

KEEP IT SAFE



BFFF QUARTERLY HEALTH AND SAFETY UPDATE

JULY 2010 EDITION

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

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

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

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All reasonable care is taken in the preparation of this newsletter, but no liability is accepted for any loss or damage caused to any person, company or organisation relying on any statement or omission in the contents.



BFFF HEALTH AND SAFETY INITIATIVES

BFFF DRIVERS CPC COURSE

As you will be aware from the 10th September 2009 all drivers of LGV vehicles holding a category C, C1, C+E or C1+E licence need to undertake 35 hours of training every five years to ensure that their drivers CPC is current. This is known as periodic training and only courses that have been approved by the Joint Approvals Unit for Periodic Training (JAUPT) will count towards the periodic training requirement.

BFFF is investigating whether members feel that there is a demand to design a **Drivers CPC Periodic Training course for drivers working in the frozen food industry**. The course would be delivered in a day and we would work with the membership to agree the course content however suggestions would include:

- Health and Safety elements specific to the risks associated with delivering frozen food. The aim would be to reduce accidents and the training could subsequently form part of an employers defence from employers' liability claims.
- Drivers' hours and tachograph regulations
- Fuel efficiency

We would use an approved training provider to deliver the course nationally and it is envisaged that the costs would be less than £100 per driver.

Therefore we are interested to gauge the members' opinion on whether they would like BFFF to develop this course and whether the course is of interest to their business. So please contact Joanna Hancock with your thoughts and comments on e-mail joannahancock@bfff.co.uk

H&S WORKING GROUP

The BFFF H&S working group meets three times per year to discuss health and safety issues that affect the industry and agree work streams to provide further guidance for members. The group met in May and a variety of industry topics were raised for discussion and comment.

The group discussed the lack of health information available for workers in the cold storage industry and the need for further guidance in this area. Particularly the problems associated with working in a freezer and how this may affect certain medical conditions. The group agreed to develop guidance in this area for the industry and it is envisaged that the end product will be in a leaflet format for

members to issue directly to employees.

The majority of BFFF members have the need to purchase protective clothing for their employees. The group collated information on the items that they regularly source for their business and BFFF will be approaching the main PPE suppliers to discuss the possibilities of discounts for BFFF members. We will keep you all updated on the progress in the next newsletter.

Other topics of discussion included offloading techniques for rigid vehicles, noise induced hearing loss, warming up of frozen stores and the head protection regulations. Please contact Joanna Hancock if you would like any further detailed information on the discussions on these subjects.

The BFFF health and safety working group forum is an excellent opportunity for the members to anonymously raise industry health and safety issues for discussion. We are keen to ensure that we fully represent the interests of all BFFF members so if there are any items that you think the working group should be addressing, then please contact Joanna Hancock on e mail joannahancock@bfff.co.uk.

BFFF MEMBERS COLLATED HEALTH AND SAFETY INJURY RATE STATISTICS

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

We are delighted at the fantastic response from members providing their health and safety statistics for 2009. We are in the process of collating the final results, which will be released in July.

Should you wish to take part in the future please contact Joanna Hancock on e-mail joannahancock@bfff.co.uk. 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.



HSE FOOD INDUSTRY CASE STUDIES

FORKLIFT TRUCK ACCIDENT

Forklift trucks are particularly dangerous in the workplace and on average they are involved in 24% of all workplace transport accidents.

Between 2001/2002 to 2005/2006 21,190 injuries involving forklift trucks were reported. Of these 94 were fatal, 5758 were major and 15,338 resulted in people being off work for 3 or more days. The following case study highlights an accident involving a forklift including the action and advice from the HSE.

Summary

A company involved in road haulage and warehousing were prosecuted following an accident to an employee who was hit by a forklift truck (FLT) as he walked across the transport yard.

The employee, who was wearing high visibility trousers and jacket, parked his FLT behind a trailer he had just finished loading and made his way on foot towards his supervisor's office to hand in the paperwork and have a cup of tea. As he walked across the yard, a FLT driven by another employee collided with him, knocking him to the floor and running over his lower legs.

He suffered severe injuries to both lower legs, which have resulted in permanent disability. The heel of his left foot was crushed and his left ankle suffered complicated fractures and a loss of flesh. Injuries to his right leg included the removal of calf muscle, along with tendons and ligaments and a loss of a large area of skin – injuries consistent with the impact of one of the forks of the FLT hitting him behind the knee.

The accident happened on a rainy night with considerable cloud cover. The yard had fixed lighting mounted on the walls of the surrounding buildings, but it was reported for at least seven months prior to the accident that some of them were defective. Of the two lights which lit the part of the yard when the accident occurred, one did not work at all and another worked only intermittently. At the time of the accident the light that works only intermittently was reported not to be illuminated, making the area in which the accident occurred very dark.

In addition to the poorly lit yard the lights on the

FLT had failed. The driver had reported this to his supervisor, but was allowed to continue to use the vehicle.

The accident also coincided with a change to different FLT's, which had only been delivered on the day of the accident. One of these FLT's had been provided to the company a month before, for a one-week trial, to allow the employees to become familiar with their use. There was no formal training provided and the employee who was driving the FLT involved in the accident had only driven it for three or four hours during the trial period. He reported in his statement that this was insufficient time for him to become fully used to the new vehicle.

