

# KEEP IT SAFE



BFFF QUARTERLY HEALTH AND SAFETY UPDATE

**JANUARY 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

## BFFF SEMINAR HELPS TO IMPROVE SAFETY WITHIN THE COLD CHAIN

Following on from our successful Health & Safety seminar last November, which focused on slips and trips, our second seminar held on 2<sup>nd</sup> November 2011 in Grantham, looked at how to improve safety within the cold chain.



The seminar featured presentations from the HSE and Boston Local Authority on what enforcement authorities look for and

prioritise when inspecting sites, plus some real life case studies from wholesaling, retailing and cold storage. Additionally, the recently launched BFFF guidance on health requirements for employees working in a cold store environment was presented whilst an expert outlined some behavioural safety initiatives and we were also shown how in depth accident forensic investigations can protect your brand, save money and reduce premiums.

Brian updated the meeting on our industry accident statistics enabling members to peer review their own performance. We are always keen for our members to provide their accident statistics and if you don't already do so why not contact Emma Cranidge on [emmacranidge@bfff.co.uk](mailto:emmacranidge@bfff.co.uk).

We were delighted with an excellent attendance from across the industry including producers, logistic service providers, wholesalers, retailers and local authorities.

This seminar is an excellent example of where BFFF can add value to our members' activities by providing objective benchmarking tools to help provide the very best picture of our industry's performance, networking opportunities and advice that would otherwise not be readily available.

We are very grateful to all our presenters for making the seminar so informative and valuable:

- Simon Bowens, Boston Local Authority
- Ian Hancock, IHSafety4You
- Colin Hartley, Valid8 Force Ltd.

- Simon Hatson, Britvic GB
- Lech Kluk, Association of Industrial Truck Trainers
- Emma Madeley, HM Inspector of Health & Safety
- Chris Moore, Asda Stores Ltd.
- Peter Pickthall, R&R Ice Cream UK Ltd.
- Mike Richardson, Brakes

The presentations are available through our website <http://www.bfff.co.uk/Health-Safety-Seminar> and the BFFF Guidance 'Working In A Cold Store Environment Advice For Employees' is available to download at <http://www.bfff.co.uk/working-cold-store-environment-advice-employees>.

**WORKING IN A COLD STORE ENVIRONMENT  
ADVICE FOR EMPLOYEES**



**'Keep Warm' advice**

A cold environment is a health hazard and as such keeping warm is fundamental for all employees. This is a short and simple guide to keeping warm and safe in a cold store environment:

- **Use the special low-temperature clothing provided by your employer.** Choose clothes according to the job, not only the temperature. Report to your employer any loss or obvious defect with the personal protective equipment supplied to you.
- **Avoid excessive sweating.** Reduce the numbers of layers you are wearing when highly active and add layers when you are less active. Also, when you are on your break, dry your clothes both inside and out.
- **Don't wear clothing that is too small or too tight** as this restricts blood flow, preventing warm blood entering your extremities.
- **Drink lots of water** and cut down on tea and coffee as they contain caffeine which acts as a diuretic and can dehydrate you. Instead, drink water, soup or hot chocolate.
- **Smoking and drinking alcohol** can affect the blood flow to your hands, arms, feet and legs e.g. alcohol dangerously affects the body's ability to regulate and conserve heat, while smoking can affect your circulatory system in the long term. Employees should also be aware that prescriptive, non-prescriptive and recreational drugs might affect your ability to regulate your body temperature in cold environments.
- **Consider your diet.** A healthy diet will provide your body with the necessary nutrients to function safely in the cold. Working in a cold environment there is a tendency for your body metabolism to demand more energy.
- **Protect bare skin.** Cover all areas that may become exposed to cold temperature or wind. Do not touch cold metal or plastic objects and surfaces with bare hands or skin.
- **Pay attention!** Cold hands and feet indicate a drop in body temperature. Get out of the cold if you experience extreme drowsiness, loss of balance, extreme shivering or slower than normal breathing, as these are early signs of hypothermia.
- **Always consider safety first** – the safety of you and your colleagues is paramount.



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We have developed a poster of the employee 'keep warm' advice contained in the guidance, which might be a useful addition for your communications with operatives who work in a cold environment. The poster is available at: [http://www.bfff.co.uk/sites/default/files/hs\\_poster\\_employee\\_keep\\_warm\\_advice\\_a3.pdf](http://www.bfff.co.uk/sites/default/files/hs_poster_employee_keep_warm_advice_a3.pdf)

The BFFF Health & Safety Working Group meet regularly to discuss those issues most compelling for our industry and we will begin our planning for next year's event at our next group meeting.

