were completely out of sync with our own members' collated results. Following investigation, this anomaly has been caused by the fact that there are numerous SIC codes relevant to wholesale businesses and it has not been possible to isolate relevant figures to our members business profiles. As such I have omitted these results and our members' collated results remains the

benchmarking information for our wholesale members.

We have also enclosed enforcement information and prosecution statistics by each membership sector. Although there was a slight increase in the number of notices served on food producers, there was a reduction in prosecutions. There were also significant improvements for wholesale businesses.

HSE INJURY RATE STATISTICS

2005/06- 2008/09

Producers

Rate of injury per 100,000 employees

	Fatal Injuries			Non-Fatal Major injuries			Over 3 Day injuries		
	Best	Average	Worst	Best	Average	Worst	Best	Average	Worst
2008/09	0	0	0	132.5	225.7	321.4	135.1	717.0	1264.6
2007/08	0	0.5	1.9	158.2	233.0	305.2	363.6	886.6	1762.7
2006/07	0	0.5	5.7	89.0	170.6	255.7	454.4	904.7	1288.1
2005/06	0	0	0	95.7	192.3	247.5	588.2	995.0	1267.2

Retailers

Rate of injury per 100,000 employees

	Fatal Injuries			Non-Fatal Major injuries			Over 3 Day injuries		
	Best	Average	Worst	Best	Average	Worst	Best	Average	Worst
2008/09	0	0	0.1	30.5	66.9	113.7	53.4	245.2	553.1
2007/08	0	0.1	0.1	0	103.9	109.3	79.5	517.7	555.5
2006/07	0	0	0	13.2	106.4	123.8	39.7	525.1	561.3
2005/06	0	0.1	3.3	18.4	101.2	110.1	53.9	511.2	538.9

These statistics are provided by the HSE and have been grouped into sectors using the UK Standard Industrial Classification (SIC) codes for the Economic activities of each economic sector.

The workplace analysis data is taken from the Annual Business Inquiry 2008.

HSE ENFORCEMENT STATISTICS FOR BFFF MEMBERSHIPS SECTORS 2006/07 - 2008/09

Producers

	Number of Notices				Number of Prosecutions	
	Improvement	Deferred	Prohibition	Total	Convictions	Total Informations
2008/09	178	1	39	218	17	20
2007/08	120	2	23	145	28	37
2006/07	251	1	56	308	23	23

Wholesalers

	Number of Notices				Number of Prosecutions	
	Improvement	Deferred	Prohibition	Total	Convictions	Total Informations
2008/09	2	0	2	4	0	0
2007/08	5	0	7	12	0	0
2006/07	3	0	1	4	1	1

Retailers

	Number of Notices				Number of Prosecutions	
	Improvement	Deferred	Prohibition	Total	Convictions	Total Informations
2008/09	1	0	0	1	0	0
2007/08	0	0	0	0	0	0
2006/07	3	0	0	3	0	0

Freight Transport

	Number of Notices				Number of Prosecutions	
	Improvement	Deferred	Prohibition	Total	Convictions	Total Informations
2008/09	32	0	11	43	20	27
2007/08	48	2	12	62	7	10
2006/07	32	0	18	50	14	16

Storage Of Frozen & Refrigerated Goods

	Number of Notices				Number of Prosecutions	
	Improvement	Deferred	Prohibition	Total	Convictions	Total Informations
2008/09	8	0	8	16	4	4
2007/08	0	0	0	0	1	1
2006/07	0	0	0	0	0	0

As part of the LAPS agreement, HSE have agreed to provide BFFF with the details of Enforcement Notices and prosecutions specifically related to our industry, split into the same industry sectors as the injury statistics.

Total Information's relates to what regulation a company is being prosecuted under. For example, if a company is being prosecuted under S1 of the HSWA and the S3 of the LOLER regs then two informations need to be laid before the court. So in this example, the prosecution had two informations. A prosecution will always have at least one information but may have many depending on the number of breaches of law.

HSE FOOD INDUSTRY CASE STUDIES

HSE CASE STUDY – INADEQUATELY GUARDED MACHINERY ACCIDENT

In the food and drink industry, machinery and plant causes over 30% of fatal injuries and over 10% of major injuries. The following case study outlines an accident involving inadequate guarding, the action taken by HSE and HSE advice.

Summary

A food company were prosecuted following an accident to an employee who suffered injuries to his hand and wrist when it became trapped in the rollers of an inadequately guarded machine.

The employee, a machine operator employed to work nights, was working on a bagel-forming machine, which had recently been purchased second-hand from another bakery. This was only the second time it had been used by the night shift and operating conditions were still being optimised.