There were also significant differences between the old and new FLT's including; reduced forward visibility caused by a wire mesh on the front which was further reduced when the mast was fully retracted; reduced side and back visibility caused by plastic weather screens around the cab, which some drivers stated obscured vision during wet weather and that they reflected light; changes in driving features including a notable difference in handling, in that several drivers reported that braking was automatically applied on the new vehicles when the driver lifted his foot from the accelerator pedal.

The evidence gathered in the investigation demonstrates that the practice of driving FLT's without lights in the dark had become custom and normal procedure over many months and perhaps years. The investigation revealed that other dangerous practices had become the norm, revealing a systemic failure in health and safety management and practice.

Action

The company were prosecuted under:

- Sections 2(1) of the Health and Safety at Work Act 1974 for failing to ensure so far as reasonably practicable the health and safety of their employees.
- Regulation 3(1) of The Management of Health and Safety at Work Regulations 1999 for an inadequate risk assessment, and
- Regulation 8(1) of the Workplace (Health, Safety and Welfare) Regulations for failing to provide suitable lighting.

The company were found guilty and fined a total of £28,000 with an additional £8,986.90 in costs

awarded against them. They later lost an appeal against the fine and incurred additional court costs of £5,300.

Advice

Lift trucks are widely used throughout industry for moving materials and goods, but they also feature prominently in worksite accidents. Every year there are about 8,000 lift truck accidents resulting in injury, on average ten of them fatal. Even an incident not causing injury may result in costly damage to lift trucks, buildings, fittings and the goods being handled, and may disrupt work.

Employers should not allow anyone to operate, even on a very occasional basis, lift trucks who have not satisfactorily completed basic training. Employers also have a continuing responsibility to provide adequate supervision and it is therefore essential that supervisors themselves have sufficient training and knowledge to recognise safe and unsafe practices.

Employers should consider the safe movement of lift trucks and loads as part of their overall safety policy for people, plant and equipment. Attention should be paid to reducing risks at points where FLT's might meet other traffic or pedestrians, including areas where lift trucks load and unload other vehicles. Segregation is an essential element in the loading/unloading process. Pedestrians should where possible be segregated from vehicle routes by a physical barrier. Otherwise, pedestrian routes should be clearly marked.

All roads, manoeuvring areas, yards, pedestrian areas, and anywhere traffic movements take place, should have suitable and sufficient lighting for safety. Lights should be kept in good working order, and the covers kept clean. Places where work is carried out around moving vehicles should be very well lit (for example, with floodlights) where work happens during the hours of darkness.

Further information can be found on HSE's website at www.hse.gov.uk/workplacetransport

HSE CASE STUDY- FATAL MACHINERY ACCIDENT

In the food and drink industries, machinery and plant cause over 30% of the fatal injuries and account for over 500 reportable injuries per year. The following case study outlines a fatal accident involving food processing machinery including the action taken and advice from the HSE.

Summary

A food company were prosecuted following a fatal accident to an employee who suffered traumatic head injuries when a discharge door of a large food blender suddenly closed as she was checking on the standard of cleaning.

The blender was one of four that mixed fresh pork or poultry meat with other ingredients as part of a process to produce sliced cold meats for supermarkets.

The large four tonne capacity blender had a vacuum drawn inlet with rotating open augers that mix the meat. The products are drawn into the blender under vacuum from a bowl chopper unit at the inlet end. At the outlet end of the blender is a discharge flap that is opened and closed by four pneumatic rams. When the mixing operation is complete, a button on the control panel is pressed, the discharge flap opens and the product falls into a metal bin below.

In front of the discharge flap are two metal doors with interlock devices that prevent access to the flap which, if opened, would result in the power being immediately cut-off. Below the discharge flap is a sensor that detects the presence of metal. If the metal bin was not there, or was moved, the flap would either not open or immediately shut. The strong pneumatic rams meant that the flap closed quickly, within a matter of seconds. With the interlocking doors and a bin in place, it was not possible for an operator to get close to the discharge flap while it was open.

However, the company largely used plastic bins and wheeled straight into the refrigerators. To defeat the proximity sensor and open the flap without a metal bin present, it was routine practice for a metal clipboard to be placed near the sensor. This meant the flap could be opened via the control panel whether a bin was there or not. A bin provided a physical barrier, which would prevent a person moving close to the open discharge door.

During the daily cleaning operations, an operator would hose the inside of the blenders from a gangway above the blenders. The discharge flap would be opened allowing the washings to empty on the floor. Power to the blender was not isolated during cleaning, as the augers would be slightly rotated so they could be thoroughly cleaned on all sides. The discharge flap had a seal around the edges, which required careful cleaning at ground level and was often inspected to ensure no food was stuck.

At the time of the accident the blender had been cleaned as described above, with the discharge flap left open for checking by a supervisor. With no bin present, the supervisor was able to duck under the two interlocked protective doors and inspect the cleaning around the discharge flap. At this point, a scream was heard and she fell to the floor with the fatal head injuries. It is assumed that as she ducked under the doors she somehow knocked or moved the metal clipboard away from the sensor, causing the flap to slam shut on her head.