Please keep Wednesday 7th November 2012 free in your diary for next year's, not to be missed, event.

## BFFF H&S PLEDGE

In 2008, BFFF developed a Health & Safety to enable members to demonstrate 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. Please see the Pledge below for your information.

We would encourage all members to seriously consider signing up to the Pledge - there is no cost implication. All members that do sign up receive a colour electronic certificate for display, which is re-issued on a yearly basis.

Members wishing to sign up should e-mail [hazelcranidge@bfff.co.uk](mailto:hazelcranidge@bfff.co.uk) to confirm and attach a copy of their logo (plus the name and title of the signatory if they want to specify) and we will supply an electronic certificate.

### BFFF HEALTH AND SAFETY PLEDGE

BFFF members are committed to providing a safe and healthy work environment for all involved in the frozen food industry. BFFF encourages all members to improve their standards of health and safety and share best practice case studies as a means of improving the health and safety performance of the industry.

BFFF members assigned to the BFFF Health & Safety pledge commit to the values outlined within this health & safety pledge.

#### BFFF Health & Safety Pledge values:

- 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

## HSE STATISTICS

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.

The key annual figures for 2010/11 from the overall statistics that HSE produce are that:

- 1.2 million working people were suffering from a work-related illness.
- 171 workers killed at work.
- 115 000 injuries were reported under RIDDOR.
- 200 000 reportable injuries (over 3 day absence) occurred (LFS).
- 26.4 million working days were lost due to work-related illness and workplace injury.
- Workplace injuries and ill health (excluding cancer) cost society an estimated £14 billion (in 2009/10)

### HSE INJURY RATE STATISTICS FOR BFFF MEMBERS SECTORS

2005/06 - 2009/10

#### 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
2009/10	0	<b>2.9</b>	6	151.5	<b>235.3</b>	319.3	657.8	<b>1110.9</b>	1871.6
2008/09	0	<b>0</b>	0	132.5	<b>225.7</b>	321.4	135.7	<b>717</b>	1264.6
2007/08	0	<b>0.5</b>	1.9	158.2	<b>233.0</b>	305.2	363.6	<b>886.6</b>	1762.7
2006/07	0	<b>0.5</b>	5.7	89.0	<b>170.6</b>	255.7	454.5	<b>904.7</b>	1288.1
2005/06	0	<b>0</b>	0	95.7	<b>192.3</b>	247.5	588.2	<b>995.0</b>	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
2009/10	0.0	<b>0.2</b>	0.2	25.8	<b>113</b>	119.6	59.5	<b>510.8</b>	554.1
2008/09	0.0	<b>0</b>	0.1	30.5	<b>66.9</b>	113.7	53.4	<b>245.2</b>	553.1
2007/08	0.0	<b>0.1</b>	0.1	0.0	<b>103.9</b>	109.3	79.5	<b>517.7</b>	555.5
2006/07	0.0	<b>0.0</b>	0.0	13.2	<b>106.4</b>	123.8	39.7	<b>525.1</b>	561.3
2005/06	0.0	<b>0.1</b>	3.3	18.4	<b>101.2</b>	110.1	53.9	<b>511.2</b>	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 2005 Annual Business Inquiry for 2005/06 and 2006/07 and the Annual Business Inquiry 2007/08 Annual Business Inquiry for the 2007/08 figures

## 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
2009/10	111	1	34	146	25	27
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
2009/10	5	0	2	7	2	4
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
2009/10	4	0	0	4	2	2
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
2009/10	39	1	15	55	4	4
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
2009/10	18	0	3	21	6	6
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 Informations 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 - FALL THROUGH A FRAGILE ROOF **Advice**

### Summary

A manufacturing company were prosecuted following the death of a labourer who fell through a fragile asbestos cement sheet roof while cleaning and removing debris.

The 32 year-old labourer was an employee of one of the company's preferred contractors. The contractor had been appointed to clear a build up of debris from the roof and guttering of a warehouse which was the cause of water leaking into the building. The labourer was one of a number of employees who had been cleaning the roof over the previous three weeks.

At the time of the accident, the labourer and another employee were putting grass, weeds and other debris into bags which were being dropped into a skip below. The other employee had been wearing the only available harness, which was secured around a roof vent, and was working close to the edge of the roof. As the labourer was walking on the roof, a loud crack was heard as one of the roof sheets gave way. The labourer fell over 14 metres onto the concrete floor below. He died at the scene from multiple injuries.