He was using a plastic scraper to remove build up of dough on a tensioning roller, which adjusted the moving belt of the bagel machine. The roller is positioned beneath the main body of the machine. Guards were in place on either side of the machine but were inadequate to prevent access to the underside and the nip point between the belt and the roller.

While removing the excess dough, his hand slipped and his arm was drawn into the in-running nip between the moving belt and tensioning roller. He was trapped in this position until the belt was stopped by another person and the tension on the roller was released. He suffered two broken bones in his left wrist and friction burns to left forearm, injuries made worse because he was unable to access the stop control for the moving belt. There was a single, unlabelled stop and start control for the moving belts, but this was inaccessible to the employee once he was trapped. There were no emergency stops for the moving belt. Guarding arrangements were insufficient to prevent access to the trapping point.

A risk assessment carried out by the Engineering Department had failed to identify access to dangerous parts. A separate risk assessment

carried out by the Hygiene Department had identified potential for access to trapping points but this risk assessment had not been passed to the Health and Safety Department or Engineering prior to the accident.

Immediately following the accident, a risk assessment carried out by the Factory Manager identified a number of instances of inadequate guarding, including access to the in-running nip created by the tension roller and belt. The machine was immediately taken out of use and enclosing guards fitted around the complete belt and roller system. Access to belt and rollers is now via interlocked access gates that stop movement of all parts.

At the time of the accident there were no specific instructions for operation of the bagel former and the employee stated that he had not received any training in its operation, although he had received general health and safety training in the use of machinery in the factory as part of his induction and had also received machinery-specific training for the equipment that he normally operated. The night shift manager and supervisor were present when operation of the machine started that evening and, while not constantly directly supervising the employee, were present in the area and regularly monitored ongoing work.

Action

The company were prosecuted under Regulation 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 £6,000, with an additional £4,570 in costs awarded against them.

Advice

Unguarded or inadequately guarded machines are a source of numerous serious accidents. Under the Provision and Use of Work Equipment Regulations 1998 (PUWER) employers should **ensure** that **risks**, created by the use of any equipment, are **eliminated where possible or controlled by**:

- taking appropriate **'hardware' measures**, e.g. providing suitable guards, protection devices, markings and warning devices, system control devices (such as emergency stop buttons) and personal protective equipment; and
- taking appropriate **'software' measures** such as following safe systems of work (e.g. ensuring maintenance is only performed when equipment is shut down etc), and providing adequate information, instruction and training.

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.

HSE CASE STUDY- MEZZANINE FLOOR COLLAPSE

The following case study outlines an accident involving the collapse of a mezzanine floor, the action taken by HSE and HSE advice.

Summary

A large food company involved in manufacturing and wholesaling were prosecuted following the collapse of mezzanine floor in which an employee was injured. They were also prosecuted for failing to report the accident to HSE.

The employee was moving and storing 1000kg bags of rice/pulses on a raised mezzanine floor section of the factory. He was working on the raised floor on his own; his colleagues were working in an area directly below the mezzanine floor. The bags were housed on a pallet and had been raised to the mezzanine floor opening by means of a forklift truck (FLT). The employee then used a manually operated electric handling truck to move the bags to a designated storage area on the mezzanine floor.

This operation had been repeated many times. On approximately the 17/18 occasion, a large section of the mezzanine floor collapsed and fell, along with some of the bags, onto the machines and items in the area below. Thankfully, the

colleagues below were not working in the area at the time.

The collapsing floor caused some of the bags of rice and nearby shelving on the remaining mezzanine floor to topple over, trapping the employee as they landed on him. His colleagues from below ran up to the raised floor and began cutting away at the bags to help ease the pressure from around the trapped employee. They eventually managed to pull him out and lay him onto a pallet, which was then lowered to the ground floor by using a forklift truck before he was taken to hospital by the emergency services. He was off work for almost four months.

The local authority alerted HSE a week after the floor collapse. HSE visited the site and were advised that no one was injured or working in the area and that the area would not be used again until it was deemed safe with adequate edge protection. Five months later, a complaint was received regarding the open edges on the raised floor on which work had restarted. HSE found clear evidence that other employees had been working near to the open edge and a prohibition notice was issued.

A further three months later, the accident was notified to HSE. The person responsible for reporting accidents stated that he had been on holiday at the time and had only just been made aware that the employee had been injured during the floor collapse.

Action

The company were prosecuted under: Section 2 of the Health and Safety at Work etc Act 1974 for failing to ensure the health and safety of their employees, namely the injured person and others working below the mezzanine floor who were put at risk.

Regulation 3 of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 1995 for failing to report the injury within ten working days to the relevant enforcing agency.

They were found guilty and fined a total of £12,500 with an additional £2,388 in costs awarded against them.