There was an obvious risk to any person working close to the open discharge door when no bin was present. The company failed to provide any proper risk assessments relating to the machine and provided no safe system of work for the cleaners. Training, such as it was, was minimal.

Action

The company were prosecuted under Section 2(1) of the Health and Safety at Work Act 1974 for failing to ensure, so far as is reasonably practicable, the health and safety of the employee. They were found guilty and fined £160,000 with an additional £40,452 in costs awarded against them.

Advice

Employers must ensure that they implement safe systems of work for staff using machinery. They must make certain that safety features on machines, such as guards are not overridden. All areas of risk need to be assessed, including cleaning and maintenance tasks, to make sure that tragic incidents like this are avoided.

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

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



The Myth

HSE still bans this, that and the other.

The reality

We've said it all before, but there are still too many reports that HSE and health and safety law are responsible for all sorts of bans – cheese-rolling events, knitting in hospitals and even toothpicks!

In reality HSE has banned very little outright, apart from a few high-risk exceptions like asbestos, which kills around 4000 people a year.

Too often health and safety is used as a convenient excuse, but it's time to challenge this and remind people to focus on the real risks – those that are still causing people to be killed, injured or made ill at work.

Challenge the myths, tackle real risks!



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.

ENFORCEMENT CAMPAIGN TARGETS MAINTENANCE ACTIVITIES

As part of a wider European campaign, the Health and Safety Executive will be targeting maintenance activities during workplace inspections. Although the campaign will mainly target the manufacturing industry, inspectors will be encouraged to apply the same principles across other industries where relevant.

The HSE considers the general safety of maintenance operations as an indicator of how well an employer is managing safety overall. For this particular campaign the focus is on how safe the actual maintenance activity is as opposed to the management level arrangements that are in place for maintaining plant and equipment.

The HSE's enforcement campaign complements the Europe wide Health Workplaces campaign for 2010/2011 which is co-ordinated by the European Agency for Safety and Health at Work (EU-OSHA) and was launched in April 2010. EU-OSHA has created a website highlighting the campaign – this can be viewed at <http://osha.europa.eu/en/campaigns/hw2010>. The Resources section offers a number of useful items such as leaflets, posters and e-signatures to raise awareness of the campaign along with a number of factsheets.

More on Maintenance Safety in the Guidance section of this news letter

AN INVOLVING STORY

Good worker involvement is one of the key themes of HSE's strategy. But why is it so important and how can it help you? This article, from HSE, outlines how they suggest businesses start to address this topic.

What is worker involvement?

It's all about communication. It involves employers and employees talking – and listening – to each other. It's about making decisions and solving problems together.

How can it benefit me?

It will help to make your workplace healthier and safer. It will also improve your performance and raise your standards.

How do I go about it?

A good first step would be to visit HSE's worker involvement website <http://www.hse.gov.uk/involvement>. You will find everything you need to get you started including some helpful tips.

So what is HSE doing to spread the word? David Smeatham, who heads up the Worker Involvement and Inclusion Team, explains...

Research suggests that involving workers has a positive effect on health and safety performance. Equally, there is strong evidence that unionised workplaces and those with health and safety representatives are safer and healthier as a result.

We want to increase the number of worker representatives in non-unionised organisations, and help those who already involve their workforce in managing their health and safety to do it better.

The strategy tells us that leadership, worker involvement and competency form the backbone of good health and safety. With proper worker involvement in place, health and safety is improved. If workers are involved in decisions affecting their health and safety, the controls put in place are more practical. There's also greater commitment to implement them because workers have had a say in formulating them, and you identify risks that an employer probably wouldn't. It tends to increase productivity too.

Research shows that 95% of employers believe that



worker involvement is important, but only 70% are prepared to do it themselves. And 90% of workers say it's important, but only 36% would be prepared to take part.

A lot of businesses do involve their workers, but not necessarily in the best way. This initiative aims to help improve involvement.

What are you doing to address the issue?

We've put together two training courses and we have launched a campaign to raise awareness of these courses and the issue of worker involvement generally.

What difference do you hope all this will make?

The initiative will run for a year. Through the training on offer, we plan to provide basic knowledge of health and safety management and the 'soft' people skills (negotiating, persuasion etc) to allow course attendees to effect change in the workplace.

At the end of the 12 months, we hope to have 2400 new health and safety representatives in non unionised SME's with a support package in place to help them make a real positive difference in workplace health and safety.

Once the 12 months are over, there will be the option to continue learning in other ways and we'll be encouraging external providers to include soft skills training in all their health and safety packages.

We're also providing a training course aimed at organisations with existing worker involvement arrangements to help create a genuine and valuable partnership between line managers and health and safety representatives. This campaign is a big challenge in a difficult area, but we've had great support.

There's no doubting the importance of good worker involvement and the benefits it can bring. Research shows that health and safety provisions in businesses which involve their workforce are more practical and receive much greater support from workers, while companies which have no worker representatives are at higher risk of accidents and ill health.

I believe that what we're doing has real potential to save lives and avoid accidents and health problems, which can seriously reduce people's quality of life.