The investigation found that when the company instructed the contractor to carry out the cleaning work, they failed to make sure the work was properly planned and organised, and when the contractor's employees were at work, they did not control, monitor and review the way the work was taking place. The company had previously identified that the roof was fragile but did not inform the contractor.

The contractor had advised the company that the workers would be using crawling boards on the fragile roof. However, such boards were not used and in order to carry out the cleaning work, workers accessed the roof by stepping onto it. The company took no steps to check that crawling boards were in fact being used as agreed and failed to bring the unsafe work practices to a stop in spite of its internal procedures stating that work carried out by contractors should be monitored daily.

### Action

The company were prosecuted under Section 3(1) of the Health & Safety at Work etc Act 1974, in that they failed to conduct their undertaking in such a way as to ensure, so far as was reasonably practicable, the health and safety of persons not in their employment. They were found guilty and fined £260,000.

The death of the labourer could easily have been prevented had a few simple measures been put in place. The risks from falling through fragile roofs are well known and documented as they are a cause of many fatal accidents each year.

Protection against falls is required wherever anyone works on or near fragile materials. Suitable protection will normally include a combination of coverings, guard rails, safety nets and safety harnesses. Roofs should always be treated as fragile unless it can be confirmed that they are capable of carrying your weight.

Any work on a roof is high risk. A risk assessment should be carried out for all work on fragile roofs, and except in the most straightforward circumstances, a written method statement should be prepared. This should help to ensure that all involved understand exactly what they have to do. Further information on working at height can be found at <http://www.hse.gov.uk/falls>.

The company also had a duty to ensure the safety of everyone on their site - whether working directly for them or not. Companies must make sure work contractors do for them is properly planned and organised, and monitor what actually happens when the work takes place.

## HSE CASE STUDY - UNSAFE LOADS

### Summary

A distribution company was prosecuted following the death of a vineyard owner who was killed when a pallet of empty wine bottles fell from the tail lift of a lorry which he was helping to unload.

The distribution company had hired an agency driver as cover for their normal driver who was off work. This was the agency driver's first day and he had made one other delivery prior to his delivery to the vineyard.

The delivery consisted of a single pallet of almost 1,400 empty wine bottles. The load was secured with shrink-wrap and plastic banding. The driver reversed the lorry to the entrance of the vineyard and used a manually-operated pallet truck to move the pallet to the back of the vehicle. His intention was to place the pallet of bottles on the centre of the tail lift, lower the load and then use the pallet truck to remove the pallet from the lowered tail lift. The combined weight of the pallet truck and load was 652kg.

There were some failed efforts by the driver to push the pallet truck from the back of the lorry onto the tail lift, as the wheels were catching in a small gap between the lorry and tail lift. The vineyard owner had climbed up to help but then climbed down to find a bit of plywood to bridge the gap.

With the plywood in place and the vineyard owner stood on the ground next to the lorry, the driver began to push the pallet truck onto the tail lift, at which point it began to run away from him. The pallet truck and its load fell off the end of the tail lift, crushing the vineyard owner. Despite desperate efforts and eventually removing some of the load, he died from his injuries.

The investigation found that the distribution company had failed to test the tail lift within the required six month period and did not have a safe system of work for agency drivers unloading pallets of bottles using the tail lift and pallet truck.

### Action

The company pleaded guilty to breaching Section 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 persons not in their employment. They were fined a total of £200,000 plus additional costs of £16,993.

### Advice

This tragic accident highlights the dangers involved in unloading large and heavy loads using a tail lift. Employers should ensure that employees are given

the right equipment, information, instruction and training to allow them to unload loads safely.

Where employers use the services of agency staff they should ensure that those agency staff are aware of the systems of work in place and have the skills and training to undertake the required tasks.

Tail lifts should be examined by a competent person at least every six months to ensure that they are safe to use.

# Legislative Update

## LÖFSTEDT REPORT PUBLISHED

Professor Ragnar E Löfstedt was commissioned by the coalition Government to produce a review of Great Britain's current Health and Safety law. His review entitled "Reclaiming health and safety for all: An independent review of health and safety legislation"<sup>1</sup> was published in October and has since been accepted by The Government and welcomed by the HSE. Here we take a brief look at the main recommendations:

### Self Employed Exemption

An exemption from health and safety law is proposed for self-employed persons *whose work activities pose no potential risk of harm to others*. The exemption is intended to free small businesses from the burden of legislation. In response, Minister for Employment Chris Grayling claims that the exemption for the self-employed will be "a significant boost to the million self-employed people who will be moved out of health and safety regulation altogether".