Advice

The company had a written health and safety policy and risk assessments, but management failed to supervise, monitor and implement their policies.

In terms of the mezzanine floor, no information regarding the capabilities of the floor were provided and management allowed unsafe work practices to continue without them been properly assessed (e.g. no safe loading limit, no signs stating this, shelving not secured to the floor and allowing employees to work close to an open edge).

Further information on working at height can be found at www.hse.gov.uk/falls. Information on how to carry out a risk assessment can be found at www.hse.gov.uk/risk.

BFFF MEMBERS COLLATED INJURY RATE STATISTICS

We are in the process of collating members' health and safety statistics for 2010.

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.

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.

“DO YOUR BIT” – HSE FUNDED TRAINING FOR MANAGERS AND HEALTH & SAFETY REPRESENTATIVES

The HSE’s campaign “Do Your Bit”, a response to workplace research suggesting that involving workers has a positive effect on Health and Safety performance, remains available until March 2011.

The campaign, which launched in March 2010, encourages employers to get their employees more involved in improving Health and Safety in certain higher risk sectors, including food manufacturing. Judith Hackitt, HSE Chair, pointed out that “good workforce involvement” can lead to both improved performance in health and safety and in productivity because staff feel motivated and engaged.

To help with this the HSE are offering various free or subsidised training courses, including a joint manager and safety representative course with the intention of creating a genuine partnership between management and the workforce on Health and Safety matters. This training is fully funded by HSE.

The campaign’s website can be found at www.hse.gov.uk/involvement/doyourbit/index.htm.

HSE FOCUS FOR FOOD MANUFACTURE INDUSTRY

The HSE’s main enforcement focus for the food manufacture industry for 2010/2011 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 are:

- **Workplace temperatures.** Risk assessment for high and low workplace temperatures;
- **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;
- **Workplace transport.** Segregation of vehicles and pedestrians, safe reversing procedures, traffic management systems, effective signage, training;
- **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;
- **Moving Heavy Loads.** Loading/unloading vehicles, working under/adjacent to supported heavy objects, manually moving or supporting heavy objects;
- **LPG installations/pipework.** Inspection to ensure sound LPG tanks, valves, regulators and pipework with pipework replaced where required.

FUTURE EVENTS

Business advice open 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.

Health & Safety events of interest over the next few months are:

Event	Location	Date	Venue
Behaviour Change: Improving Health and Safety Performance	Buxton, Derbyshire	20/1/2011	Health & Safety Laboratory
Managing Stress in the Workplace	Edinburgh	3/2/2011	Woodburn House, Edinburgh
IOSH- The art of managing repetitive tasks (ART tool)	Falkirk	15/2/2011	The Falkirk Wheel
	Newton-Le-Willows	16/2/2011	Haydock Park Racecourse
	Bristol	17/2/2011	Gloucestershire County Cricket Club
Hand Arm Vibration Syndrome (HAVS)	Buxton, Derbyshire	1/3/2011 – 2/3/2011	Health & Safety Laboratory
Human Factors in Accident and Incident Investigations	Buxton, Derbyshire	15/3/2011 – 16/3/2011	Health & Safety Laboratory

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

Location	Date(s)	Venue
Leeds	10/2/2011	Wetherby Racecourse, Wetherby
Belfast	3/3/2011	Ramada Hotel
Norwich	24/3/2011	Norwich City Football Club

INTERNATIONAL CONFERENCE ON SLIPS, TRIPS AND FALLS 2011

6TH- 8TH APRIL 2011

The IEA Technical Committee is holding a conference to provide a technical forum on various aspects of slips, trips and falls. Safety researchers from around the world will present their latest work and exchange research ideas. This conference will cover industrial safety, safety at home and safety during leisure time.

Please contact Dr. Steve Thorpe at steve.thorpe@hsl.gov.uk or Dr. Wen-Ruey Chang at wen.chang@libertymutual.com for further information.

LEGISLATIVE UPDATE

FIRST CORPORATE MANSLAUGHTER CHARGES DROPPED

Legal and media reports have confirmed that the first corporate manslaughter charges against Peter Eaton, the managing director of Cotswold Geotechnical Holdings Ltd, in relation to the death of Alexander Wright, have been dropped. However, the charges against the company will proceed in January 2011, having been adjourned.

The case represents the first application of the Corporate Manslaughter and Corporate Homicide Act 2007 and relates to the death of Alexander Wright, which occurred on 5 September 2008. Mr Wright, who was employed by Cotswold Geotechnical Holdings as a junior geologist, was taking soil samples from inside an excavated pit when the sides of the pit collapsed, crushing him.