HSE states that a good first step would be to visit HSE's worker involvement new campaign website:

<http://www.hse.gov.uk/doyourbit>. This includes everything you need to get started, including some helpful tips.

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.

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

Location	Date(s)	Venue
Pembrokeshire	Tuesday 14 September 2010	The Queens Hall, Narberth
Peterborough	Wednesday 22 September 2010	National Centre for Deafblindness - John & Lucille van Geest Place, Hampton
Cambridge	Thursday 23 September 2010	RAF Duxford, Imperial War Museum
Bath	Tuesday 28 September 2010	Bath Race Course, Lansdown
Croydon	Wednesday 29 September 2010	Fairfield Halls

Other events of interest over the next few months are:

Event	Location	Date	Venue
National food and drink manufacture health and safety conference	Oxford	28-29 September 2010	The Oxford Belfry Hotel



LEGISLATIVE UPDATE

ARTIFICIAL OPTICAL RADIATION

New regulations to protect workers from the dangers of hazardous sources of artificial light came into force in April 2010. The Control of Artificial Optical Radiation at Work Regulations 2010 (AOR) meet the requirements of the European Physical Agents (Artificial Optical Radiation) Directive (2006/25/EC) and aim to ensure that standards are set and harmonised across Europe to protect workers from harm arising from exposure to hazardous sources of artificial light. These sources of light can cause a risk of ill health such as: burns or reddening (erythema) of the skin or surface of the eye (photokeratitis); burns to the retina of the eye; so-called blue-light damage to the eye (photoretinitis) and damage to the lens of the eye that may bring about the early onset of cataracts.

The Health and Safety Executive (HSE) has stated that workers in Great Britain are generally well protected from dangerous sources of light and the majority of businesses know how to manage the risks effectively. Therefore, the regulations will mean few practical changes for most businesses, including those who are already managing the risks.

Some sources of artificial light can harm the eyes and skin of workers and must be properly managed. Examples of work involving hazardous sources of light quoted by the HSE are:

- Welding (both arc and oxy-fuel)
- UV sterilisation systems
- Use of Class 3B and Class 4 lasers, as defined in British Standard BS EN 60825-1: 2007
- Risk Group 3 lamps or lamp systems, including LEDs, as defined in British Standard BS EN 62471: 2008.

The light emitted by common sources in the workplace such as office lights, photocopiers and computers is considered to be safe and is therefore outside of the scope of the new regulations.

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

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

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



GUIDANCE

MAINTENANCE SAFETY

The HSE and European maintenance safety campaigns highlight an often overlooked area when it comes to risk assessment and application of control measures. Often risk assessments that are undertaken consider only the standard operating activities i.e. how operators go about their work but not non-standard activities such as repairs, planned preventative maintenance and even emergency situations.

Nevertheless maintenance can be extremely hazardous often involving work with electricity, repairs to machinery and similar high-risk activities. Even an activity that appears to be simple such as clearing a blockage in a production line has the potential to cause serious harm as shown by a number of recent prosecutions, such as a food manufacturer being fined £3000 and ordered to pay full costs of £2000 in February following an accident in 2008 where a worker's hand was crushed while trying to clear a blockage in a conveyor on a food processing line.

Essential controls for maintenance safety:

- Ensuring that regular and effective maintenance, inspection and testing is carried out on all plant, equipment and machinery to ensure its correct functioning and continued safe operation. The needs will be identified during risk assessment and be in line with manufacturer's instructions and statutory requirements.
- Many occupational injuries occur during maintenance operations. While undertaking maintenance on plant or equipment, much of the work requires deeper access to it than normal, thus increasing the risk to the maintenance operatives.
- The amount of maintenance will vary with the type and complexity of the equipment but will essentially involve the maintenance engineer or fitter inspecting, testing and diagnosing any defect, and consequently repairing or replacing it, to ensure that the equipment does not deteriorate to a level at which it creates a hazard to personnel.
- Many specific hazards that are not present when a machine is in use may be present when that same machine is being maintained.
- In order to ensure the safety of maintenance operatives and those in the vicinity of the maintenance operations, all hazards associated with the work must be assessed and control

measures put in place to minimise the risks.

- Remember that certain items of equipment (e.g. lifting equipment) have, by law, detailed safety inspection and testing requirements to ensure their safety.
- Implement safe working practices regarding the appropriate selection of personnel, e.g. employing a competent person to undertake any maintenance tasks.
- Ensure that where particularly hazardous work is necessary such as live electrical work, permit to work systems are in place and being utilised.

There are three general types of Maintenance. Planned preventive maintenance (PPM) ensures that the equipment is maintained on a regular, periodic basis. This generally follows a prescribed maintenance period that manufacturers specify in their maintenance schedules.

This type of regime seeks to eliminate the failure of components where they may lead to risks to personnel, by replacement or adjustment of the component on a regular basis. This requires either manufacturers' recommendations or statistical evidence (component history) on how long components should last before they run a risk of failure. Using this information, a detailed maintenance schedule to ensure that safety-critical components are replaced can be drawn up. This approach would be suitable for such items as toothed belts, which can be changed before they reach the end of their useful lives.

Condition-based maintenance requires that components of the equipment are examined on a regular basis and replaced when a pre-specified amount of wear or deterioration is observed.