Despite the exemption, other parties may insist in compliance with H&S rules e.g. contractors working on a client site. This will probably mean that not all of the self-employed persons mentioned by the Minister can simply forget entirely about health and safety law, even if they are exempted. Client organisations still have a duty of care to ensure that competent contractors are provided and this will entail some compliance with H&S law.

### Approved Codes of Practice

The report recognises that businesses are in need of further help in understanding what amounts to 'reasonably practicable' (the balance of risk vs. sacrifice in terms of cost and resource) under H&S law.

The report states that the HSE should review all of its Approved Codes of Practice with the initial phase completed by June 2012. The intention here is to give greater clarity around compliance than that already supplied by HSE.

### Legislation

Various sources have stated that the report will create "a health and safety bonfire,"<sup>2</sup> with many regulations earmarked for removal or amendment. Despite the catchy headline, the report has marked some very narrow pieces of legislation for immediate revocation

due to their limited benefits and cost to business:

- **Notification of Tower Cranes Regulations 2010 and Notification of Conventional Tower Cranes (Amendment) Regulations 2010** (no quantifiable benefits to H&S outcomes)
- **Celluloid and Cinematograph Film Act 1922 (Exemptions) Regulations 1980 and Celluloid and Cinematograph Film Act 1922 (Repeals and Modifications) Regulations 1974** (no longer required to control any H&S risks)
- **Construction(HeadProtection)Regulations 1989** (which duplicate requirements of Personal Protective Equipment at Work Regulations 1992).

A number of Regulations should also be reviewed:

- **Health and Safety (First Aid) Regulations 1981** (remove the requirement for HSE to approve the training and qualifications of appointed first-aid personnel)
- **The Construction (Design and Management) Regulations 2007** (complete an evaluation of the effectiveness of CDM 2007 and the associated ACoP by April 2012 to ensure there is a clearer expression of duties, a reduction of bureaucracy and appropriate guidance for small projects)
- **Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995** (RIDDOR and its associated guidance should be amended by the end of 2013 to provide clarity for businesses on how to comply with the requirements)
- **Electricity at Work Regulations 1989** (HSE further clarifies the requirement for portable appliance testing, including through changes to the wording of regulations if necessary, by April 2012 to stop over-compliance and ensure that these messages reach all appropriate stakeholder groups)
- **Work at Height Regulations 2005** (Work at Height Regulations and the associated guidance should be reviewed by April 2013 to ensure that they do not lead to people going beyond what is either proportionate or beyond what the legislation was originally intended to cover)

1 Downloadable at [www.dwp.gov.uk/docs/lofstedt-report.pdf](http://www.dwp.gov.uk/docs/lofstedt-report.pdf).

2 e.g. Senior Policy Advisor for Forum of Private Business, Alex Jackman

The report also recommends that HSE should undertake a programme of sector-specific consolidation of legislation to be completed by April 2015, the implementation of which would simplify and consolidate laws that apply mainly to mining, quarrying, explosives, genetically modified organisms, biocides and petroleum.

It is notable that no changes to the main health and safety laws have been recommended e.g. HASAWA and Management Regulations. The report confirms that the principle of 'so far as is reasonably practicable', the cornerstone of modern, sensible risk management, allows pragmatic interpretation of the law and need not be changed, although HSE should provide better guidance on what is considered to be reasonably practicable.

### HSE Authority

It is proposed that legislation be changed to give HSE the authority to direct all local authority health and safety inspection and enforcement activity in order to ensure that it is consistent and targeted towards high risk workplaces.

### Liability

To help deal with over-compliance and risk aversion in business, the report recommends that the original intention of Lord Woolf's report's<sup>3</sup> pre-action protocol standard disclosure list is clarified and restated. The protocol was originally envisioned to support early settlements through better and earlier exchanges of information between parties but some claims handlers are using the protocols as definitive 'compliance lists' and some insurance companies will not contest a claim if all the paperwork is not in place on the basis that it cannot be defended.

Furthermore it is recommended that regulatory provisions that impose strict liability<sup>4</sup> should be reviewed by June 2013 and either qualified with 'reasonably practicable' where strict liability is not absolutely necessary or amended to prevent civil liability from attaching to a breach of those provisions. This is to prevent cases where strict liabilities in health and safety regulations result in individuals being paid compensation even though the employer did everything that was reasonably practicable and foreseeable.