Peter Eaton was charged with gross negligence manslaughter and with an offence contrary to the Health and Safety at Work, etc Act 1974. However, Mr Eaton's solicitors, Pinsent Masons, have now argued successfully that, owing to ill health, the two charges should be permanently stayed.

The trial against Cotswold Geotechnical Holdings Ltd will continue in January 2011, with charges under the Health and Safety at Work, etc Act 1974 and the Corporate Manslaughter and Corporate Homicide Act 2007.

Commenting on the case, Sally Roff, a Partner at Beachcroft LLP, slammed the delay and said: "At a time when there is so much scrutiny over the effective use of public funds, one wonders what is to be gained from pursuing a 'shell' company ... The Corporate Manslaughter Act has become tarnished with delay both by the time it took to come to the Statute books and now in its implementation."

FIRST CHANGES FOR HEALTH AND SAFETY

The HSE has launched into action in the wake of the publication of the Young Review, pointing out that it had already been working on two of the report's recommendations — namely a 20-minute online risk assessment for offices and a new Occupational Safety Consultants Register (OSCR).

The new online risk assessment for offices has been launched with the aim of helping to cut back the time it takes to weigh up the hazards in offices to just 20 minutes. The HSE says the web tool will help employers to consider relevant hazards in their office and think about how they control them to keep staff safe, whilst avoiding unnecessary paperwork and bureaucracy for office-based businesses, which tend to be low risk.

The online tool works by prompting employers to answer a series of questions about their workplace and then generates a unique risk assessment with actions required. Simplified risk assessments for other low-risk workplaces are currently being developed.

The HSE has emphasised that safety officials will take account of the results of the assessments when they carry out inspections, as evidence that businesses have taken appropriate steps to manage workplace risk.

In addition, the safety watchdog announced that the new OSCR will go live in January 2011, providing firms with details of consultants who have met the highest qualification standard of recognised professional bodies and who are bound by a code of conduct that requires them to only give advice which is sensible and proportionate.

The register has been developed by the HSE and a network of professional bodies representing safety consultants across Britain. Employers will visit a single website that will help them to find local advisers with experience relevant to their sector.

MIXED REACTION TO LORD YOUNG RESIGNATION

Lord Young's decision to quit following his gaffe where he claimed that most Britons had "never had it so good" may have been welcomed by Labour politicians, unions and even accepted by Downing Street. However, not everyone is glad to see him go.

Alexander Ehmann, Head of Parliamentary Affairs at the Institute of Directors, said: "Lord Young had a clear vision for the UK's business environment and was one of the few politicians willing to grapple with the politically sensitive, but critical, issues of health and safety and employment law reform."

He added: "The real risk with Lord Young's resignation is that his most recent task as the Prime Minister's Enterprise 'Tsar' will be shelved. Asked to look at the barriers to growth that small and medium-sized businesses face, Lord Young was well placed to offer a welcome injection of enterprise culture into government policy-making."

Lord Young had been acting in an unpaid capacity as the coalition Government's health and safety advisor. The Tory peer, who has often been criticised by unions for his remarks and approach to health and safety at work, was referring to low interest rates during what he called the "so-called recession".

However, the remarks were seized upon by the media and slammed by Labour politicians. The Labour leader Ed Miliband said the Tory peer was "out of touch" with people and even Mr Cameron admitted the remarks were "unacceptable".

The Association of Personal Injury Lawyers (APIL) has since slammed Ministry of Justice (MoJ) proposals aimed at curbing the "no win, no fee" system.

APIL released a statement in response to the Justice Secretary's recent introduction of a green paper on civil litigation costs. APIL says that proposals designed to restrict "no win, no fee" arrangements will "hit the weakest the hardest," with the MoJ to consult on making injured people pay towards their legal costs, which are currently met by the losing party.

Commenting on the proposals, APIL president Muiris Lyons said: "No win, no fee has helped provide access to justice for injured people who cannot otherwise afford it ... The interests of insurance companies and negligent defendants must not outweigh the rights of injured people."

Mr Lyons added: "The proposal to increase damages to offset the effect of this move is a white elephant for two reasons: first, damages are now too low in any event, as, in most categories, they have never been increased in line with Law Commission recommendations; second, the proposed increase will not always cover the costs to be borne by the injured person in any event, leaving him with a shortfall in his damages."

APIL also issued a further statement commenting on the recent resignation of Lord Young of Graffham. A spokesman said: "We hope the Government will use this situation to take stock and re-examine some of the decisions in Lord Young's review as we believe many have been based on myth and misunderstanding about how the system works."