This type of regime seeks to eliminate the failures of safety-critical components (by monitoring the condition of those components on a regular basis), and to replace the components before deterioration creates a hazard to personnel. This regime requires that the safety-critical components exhibit some signs of deterioration before replacement. For example, regular inspection of the brake pads on a motor would enable replacement before they became so worn as to be ineffective.

Finally breakdown maintenance gives attention to the equipment only when it ceases to function. This sort of maintenance is not suitable for safety-critical components and should be followed only if the failure

of any component will not pose an immediate risk to personnel.

Breakdown maintenance is becoming more commonplace as regular maintenance downtime is often perceived as a contributor to loss of production. However, the resulting downtime from a breakdown is mostly greater if the machine or equipment fails, as the fault has to be diagnosed, parts ordered and delivered and then fitted. The laws of cause and effect should also be considered with this type of maintenance, as the failure of one part of a production line can result in the entire line being shut down until the fault is rectified.

CONTROL OF CONTRACTORS

Contractors can be engaged to perform many activities. This could include relatively simple tasks, such as building maintenance and maintenance of office machinery. It also includes more hazardous work, e.g. entering into confined spaces, window cleaning or maintenance of electrical systems.

The use of contracting by organisations has greatly increased in recent years, allowing businesses to concentrate on their core activities. Accidents — and subsequent criminal prosecutions — have led to a plethora of case law, as well as huge sums having to be paid out in fines and compensation. Consequently, there is a strong need to manage the risks of contracting.

The Law

Employers are required, as far as is reasonably practicable, to:

- ensure the health, safety and welfare of their employees (including protecting them from contractors' activities)
- provide and maintain systems of work that are, as far as is reasonably practicable, safe and without risks to health
- provide adequate instruction and training (this duty has been extended to non-employees, i.e. contractors, by case law)
- carry out their activities in such a way as not to harm the health and safety of those not in their employment
- ensure the health and safety of persons other than their employees, including contractors.

The Management of Health and Safety at Work Regulations 1999 require employers to:

- carry out an assessment of the risks to the health and safety of their own employees and persons not in their employment, i.e. contractors, that

might arise as a result of their (the employer's) work activities

- ensure co-operation with other employers, who have employees working in the same premises, on health and safety arrangements
- supply any necessary health and safety information to the employers of any visiting employees
- inform any such employees of any qualifications or skills necessary for them to carry out their work safely
- inform contractors of any health surveillance arrangements
- inform any employment agency of any qualifications or skills necessary for that employment agency's staff to carry out their work safely, and of any specific health and safety features of the work to be carried out
- be reasonably satisfied that any contractor assigned to construction work is competent to carry out the job.

The Construction (Design and Management) Regulations 2007 require that no persons — which includes employers — shall arrange for a contractor to carry out construction work unless they are reasonably satisfied that they are competent to carry out the work.

The Organisation's Responsibilities

It is necessary to be clear about any work being undertaken for an organisation and the status of the workers doing it. Depending on circumstances, the work may or may not be contract work, or the workers either contract employees or employees of the client/host organisation.

Many organisations contract out certain aspects of work, either on a short-term basis (e.g. to undertake modifications or repairs) or for a longer period (such as the outsourcing of maintenance, catering or security).

It is important for an organisation to be aware of its responsibilities with regard to contract work. The organisation's policy and arrangements for contract work can take the form of a policy statement. The policy should include elements such as:

- a clear definition of roles within the organisation, including personnel responsible for contract work
- other arrangements, such as:
- procedures for assessing contractors
- safety rules and procedures
- equipment requirements
- co-ordination of each contract
- reporting of problems or safety issues
- arrangements for meeting requirements under the CDM 2007.

The Health and Safety Executive has published guidance on the responsibilities of all parties when working with contractors in INDG368 Use of Contractors.

CONTROLLING LEGIONELLA RISKS

The Health and Safety Executive has published a safety notice on the control of legionella bacteria in hot and cold water systems following recent inspections, which identified “significant failings” in the control of the bacteria.

The HSE said it had taken formal enforcement action against the duty holders concerned and that it wished to remind duty holders of the requirement to:

- identify and assess sources of risk for legionella bacteria in hot and cold water systems
- take steps to prevent or control the risk by putting adequate controls in place
- maintain and monitor those controls to ensure effectiveness.

Legionnaires' disease is a potentially fatal form of pneumonia caused by the bacterium legionella pneumophila. The predominant route of infection is inhalation of contaminated aerosols.

On average, there are between 300 and 500 reported cases of legionnaires' disease each year in the UK. Not everyone exposed will develop symptoms and those who do not develop the full-blown disease may experience mild flu-like symptoms.

ASSESSING LEGIONELLA RISKS

Identify the Hazards and Persons Affected

There is no health and safety legislation specifically covering legionella but the general requirements of the Health and Safety at Work Act and the Control of Substances Hazardous to Health Regulations apply to harmful micro-organisms, legionella included. This means that employers and those responsible for building maintenance must carry out an assessment of the risk from legionella, and take steps to prevent or minimise such risks.