### Conclusion

Overall this fresh look at H&S legislation confirms what occupational safety and health professionals

have felt for some time; that our current legislative framework is broadly sensible and proportionate but is simply in need of some rationalisation and clearer and more practical guidance from HSE.

## REACTION TO LÖFSTEDT REVIEW

The publication of review has received a variety of reactions, ranging from a business forum expressing its approval for a "health and safety bonfire," to concern from unions and a health and safety body for the safety of self-employed people.

Britain's safety watchdog, the Health and Safety Executive (HSE), welcomed the publication of the review, with Judith Hackitt, the Chair of HSE, commenting, "Professor Löfstedt's insightful report will go a long way to refocusing health and safety in Great Britain on those things that matter — supporting those who want to do the right thing and reducing rates of work-related death, injury and ill health."

The TUC welcomed the report's conclusion that the UK's health and safety laws "are broadly right" but expressed "major concerns that the proposals to exempt some self-employed workers could have a devastating impact on their safety".

The union said it was also disappointed that the report made no suggestions as to how the protection of employees in the workplace could be improved.

Rob Strange OBE, the Chief Executive of the Institution of Occupational Safety and Health (IOSH), said, "We support the streamlining and simplification of health and safety regulations, but we are keen to find out how the Government intends to reduce the number by half without increasing the risk to workers and the general public of injury and ill health."

He also said, "We are also concerned about the proposed exemption of self-employed people from health and safety obligations ...".

In contrast, the Forum of Private Business said it welcomed "a health and safety bonfire," with the body's Senior Policy Advisor, Alex Jackman, saying, "Complying with health and safety regulations has become a serious burden for business and a major barrier to growth."

<sup>3</sup> "ACCESS TO JUSTICE Final Report" and is available to view at [www.dca.gov.uk/civil/final/index.htm](http://www.dca.gov.uk/civil/final/index.htm). The report aimed to reform the areas of claims and compensation.

<sup>4</sup> Strict liability makes employers legally responsible for damage and loss caused by their acts and omissions regardless of their culpability.

## INDEPENDENT REGULATORY CHALLENGE PANEL LAUNCHED 5 JANUARY 2012

An independent panel to consider challenges to health and safety regulatory advice is now established.

The Health and Safety Executive (HSE) is supporting the new panel, which will look into issues raised by business where they believe a HSE or local authority health and safety inspector has given advice that is incorrect or disproportionate. The panel will not look at issues where other independent appeals processes exist, such as for enforcement notices or prosecutions.

The panel will be chaired by Tricia Henton, an experienced former regulator at the Environment Agency and is comprised of independent panel members who have the competence and experience to assess advice that has been given on regulatory matters.

Ministers asked for the panel to be established following a recommendation in the Löfstedt report, which proposed that the Government introduced a challenge mechanism that allows for cases of incorrect, over-application of health and safety legislation to be addressed.

For more information about the panel, please visit the web pages at: <http://www.hse.gov.uk/contact/challenge-panel.htm>

## HSE Campaigns

Due to the shift in the HSE's inspection and campaign focus, HSE now focuses on higher risk areas and on dealing with serious breaches of health and safety regulation.

HSE continues with reactive work e.g. investigation of accidents and complaints which meet their incident selection criteria. Proactive planned work will only take place in line with the principle of 'no intervention without a purpose', in the following circumstances:

- a) Inspections undertaken immediately following an investigation or (single) topic visit where HSE need to further test the duty holder's arrangements for managing health and safety risks
- b) Inspections undertaken in high risk sectors or areas
- c) Inspections of poor performers identified on the basis of sound intelligence, such as previous visits (premises identified by HSE as poor performers), adverse insurance reports, evidence from the Equality and Human Rights Commission (meat/poultry and fresh produce processing), etc.

HSE intends to focus interventions on the assessment of the duty holder's arrangements to manage health and safety risks, with the risk profile of the business being used to determine the topics assessed.

In summary, BFFF members are likely to still see an inspector only in response to one of the above criteria. Any inspections will be focussed on the management of health and safety risks by those organisations. This may well look at issues such as slips/trips, etc but unlike previous years there will be no list of inspection topics or specific campaigns.