GUIDANCE

SLIPS AND TRIPS- BFFF MAKES A DIFFERENCE

Slips and Trips are the most common of workplace hazards for our industry. Our members collated accident statistics shows that slips and trips are responsible for:

- Over a third of all reportable accidents
- 25% of all accidents in the workplace

With this level of importance to our industry, the BFFF Health and Safety working group proposed that BFFF should host a specialist seminar to make a difference in this area. With member input, we developed our first health and safety seminar, dedicated to Slips and Trips that took place on the 3rd November.

BFFF teamed up with the Health and Safety Executive (HSE), Health and Safety Laboratories (HSL) and key industry speakers to provide this event for members. There were over 60 delegates attending on the day from across the food industry bringing with them a range of specific issues to tackle. As such we were delighted with the excellent feedback we have received from delegates stating that they all rated the event as 'very good' or 'good' in terms of practical value to them.

The morning session was dominated by HSE and HSL and was packed with both theoretical and practical advice. They opened the event with background industry statistics on the topic and discussions on why people don't take these accidents seriously, even though they cost business £500 million per year and the accidents often have severe consequences. They continued with advice for businesses on where to start to tackle the problem and outlined the Hierarchy of Controls relevant to this topic, which includes:

- Floor Contamination
 - ▶ Contamination from work activities & environment -eliminated or controlled
 - ▶ Correct cleaning regimes
- Suitable floors
- Safe systems of work

- Footwear

In particular HSE outlined the key issues with cleaning:

- Cleaning is important in stopping slips...but
 - ▶ Many slip accidents are linked to cleaning
 - ▶ There remains access to smooth floors left wet after cleaning
- Is the cleaning method effective?
 - ▶ Especially pay attention on safety floors
 - ▶ Use of correct detergent and amount is important
 - ▶ Detergent needs contact time on the floor to do its job
- Communication- training and supervision
 - ▶ Ensure you reach the people who do the job
 - ▶ Do cleaners know they can cause slips?

HSL then outlined the work they have completed in testing how slippery floors were and the affect of certain contaminants. This included showing the availability of a range of instruments that can test the surface micro roughness that are easy to use on a range of different surfaces profiles. They also advised that profiled surfaces don't necessarily improve slip resistance. They can change or wear very quickly.

HSL also included advise on slip resistant footwear and what to look for. HSL has tested a wide range of safety footwear in the area of slip resistance and they outlined the different standards available. Although the results of their footwear testing is not available on their web site, HSL will help support members by providing information on their testing in this area. So please contact Joanna Hancock on e mail joannahancock@bfff.co.uk if you would like any specific advice.

HSE then covered the subject of slips and trips on vehicles where these types of accidents are a major factor. Interestingly they pointed out that

although safety footwear is commonplace for drivers, only 35% have considered slip resistance when choosing footwear.

The morning session was rounded off with HSE and HSL outlining some of the tools that they have available to help businesses manage the problem. These include:

- Risk Mapping Tool and Hazard spotting Checklist
- Slips Assessment Tool
- STEP- Slips and trips e-learning package

Even though this session was packed with detail and information, the delegates found this very informative with practical solutions they could easily implement within their businesses. Delegates commented that the views of HSE and HSL were very worthwhile for companies to understand the science behind slips and trips and provide them with new ways of confronting the issue.

The afternoon session consisted of practical industry case studies. Chris Moore, Trading Law Manager for Asda Stores Ltd opened the afternoon presentations by outlining their 4 key initiatives, which are:

- Get it right from the start
- Clean as you go
- The right tools to do the job

And

- What's on your feet

Paul Harnetty, Operations Director for The Authentic Food Company, followed on with practical initiatives they had implemented to reduce their Slips and Trips accidents from 28% to Zero in one year. The areas they had highlighted for improvement within their food manufacturing business were:

- General health and safety awareness
- Floor surfaces

- Internal drain covers
- Cleaning methods
- PPE- footwear

The action they had taken had not been implemented without coming across some practical issues and Paul went through how his company had overcome these hurdles.

In summary, they tackled each area as follows:

- General health and safety awareness
 - ▶ An awareness campaign including near miss reporting posters, monthly team briefs and a company newsletter.
 - ▶ Staff training and cultural development
 - ◇ Inductions for full time and agency staff and on the job training including best practice advice
 - ▶ Greater emphasis on staff 'buddies'
 - ▶ Board of Directors participation
 - ▶ Web based training for all staff called 'Human Focus'. This is a web based training package provided by the insurer Chartis which is endorsed by RoSPA.
- Floor surfaces
 - ▶ The floor surface roughness was significantly increased using an epoxy-based resin.
 - ▶ The decision to use this type of flooring was taken with advice from the HSE, flooring specialist & cleaning chemical company
 - ▶ The floor surface works in tandem with the improved footwear
 - ▶ Cautionary note regarding the 'new floors' start and finish areas