As with any risk assessment, the first step is to identify the hazards. This is done by asking if any physical aspects of the water systems (such as cooling towers, evaporative condensers, water storage units and water supply pipes) may be able to support and encourage the growth of legionella bacteria.

This is typically where standing water may contain nutrients such as algae, sludge, scale, insects or

other organic matter and temperatures are between 20°C and 45°C, the optimal temperature for growth of the bacteria. At temperatures below this range, the bacteria remain dormant. Above the range the bacteria growth slows down. At 60°C, 90 per cent of legionella will die within two minutes.

Because Legionnaires' disease is caught when water droplets containing the bacteria are inhaled, water outlets that might release a spray should be identified. These may include taps, shower heads, humidifiers, fountains and evaporative condensers.

The risk assessment must also identify persons who may be harmed. Persons over the age of 40 are particularly at risk from legionellosis, especially if they are smokers, alcoholics, diabetics, have chronic respiratory or kidney disease, cancer, or if they are on renal dialysis or immunosuppressant drugs.

Controlling the Hazards

There are four main types of control measure used to reduce the risk of legionellosis. The first is making improvements to physical aspects of the system e.g. water storage containers should be the right size to ensure uniform heating and to prevent stagnation, cisterns and storage tanks should have properly fitting covers, cold water tanks should not be sited in warm areas of buildings, pipe runs should be as short and direct as possible, avoid pipework deadlegs (which cause stagnation of water)

The second main control concerns water temperatures. Where possible cold water should be stored below 20°C, with hot water stored at 60°C. The third is instituting a suitable regime of maintenance and cleanliness i.e. producing a detailed preventive maintenance schedule which should incorporate regular visual inspection, cleaning, disinfection and physical maintenance.

The last control is introduction of a suitable water testing and treatment system to ensure that the maintenance regime is working correctly. In addition to these main controls, the staff involved in the controls should be suitably trained and emergency procedures put in place in case of an outbreak.

HSE WORK AT HEIGHT SOLUTIONS DATABASE

The HSE has made available on its Falls from Height micro site a Work at Height Solutions Database tool. This tool is intended to help employers find answers to common work at height queries, each answer referring to a relevant HSE guidance document or site.

The Database is indexed by work at height activity e.g. light bulbs, mezzanine floors, step ladder etc. allowing for easy access for non-technical persons. Selecting an activity will display a table of common Questions and model Answers. Within the Q&As are links to relevant HSE guidance on the topic.

The content draws on past questions submitted on a wide range of topics through the previous 'Solutions Database' and HSE's infoline. It can be viewed at www.hse.gov.uk/falls/solutions.htm.

HSL SAFETY CLIMATE TOOL

The Health and Safety Laboratory (HSL) has recently launched a new CD-ROM based version of its Safety Climate Tool (SCL) which is intended to measure "the perceptions of the workforce on health and safety issues, offering a unique insight into the safety culture within an organisation". The tool is the latest iteration of the HSL's Climate Survey Tool which originally launched in 1997.

The tool measures elements of an organisation's safety culture by surveying employee attitudes to accidents, organisation, trust, usability of procedures, H&S resources, engagement and peer attitudes.

The tool costs between £500 (for employers with less than 100 employees) and £5000 (for employers with 1000+ employees). For more information visit www.hsl.gov.uk/health-and-safety-products/safety-climate-tool.aspx.

SELECTION OF PROTECTIVE FOOTWEAR

There is a wide range of foot protection available. Determining what type is suitable will depend on the risks involved. Suppliers of PPE should be able to provide further information for employers.

Some of the main types of foot protection are outlined below:

- Safety boots and shoes can provide protection against falling objects, slipping, sharp objects on the floor, temperature, etc depending on the features they include. They usually have slip-resistant soles, steel toecaps to protect against falling objects or crushing, and can have steel mid-soles to protect against nails and other sharp objects. Boots provide ankle protection.
- Wellington boots provide protection against water and wet conditions. They are available in different materials, some of which provide insulation or chemical resistance. They can

include steel toecaps and mid-soles, padding, cotton linings and are available from ankle boots to waders.

- Anti-static or conductive footwear prevents the build-up of static electricity and reduces the risk of igniting a flammable or explosive atmosphere.

Selecting Suitable Foot Protection

The type of footwear selected will depend mainly on the hazards the wearer is exposed to. Selection must be based on the protection required needed and compatibility with the work being done, as well as comfort and style. The ability of footwear to resist corrosion, abrasion and general wear and tear must also be taken into consideration.

Safety footwear should be as comfortable as possible and should be available in different sizes, including different width fittings where necessary. Boots should be worn where ankle protection is needed. Footwear should be as light and as flexible as possible, to reduce the fatigue of wearing it for long periods, and should be resistant to working in wet conditions.

Manufacturers' instructions regarding care, appropriate use and level of protection should always be followed.

The less expensive materials used for waterproof footwear may be good at keeping water out, but are often not permeable. As a result, wearing footwear made with these materials for long periods can mean that feet get hot and sweaty. Breathable, water-resistant materials are available and are more comfortable and hygienic; however, they are also more expensive.