### HSE FOCUS FOR FOOD MANUFACTURE INDUSTRY

The HSE's main enforcement focus for the food manufacture industry for 2011/2012 has changed significantly. Greater emphasis will now be placed on:

- **Investigating serious accidents** and bringing serious legal breaches to court promptly
- **Concentrating inspection on higher risk industries** including some food manufacture industries such as meat and poultry processing and dairy processing
- **Inspection of meat/poultry processing** to follow up Equality and Human Rights Commission Inquiry Report issues on working conditions
- **Safety at maintenance operations** by encouraging an integrated and structured approach to maintenance
- **LPG installations** - continuing inspections of LPG installations and pipework
- **Cost recovery** from employers in serious breach of health and safety law.

## FUTURE EVENTS

Events of interest over the next few months are:

EVENT	LOCATION	DATE	VENUE
Machinery Series - PUWER - Machinery Safety Basics	Buxton	30th January 2012	Health & Safety Laboratory
Machinery Series - Machinery Risk Assessment Essentials	Buxton	31st January 2012	Health & Safety Laboratory
Asbestos - Managing Asbestos in Buildings	Buxton	2nd February 2012	Health & Safety Laboratory
Noise - An Introduction to Management of Noise in the Workplace	Buxton	7th February 2012	Health & Safety Laboratory
Managing Work-Related Stress at an Organisational and Individual Level	Buxton	7th - 8th February 2012	Health & Safety Laboratory
Manual Handling for Assessors	Buxton	1st March 2012	Health & Safety Laboratory

### MEMBERS Q&A

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

We will be introducing a Members Q&A section in 'Keep It Safe' commencing in the next edition which is April 2012.

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

# Guidance

## REPORT ON SAFETY CULTURE

The European Agency for Safety and Health at Work (EU-OSHA) has published a new report on the subject of occupational health and safety culture and how the concept may be assessed.

The report notes that health and safety culture can be seen as a concept for exploring how informal organisational aspects influence health and safety in a positive or negative way.

According to the authors of the report, the term “safety culture” appears to have been first used in a report by the International Atomic Energy Agency after the Chernobyl disaster in 1986.

Since then, the concept of safety culture has been studied internationally by many academics from different scientific backgrounds, resulting in different, but complementary, approaches for exploring and assessing an organisation’s safety culture.

The report:

- Outlines the concept of occupational health and safety culture, explaining the terms “organisational culture”, “safety culture”, “safety climate” and “corporate health culture”
- Presents the main approaches and methods that exist to assess safety culture in an organisation
- Focuses on a selection of tools that can be applied for the assessment of safety culture
- Summarises the main findings with regard to the assessment of the safety culture in organisations
- Discusses the feasibility of developing a standard European tool to assess safety culture.

It can be downloaded at:

[http://www.osha.europa.eu/en/publications/reports/culture\\_assessment\\_soar\\_TEWE11005ENN/view](http://www.osha.europa.eu/en/publications/reports/culture_assessment_soar_TEWE11005ENN/view)

## ABI GUIDE TO “OVERZEALOUS” SAFETY

The Association of British Insurers (ABI) has published a guide to tackle “overzealous” interpretations of health and safety rules for the voluntary sector and small businesses.

The ABI says its guide gives “simple, practical advice” to businesses and the voluntary sector to help them assess risk “without burdening themselves with excessive concerns”.

It also offers tips on “getting a competitive insurance quote” and “building evidence of risk management” that can be used in defence of a claim.

A spokesperson at the ABI said the guide was based on five straightforward principles of:

- getting evidence of senior management commitment on health and safety issues
- designating a competent person to be responsible for health and safety or seek an external specialist
- adopting a structured approach to planning, monitoring and reviewing health and safety
- completing a suitable and sufficient risk assessment
- encouraging employees to be supportive of health and safety practices.

Commenting on the launch of the guide, Nick Starling, Director of General Insurance at the ABI, said, “Organisations want to focus on what they do best and insurance is designed to help them not block them, despite what some of the myths would have us believe. The five key principles outlined in the guide provide small businesses and the voluntary sector with much needed clarity on health and safety issues.”

The guide was supported by Grant Shapps MP, Minister of State for Housing and Local Government, who said, “Health and safety needs to be proportionate to risk. All too often tick-box bureaucracy and the fear of falling foul of the rules gets in the way of common sense, tying up firms in unnecessary red tape and preventing voluntary groups from holding local community events.”