- Internal drain covers
 - ▶ The Authentic Food Company are trialling chemical etching, strip welding and routing as ways of tackling the slipperiness of these surfaces
- Cleaning methods
 - ▶ Greater involvement with their cleaning chemical supplier
 - ▶ Introduced a chemical dosing system to ensure the correct chemical concentrations at all times
 - ▶ Improved hygiene standards with the appointment of an experienced hygiene manager
 - ▶ Improved deep cleaning- weekend team
 - ▶ They have also raised the profile of formal housekeeping audits
- PPE- footwear
 - ▶ Staff were involved from the outset on the assessment & selection process.
 - ▶ This has resulted in the selection of PPE, which has comfort for 8 hours a day, no cracking/ splitting of the soles, improved longevity, not too high up the leg and great grip.

The topic of the day then moved onto Employers Liability Claims. Gary Weatherhead, Group Compliance & Safety Manager for Palmer & Harvey Ltd provided the delegates with an insight into the cost of slips and trips employers liability claims. His presentation included advice on action to take before a claim takes place and after an accident has occurred. Insurance brokers Lockton LLP continued along this theme with advice on claims defensibility. This was how companies can provide quality evidence and documents to improve their insurers ability to legally defend, mitigate and make optimum informed decisions on liability claims for damages.

Health and Safety training company, Pristine Condition also presented within the afternoons

practical sessions. They provided delegates with an outline of some of their key safety messages and how to prevent slips and trips for delivery drivers.

We would like to take this opportunity to thank once again, all our presenters for their valuable time contributing to this event. Feedback from delegates shows that the Slips and Trips seminar was a spectacularly good event with a first class turnout, excellent speakers and a very well targeted seminar. Mike Royans, Safety, Security and Facilities Manager for Bernard Matthews Farms describes the event as "A 'punchy' informative well presented seminar with plenty for attendees to take away with them to their workplace.' Andrew Turner, Technical Manager for Goodlife Foods Ltd stated 'An excellent good all round practical seminar, very informative and enlightening'.

If you are interested in receiving any detailed information about this Slips and Trips event or are interested in any future health and safety events please contact Joanna Hancock on e mail joannahancock@bfff.co.uk.

LOCATION OF EMERGENCY SHOWERS FOR AMMONIA REFRIGERATION PLANTS

Providing emergency showers is an important part of COSHH emergency planning where there is the risk of a rare and severe exposure to one or more hazardous substances, such as by release of ammonia in refrigeration plant caused by undetected corrosion or accidental damage. However it is not always clear where the shower should be sited.

The Institute of Refrigeration advises that the highest risk of being in contact with or suffering exposure to ammonia is when in the plant room therefore a shower external to the plant room is recommended. However **BS EN 378-3:2008 'Refrigerating systems and heat pumps. Safety and environmental requirements. Installation site and personal protection'** recommends a location near to the plant room exit.

This means that the shower should be located as close as is reasonable to the plant room, in a

position which is not likely to be affected directly by fumes from a leak. It must also be capable of being used for approx. 30 minutes to 1 hour after someone has been exposed.

In the case of a catastrophic or major leak personnel should not enter the plant room itself to rescue others unless they are trained in the use of respirators or breathing apparatus and follow the requirements of the Confined Spaces Regulations.

Breathing apparatus should also be available external to the plant room in a suitably locked cabinet with access by the trained personnel who would also be a key holder.

NEW HSE Q&AS ON LOCAL EXHAUST VENTILATION

HSE has recently updated the Q&A section of its local exhaust ventilation (LEV) site – found at www.hse.gov.uk/lev/index.htm. The Q&As are “what is the purpose of a thorough examination and test?” and “who can undertake the thorough examination and test and what responsibility does that person have?” The questions illustrate a possible lack of understanding of maintenance of LEV.

Simple checks should be carried out by supervisors, or process operators, at frequent intervals to identify potential problems so that they can be rectified quickly. HSE publication **L5 COSHH: Approved Code of Practice and Guidance** recommends that weekly visual checks should be made to identify any obvious defects. If the LEV controls a particularly hazardous substance, then more frequent checks may be necessary.

The type of checks needed depends on the complexity of the LEV system, but may include:

- looking for any obvious faults by simple observation of the hoods and ductwork
- taking readings from any pressure gauges or other instruments fitted to the hoods, air cleaners, etc
- checking the positions of any dampers
- undertaking minor servicing, such as emptying

filter bins.

LEV systems should also be subject to thorough examination and testing at least once every 14 months (although COSHH requires more frequent testing for some specific processes). A thorough examination and test will normally comprise:

- a visual check
- a measurement of plant performance and an assessment of control
- an assessment of the performance of the air cleaner or filter where air is recirculated.