Features of Safety Footwear Soles:

- work boots and shoes should have soles with treads for slip-resistance. Soles can be heat and oil resistant, slip resistant, shock resistant, anti-static or conductive. Safety footwear which is intended for use where it will be exposed to oils, solvents or liquids needs moulded soles that are bonded to the uppers. Soles that are stitched or glued may separate from the uppers and expose the feet to hazards. Where nails or other sharp objects piercing the feet are a hazard, footwear with steel or fibre mid-sole inserts should be worn.
- Steel toecaps: these should be capable of resisting a heavy or sharp object falling on them from a considerable height. Footwear complying with BS EN 12568 will offer this resistance.
- Waterproofing: people working in wet places should wear safety footwear impervious to water. Rubber and PVC are inexpensive waterproofing

materials, but will not allow air through to let the feet “breathe”. There are breathable materials available which also allow perspiration to get out, and may therefore be more comfortable and hygienic, but are likely to be more expensive. The length of time that non-breathable waterproof footwear has to be worn should be the decisive factor in selection, as basing the choice only on cost is likely to lead to an increase in foot diseases.

Resources

The HSE’s Slips Assessment Tool (SAT) is a free software package that allows the user to assess the slip potential of pedestrian walkway surfaces when used in conjunction with a surface roughness meter. See www.hse.gov.uk/slips/sat/index.htm for more details.

Due to the number of falls from vehicles reported each year, the HSE have provided a guidance sheet entitled “Selecting the right footwear to avoid falls from vehicles” (code WPT04). This can be viewed at www.hse.gov.uk/fallsfromvehicles/wpt04.pdf.

HSE has also commissioned various research on footwear and flooring. This first link shows the results of slip resistance testing by HSE/ HSL on footwear, which was updated in December 2009. This is a very useful tool with colour coding to indicate the slip potential.

<http://www.hse.gov.uk/slips/research/footwear-results-december09.pdf>

This second link provides a link to the details of all the research carried out by HSE in relation to slips and trips including the testing of many floor types:

<http://www.hse.gov.uk/slips/research.htm>

Relevant BSI standards include:

- EN ISO20345: 2004, which deals with safety footwear and specifies a standard of 200 joules impact resistance (equivalent to a 20kg weight dropped 1020mm onto the toes), and a 15KN compression test (equivalent to 1.5 tonnes resting on the toe area).
- EN ISO 20346:2004, which deals with protective footwear and specifies a lesser standard of 100 joules impact resistance, and a 10KN compression test.
- EN ISO 20347:2004, which deals with occupational footwear which can have many of the features of safety and / or protective footwear but without the safety toecap.

ALCOHOL & DRUG MISUSE AND THE WORKPLACE

The misuse of drugs & alcohol appears to be an increasing problem in modern Britain. This problem is reflected in the workplace and has significant implications for employers.

The Government estimates that drink and drug-related problems cost industry £3 billion per year due to 15 million lost working days, caused through accidents, reduced productivity and absenteeism.

Drug and alcohol abuse may also result in reduced work performance, damaged working relations and resentment among employees who have to “carry” colleagues whose work declines because of their substance abuse. Consumption of even small amounts before or whilst carrying out “safety-sensitive” work will increase the risk of an accident at work.

Unfortunately too often alcohol or drug problems are ignored until a crisis develops.

Under section 2 of the Health and Safety at Work Act 1974, employers have a general duty to ensure the health and safety of employees. This duty could be breached if an employer allows an employee to work while under the influence of alcohol, and where this could endanger other employees.

Employers are advised to have an agreed policy on drugs & alcohol at work.

The policy should include:

- a definition of drug/alcohol misuse
- expectations of employees’ behaviour with regard to substance misuse
- confidentiality assurances in respect of identified problems
- a description of the support available to employees
- information about substance abuse
- disciplinary aspects, eg the circumstances in which substance misuse will be treated as gross misconduct.

Some managers may not feel confident addressing a suspected substance abuse issue with an employee which is why it is essential that Line Managers are equipped with the tools to manage this problem effectively by providing clear policies, guidance and training.

Some organisations opt to introduce a drug or alcohol testing facility. The extent to which



employers have the right to require employees to undertake random drug or alcohol testing is limited. Some employers reserve the contractual right to test their staff randomly in contracts of employment. If an employee has accepted this and then refuses a test, he or she will be in breach of contract. In the absence of a contractual term, employers cannot require employees to take an alcohol or drug test unless there are legitimate safety concerns.

However, it is important to consider the pros and cons before introducing such a measure. Employers should bear in mind that the Human Rights Act 1998 provides a general right of privacy. Employers must be ready to justify the need to conduct such tests and undertake them in a fair and controlled manner.

Employers shouldn't assume that the only way to deal effectively with an employee who has a drink or drugs problem is immediate dismissal, but should instead take a balanced and reasoned approach.

Where there is an isolated incident involving an employee attending work under the influence of drugs or alcohol the employee should be suspended on pay for the remainder of the shift, and evidence collected immediately as a full investigation is conducted, consider whether any laws have been broken which require reporting to the police and follow the disciplinary procedure.

Employers should consider mitigating circumstances, if, for example, an employee has an exemplary record and arrives for work under the influence of alcohol, when the employer is aware they have had a recent bereavement.