The report can be downloaded from:

[http://www.abi.org.uk/Publications/Publications\\_Product\\_List.aspx](http://www.abi.org.uk/Publications/Publications_Product_List.aspx)

## LONG-TERM SICK SHOULD BE ENCOURAGED TO WORK

Doctors are being advised to encourage the long-term sick to stay in work in a consultation on the revised edition of Good Medical Practice.

Good Medical Practice is the core guidance to doctors which sets out what is expected of doctors

registered with the General Medical Council (GMC). All doctors are required to be familiar with and follow Good Medical Practice. It is revised every five years.

The draft guidance, issued by the GMC, says doctors must help empower patients to improve and maintain their health when caring for themselves. It goes on to say: "This may include encouraging patients, including those with long-term conditions, to stay in or return to employment or other purposeful activity."

The proposed new guidance follows the Government's move to shift people off incapacity benefit.

The Department for Work and Pensions (DWP), responding to the GMC's consultation on the guidance, has, in the past, advocated work as being good for people's health.

A DWP spokesman said: "Experts agree that being in work is good for people's health and wellbeing and most people with common health problems can return to work with the right support, which is why we are committed to helping those who can work back into employment, while ensuring that those who are too sick to work receive the support they need."

Other respondents to the consultation were also said to have made similar suggestions about work. The consultation on the draft guidance closes on 10 February 2012.

## **BENCHMARKING FOR CORPORATE ROAD SAFETY PROGRAMME**

A road safety programme that saved one of the UK's biggest energy suppliers well over £2 million and reduced the number of road incidents has been benchmarked by the Institution of Occupational Safety and Health (IOSH).

The health and safety body says British Gas has cut its road incidents by 30% after introducing its Driver Risk Management System, featuring a range of measures to monitor and train employees in driving and maintenance skills.

Now, IOSH is urging other companies with large fleets to follow in the utility company's tracks, in order to reap not only the health and well-being benefits, but also the financial rewards. Nationally, it is estimated that around 740 people are killed and over 8000 seriously injured each year while working on the roads, or driving for work.

With a fleet of 10,200 vans, 1800 company cars and 1950 private cars, British Gas wanted to reduce the number of incidents its employees were involved in. A five-year plan was set out for British Gas' over all driving safety culture and incident statistics.

Measures included fuel monitoring, incident analysis and vehicle safety features such as speed limiters that would save on fuel, while encouraging safer driving. Among other ideas were electronic driver licence checks and pre-employment driver risk assessments.

The company also has a system for rating its drivers red, amber or green according to the incidents they are involved in and the complaints received about their driving.

British Gas Operations and Safety Director Jeff Greene said, "We wanted a way of identifying and managing the risks associated with driving at work, as we knew that having such a high number of employees does mean we're prone to more road traffic accidents. Thanks to our road safety programme we've reduced the number of incidents, preventing injuries and cutting some huge costs across the business in the process."

## **SAFETY ALERT AFTER FIRES ON MEWPS**

The International Powered Access Federation (IPAF), which promotes the safe and effective use of powered access, has issued a safety alert on the importance of good housekeeping in relation to mobile elevating work platforms (MEWPs), following recent reports of fires on the equipment.

The IPAF says it has received reports of two incidents of boom-type MEWPs catching fire. It says that no other cases of MEWPs catching fire are known to IPAF's Technical Officer Chris Wraith, who has been researching the matter.

Mr Wraith said, "These cases of MEWPs catching fire remain isolated. Fires and other potential hazards when using MEWPs can be prevented through best practice and good housekeeping."

The IPAF is advising operators to maintain a clean area of work on and around the platform and base, keeping it clear of debris. It also advises operators to undertake pre-start inspections and daily checks, in order to identify any debris, leaks, spills, damaged cables and wiring, or other fire hazards, and allow preventive action to be taken.

## **REACTION TO SAFETY STATS**

A health and safety body has voiced concerns over the rise in work-related deaths seen in the latest statistics released by the Health and Safety Executive (HSE), suggesting the figures could be a delayed effect of the recession and "belt-tightening".

The Institution of Occupational Health and Safety (IOSH) was responding to the new HSE annual

statistics for the period of April 2010 to March 2011, which indicated that deaths in the workplace rose by 24 — from 147 last year to 171.

Richard Jones, Head of Policy and Public Affairs at IOSH, said, “It’s disappointing that the drop in fatal injuries from last year hasn’t been maintained — even one death is too many. We’re concerned that this could be a delayed knock-on effect of recession and ‘belt-tightening’ — like cutting back on training and maintenance — that could now be beginning to bite.”