SERVICING OF FIRE DETECTION AND ALARM SYSTEMS

Alarm systems, whether fully automated or not, must be maintained and tested. Article 7 of the RRO requires that, where necessary, the responsible person for the premises ensures that all facilities, equipment and devices provided for fire safety are maintained and that a maintenance system is in place.

Obviously it is important that, in the event of a fire, detection and alarm systems work. This is generally achieved by an approach that involves both:

- local testing by personnel on the premises nominated by the responsible person
- testing and maintenance by qualified engineers at regular intervals, usually contractors.

High quality maintenance is also important to prevent false alarms.

BS 5839 recommends that the user carries out certain checks on a daily, weekly and monthly basis, as described below.

Daily Tests

It should be ensured that the panel indicates normal operation, or that faults are recorded and receive attention. Any previously recorded fault should have received attention. Any unmonitored remote link should be tested.

Weekly Tests by Nominated Employees or Managers

Tests by nominated employees or managers should be done weekly. They tend to be very simple and include testing that:

break glass call points to activate the alarm

the alarm sounders operate.

A test key is provided for this purpose. Call points should be tested in rotation to ensure that they are all covered.

Details of the weekly test should always be recorded in a logbook. Any faults discovered (either during the test, or at any other time) should be recorded in the logbook and reported to the maintenance contractor as a matter of urgency.

Monthly Tests

Systems which rely on standby generators should be tested every month. The generator should be run according to manufacturer's instructions and left ready to operate. Any defects should be attended to.

Systems which rely on vented batteries for their standby power should be visually inspected monthly.

Tests by Contractors

In accordance with BS 5839, the system should be serviced, tested and inspected at regular intervals, by a competent person — usually a contractor. The frequency of servicing and testing should be on the basis of risk assessment, but to comply with BS 5839 not less frequently than every six months.

These tests include:

- examination and testing of power supplies and batteries
- checking that the panel responds correctly to all device (detectors) tests
- all special equipment (tested in accordance with the manufacturer's instructions)
- checking that remote links and auto-diallers work

- checking and testing all ancillary functions
- testing software using the manufacturer's procedures
- checking that all faults previously reported have been repaired.

All manufacturers' servicing instructions must be followed and the system logbook should be completed with details of the testing carried out. The records should be kept in a suitable place and the work of the contractor should be checked to ensure that it has in fact been carried out.

Every smoke detector, heat detector and every other input device should be tested annually and it should be confirmed that the correct responses (outputs) are generated.



The myth: If you run an office-based business you need a health and safety consultant

The reality: You probably already deal with most business issues yourself and health and safety should be no different.

If you run a low-risk, office-based business then health and safety is something you can manage without needing to buy in expert help.

After all, you should know your business better than anyone else.

HEALTH ASSESSMENT FOR NIGHT WORKERS

The laws around night working and night workers can be complicated. There are overlaps between Health and Safety and Employment Law and there are exceptions to aspects of the Regulations. There are also separate rules for workers in sectors such as transport and this will not be covered by this article.

The Working Time Regulations 1998 (as amended) (WTR) defines *night time* as the period between 23.00 and 06.00. A *night worker* is someone who regularly works for at least three hours during night time. There are variations to both definitions. Regulation 6 of WTR covers the allowed length of night work. In general, night workers should not work more than an average of eight hours in a 24-hour period, averaged over 17 weeks. In a number of cases, night work can be averaged over a 26-week period. For some workers, such as those dealing with special hazards or under mental and physical strain, there can be no averaging with the eight-hour

daily limit as an absolute.

As there are health considerations with night work such as potential sleep disruption and deprivation and possible stress, Regulation 7 of the WTR covers the requirements for health assessments. The Employer must offer a free health assessment before the employee starts working at night and on a regular basis after that. Generally this means once a year, but it can be offered more frequently.

Assessments must be offered not just to employees new to night work but to existing night workers as well, although if they have had a recent assessment then the employer may not need to provide another. Workers on shift rotations that include night work also need to be offered free health assessment.

A health assessment is made up of two parts which is a questionnaire and a medical examination. The latter is only necessary if the employer has doubts about the workers' fitness for night work, for example, if the answers in the

questionnaire cause concern. The workers do not have to take the health assessment offered. Typical questions revolve around diabetes, heart, circulatory, stomach and intestinal disorders, conditions causing sleeping difficulties, chronic chest conditions and any other health factors that may affect fitness to work, such as a condition requiring medication to a strict timetable. Because the health assessment should take into account the type of work that will be done, it is prudent for the Employer to consult a suitably qualified health professional when devising and assessing the questionnaire. This could be a registered doctor or nurse who understands how night working might affect health.