Where an employee's absences, deterioration in performance or misconduct at work are due to persistent drink or drugs use, an employer should consider taking the following steps;

- meet with the employee in private to discuss the problems — wait until the effects of substance misuse have disappeared
- in the meeting, ask for an explanation of the employee's actions or poor performance
- ask if his or her behaviour could be due to a health issue
- discuss possible work-related causes, such as excessive workload or too much responsibility
- discuss the company alcohol and drugs policy and any assistance that is available to the employee
- refer the employee to the company medical advisor for diagnosis or counselling
- obtain the employee's commitment to co-operate in any rehabilitation programme
- treat substance abuse as a chronic illness, in accordance with company policy

- arrange regular meetings to monitor progress and discuss any further problems

Employers could consider providing help in terms of counselling, access to an employee assistance programme if one is available, or recommending that the employee consults their GP.

Employers need to balance the rights of the employee with the needs of the organisation, as well as the responsibility of the employer to provide a safe working environment for all of their staff.

Employers should consider providing education which can help managers and employees understand alcohol and drug misuse, making the implementation of a policy more effective. An education programme could include details of the signs of substance abuse to look for, how to deal with employees who need assistance and where to find expert help and guidance.

Croners have provided BFFF with a series of example policies for consideration by BFFF members. Please contact Joanna Hancock on e-mail joannahancock@bfff.co.uk for further information. For further detailed support please contact Croner via their web site <http://www.croner.co.uk>.

BFFF members collated injury rate statistics

We are in the process of collating members' health and safety statistics for 2009.

All contributors' information is kept confidential within the BFFF offices and contributors have an opportunity for BFFF to provide a detailed comparison for their company.

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



ENFORCEMENT

FOOD MANUFACTURER FINED

A specialist bread manufacturer was recently fined after a worker was injured by a dough mixing machine and had his finger amputated.

In October 2006, Thambirasaiyah Roy, aged 39, from Edgware, was using a spiral mixing machine to make dough at the company's factory in Garrick Road Industrial Estate, Hendon.

While using the machine, Mr Roy's left hand came into contact with the unguarded beater of the mixing machine. As a result, part of his left index finger had to be amputated.

A Health and Safety Executive investigation showed the guard covering dangerous parts of the machine had been missing for some time before the incident and previous advice from the HSE regarding maintenance of machinery in the factory had been ignored.

The Company pleaded guilty to breaching the Provision and Use of Work Equipment Regulations 1998. The company was fined £3500 and ordered to pay costs of £2926.

WORKER SUFFERS SERIOUS HEAD INJURY

A Telford confectionery company has been fined £75,000 and ordered to pay costs of £37,500 after a worker's head was hit with a one-tonne force.

Shrewsbury Crown Court heard how, on 22 February 2007, an employee was attempting to wipe up a leak of refrigerant inside the interlocked safety doors of a machine on the production line, at the site of Magna Specialist Confectioners Ltd in Telford.

As the employee's head went through the doors into the machine, the powered part of the machinery moved forcefully to one side, closing the gap between it and a static part of the machine to approximately 5cm (2 inches). The impact to the front of his head did not fully trap his head in the gap but fortunately threw him out of the machine and prevented instant death.

The employee spent two weeks in a coma and serious head injuries have left him with a significant level of blindness and deafness, loss of taste and smell, as well as suffering personality changes.

The company pleaded guilty to breaching regulation 11(1) of the Provision and Use of Work Equipment Regulations 1998 and was fined £75,000, with court costs of £37,500. A previous prosecution of the company in February 2008, under the same regulation, had already led to the company being fined £25,000.

BAKERY COMPANY FINED FOR FAILING TO PROTECT WORKER

A specialist bread manufacturer was fined after a worker became entangled in a bagel forming machine and broke his wrist.

Leeds Magistrates Court heard the employee was removing finished bagels from the machine when he spotted a build-up of dough on a roller.

He used a scraper to remove the dough, but a lack of guarding allowed his hand and wrist to be dragged into the machine and become trapped between the roller and a moving belt.

The firm which produces goods for supermarkets, bakers and foodservice customers, pleaded guilty to a breach of regulation 11 (1) of the Provision and Use of Work Equipment Regulations 1998 in relation to the incident at a site on Pontefract Lane on 27 April last year.

The firm was fined £6,000 and ordered to pay £4,570 in costs.

During the Health and Safety Executive (HSE) prosecution, the court heard the employee's injuries also included severe friction burns caused by the moving belt, which along with the broken wrist kept him off work for several weeks.

Though the injured man was experienced, and familiar with the type of machine he was using, the HSE investigation found the machine itself was new to the plant and no formal training or written instructions had been completed governing its safe use.

The investigation also revealed that the issue of insufficient guarding had already been raised by a hygiene supervisor, but no action was taken before the machine was put into use.

Following the hearing HSE inspector Angus Robins said: 'The Hazards associated with moving rollers and belts are well understood within food manufacturing, and there are established standards and protocols that should be followed in relation to guarding and clearing blockages.'

'The onus is on employers to manage and control risks at all times, and set an example for others to follow. There were clear failings on this occasion, and we hope today's prosecution serves as a reminder that we will call to account employers who fail in their duties to protect this employees.'