He said the solution was “better health and safety management” and added, “With this, employers can play a part in reversing the tide once again — saving lives, supporting business and sustaining the UK economy.”

Although fatalities increased, the number of major injuries were down from 26,268 in 2009/10 to 24,726.

In the case of illness, there was also improvement, with an estimated 1.2 million people saying they had a condition that had been caused or made worse by work, compared to 1.3 million last year.

Richard Jones said, “These slightly improved figures on injury and ill-health are welcome and it’s positive that fewer people returned home from work with conditions that are preventable. However, far more still needs to be done. In the current climate it can be difficult to tell whether these figures show genuine improvement in occupational safety and health management, or whether they reflect lower levels of industrial activity during this period of austerity.”

## Enforcement

### FORK-LIFT WORKER SUFFERS HEAD INJURY

The employer of a worker who could have been killed when he fell off a fork-lift truck while trying to climb onto its roof has been fined following the incident in Leigh.

On 3 August 2010, the 29-year-old man from Tyldesley, who has asked not to be named, had been trying to climb on the roof of the fork-lift to carry out work to the lifting equipment. As he was doing so, the worker fell off the fork-lift truck and struck his head on the ground. He was knocked unconscious for several minutes in the incident and suffered severe headaches, as well as a painful swelling to his head. He was off work for one week as a result of the fall.

An investigation by the Health and Safety Executive (HSE) found it was common practice for the company's employees to service the lifting mast and chains on a fork-lift truck by climbing on top of it. However, they should have been given a stepladder or mobile steps to use to reach the equipment safely. Some of the work could also have been carried out from the ground.

The employer was prosecuted by the HSE for failing to make sure the work was planned, supervised and carried out safely. They admitted breaching the Work at Height Regulations 2005. The company was fined £1000 and ordered to pay another £1000 in prosecution costs.

### IGNORING SAFETY NOTICES: AN EXPENSIVE MISTAKE

After failing to comply with two safety orders issued to protect workers from injury, a Cardiff site manager has been fined a total of £1280 and ordered to pay costs of £1500 as well as a victim surcharge of £15.

The manager was prosecuted by the Health and Safety Executive (HSE) for ignoring Improvement Notices served while he was refurbishing two residential properties.

During an unannounced inspection of the two sites on 1 March 2011, HSE inspectors found sub-standard safety measures in relation to asbestos safety and structural stability and issued three Prohibition Notices ordering him to cease work immediately.

Two Improvement Notices relating to asbestos safety training and health and safety competence training were subsequently served to him.

Cardiff Magistrates' Court was told that the Improvement Notices gave the site

manager until 10 May 2011 to make the necessary improvements. However, on returning to the site a week later, HSE inspectors found that he had not complied and identified further sub-standard control measures for working at height.

HSE serves Prohibition Notices where there is a clear, immediate risk of death or injury to employees or members of the public. Improvement Notices allow a limited time to raise safety standards.

This case serves to illustrate that Notices must be taken seriously and can have implications for individuals as well as the business.

### FIRE COMPANY HELD LIABLE FOR DAMAGE AT FOOD FACTORY

A High Court Judge has found a fire and security company partially liable for the damage caused by a massive fire which occurred at a large food factory in Pontefract, West Yorkshire.

According to High Court documents, the catastrophic fire, which took place on the evening of 8 June 2005 and destroyed the claimants' factory, came as "something of a surprise" to everyone involved.

It was thought by staff and the fire brigade that an earlier fire that had broken out in a production area had been satisfactorily extinguished. However, it soon became apparent that this was incorrect and 40 minutes later, the alarm was sounded.

Unfortunately by this time, the fire was so well set that the fire brigade decided that it could not be aggressively fought. At the time of the fire, eyewitnesses told the BBC that the flames were around 100ft high.

The case centred on the carbon dioxide fire suppression system provided by the fire and security company, as well as the fire systems put in place by the company. The High Court Judge, the Honourable Mr Justice Coulson, found the fire and security company liable for £25 million of the £110 million in damages, with the food manufacturer being liable for the difference between the figures, due to having negligently contributed to the losses caused by the fire, as a result of failing to have suitable fire separation and sprinkler systems in place.

The Judge said that the "developed nature of the fire" was the sort of fire which the carbon dioxide suppression system "should have been designed to extinguish". However, he also found deficiencies in that the claimants were "contributorily negligent in failing to segregate" the production area and failing to put in sprinklers.