If the medical practitioner advises an employer that a worker employed by the employer is suffering from health problems which the practitioner considers to be connected with night work, and it is possible to transfer the worker to suitable work that can be undertaken during other periods, the Employer should transfer the worker accordingly. This is especially relevant for more vulnerable workers to whom the Employer owes a higher duty of care, such as pregnant workers.

ADVICE ON CLEARING SNOW AND ICE

The DirectGov information service has published new advice on clearing snow and ice.

The guidance points out that last winter many people and employers helped keep pavements and public spaces around their homes clear of snow, but others were put off doing so because of fears of being sued. The website points out that there is no law preventing the public from clearing snow and ice.

If an accident did happen, the site says it is “highly unlikely” that those having carried out the clearing would be sued as long as they use common sense to make sure that the pathway is not clearly made more dangerous than before.

DirectGov offers the following tips and advice on clearing snow and ice.

- Start early — it is easier to clear fresh, loose snow compared with older, compacted ice.
- Do not use hot water — this will melt the

snow, but may replace it with slippery black ice.

- Help neighbours who are unable to clear snow and ice on paths from their property themselves.
- When shovelling snow, consider where to put it, so that it does not block paths or drainage channels.
- Make a pathway down the middle of the area to be cleared first, so there is a clear surface to walk on.
- Spread some salt on the cleared area to help stop ice forming — table salt or dishwasher salt will work, but avoid plants or grass as they may be damaged.
- Pay particular care and attention to steps and steep gradients.
- Use the sun to advantage — removing the top layer of snow will allow the sun to melt any ice beneath (although use salt to prevent refreezing overnight).

If there is no salt available, sand or ash are good alternatives.

SINGLE MARKET, SINGLE HEALTH AND SAFETY QUALIFICATION

IOSH reports that plans to develop a universal qualification and training framework, for health and safety professionals across Europe were revealed in a conference in Brussels in November.

The new EU-funded EUSAFE project was unveiled at an event held by the European Network of Safety and Health Professional Organisations (ENSHPO) as part of the European Commission’s week for health and safety in the workplace.

The EUSAFE project has been set up to identify a universal European framework of qualifications to cover occupational health and safety (OSH) professionals across the European Union.

Richard Jones, IOSH’s Policy and Technical Director and Vice Chair of ENSHPO said ‘Having a single set of European Qualifications, which can be equated to each member states existing standards is fantastic. By opting into the European

ENFORCEMENT

CRUSHED SKULL LEADS TO PROSECUTION

The UK's biggest food manufacturer has been fined £14,000 after a 65kg metal pillar fell on a maintenance engineer, crushing his skull.

On 24 July 2008, the employee was working at a site in Merseyside when a four-metre section of pillar fell on his head.

The employee and a colleague had been helping to remove cages and pillars from a storage area at the Reeds Lane site. They used an angle grinder to cut the pillar, but when they levered it free at the base, it became detached from the ceiling and struck the employee.

Wirral Magistrates' Court heard the employee suffered severe traumatic brain and spinal injuries, and was in hospital for more than six months. He now has difficulty speaking and moving, and his wife has not been able to work since, in order to look after him.

The HSE investigation found that the company had not properly planned the task and had not trained workers on how to carry out the work safely.

Following the incident the company was prosecuted by the HSE for failing to ensure the safety of its employees.

The company pleaded guilty to breaching s.2(1) of the Health and Safety at Work, etc Act 1974. The company was fined £14,000 and ordered to pay £6808 towards the cost of the prosecution.

FOOD FIRM FINED AFTER WORKER INJURED

An international frozen food company has been fined after the moving blades of an industrial freezer injured a worker.

On 21 November 2008, the employee was working a night shift. As he was clearing ice from the inside of the freezer, a colleague switched it on, not realising he was inside.

The vegetable flow freezer, a piece of equipment that freezes pre-washed vegetables, included a large stirrer to help distribute the vegetables on to a conveyor. The employee was hit by the blades on the stirrer before he could jump clear. He suffered severe bruising to his legs.

The Health and Safety Executive (HSE) investigation found that the inside of the freezer was dimly lit and once someone was inside, it was very difficult to see them because of a mesh grille. It was also noisy in the freezer, meaning communication was a problem, and both men had worked on an overnight shift for more than 11 hours when the incident occurred.

The company admitted breaching regulation 11(1) of the Provision and Use of Work Equipment Regulations 1998 covering dangerous parts of machinery and regulation 3(1)(b) of the Management of Health and Safety at Work Regulations 1999 which covers risk assessments. The company was fined a total of £4700 and ordered to pay costs of £2639.50.

'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.

Back copies of 'Keep it Safe' are also available under the Health & Safety section of the website.