

KEEP IT SAFE



BFFF QUARTERLY HEALTH AND SAFETY UPDATE

JULY 2011

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

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

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

INSIDE THIS ISSUE

BFFF HEALTH AND SAFETY INITIATIVES

- Health and safety working group
- BFFF Members collated health and safety injury rate statistics- 2010
- The Public Health Responsibility Deal
- BFFF Lead Authority Partnership Scheme (LAPS) agreement
 - HSE Infoline
 - HSE Incident Contact Centre
 - Extension of Cost Recovery to include Health and Safety

HSE FOOD INDUSTRY CASE STUDIES

- HSE CASE STUDY - Severed Finger on Unguarded Machine
- HSE CASE STUDY - Knife Wound to Stomach

HSE CAMPAIGNS

- HSE Inspections & Campaigns for the Food Manufacture Industry
- HSE Focus for Food Manufacture Industry
- Future Events

LEGISLATIVE UPDATE

- Call for Evidence on Safety Laws for Löfstedt Review
- Consultation on New Exposure Limit Values

- The Bribery Act – A Quick View

GUIDANCE

- Injury statistics in the Food and Drink Manufacture Industry
- Safety in Electrical Testing At Work
- IOSH Shadowing Scheme for Food & Drink
- HSE Stress Management Competency Indicator Tool
- SHP IOSH Awards 2011
- First Aid Kit Contents Guidance
- Potential Fire Safety Risk with New Bill
- Safe Transport of roll cages
- Asbestos- Updated guidance
- New to the job

ENFORCEMENT

- Teenager Injured by Fork-lift Truck
- Factory Prank Ends in Spinal Injury
- Company fined after Crawley employee paralysed
- Worker fell from cage balanced on fork lift truck

BFFF HEALTH AND SAFETY INITIATIVES

HEALTH AND SAFETY WORKING GROUP

The BFFF Health and Safety working group consists of health and safety professionals from a cross section of the membership sectors. The groups' aim is to provide a confidential health and safety forum to focus on issues relevant to the industry, enabling the dissemination of pertinent health and safety information to members. Our last meeting was in May when once again the group focused on a number of industry health and safety topics raised for discussion.

Following the success of the BFFF Slips Seminar last year, the group are exploring the possibility of developing a health and safety seminar on 'Improving safety within the cold chain' to be held later this year. We are in the early stages of developing this event and will keep you updated on the progress over the forthcoming months so please look out for the details.

The working group also discussed at length other health and safety topics of interest to the industry and indeed our members. We have outlined the details below, however please do not hesitate to contact Joanna Hancock on joannahancock@bfff.co.uk for more detailed information. Topics included:

Repairing coldstore floors - A BFFF member highlighted issues they were experiencing with regards to finding a suitable method of repairing cracks in cold store floors that is able to withstand considerable MHE use. One of the group members have found a solution in this area so please contact Joanna Hancock for more information.

Reducing forklift accidents - It was a pleasure to hear from one of the group members who have successfully reduced forklift accidents from within their business, which in turn has also reduced forklift damage. One member highlighted how governing the speed of their forklifts and pallet trucks to a limit of 4mph has reduced accidents and errors dramatically. They reported that taking into account the reduction in errors, this speed restriction has improved their overall productivity.

Explosion within a vehicle cab - One of the group highlighted how a series of events, including the use of incorrect cleaning material and one of their drivers attempt to light a cigarette in his vehicle, caused an explosion within his cab. The driver was within the cab when the explosion occurred but thankfully suffered

no major injuries. The vehicle was, however, severely damaged. Members should contact Joanna Hancock for more information on this incident.

Thermal protection from hats and gloves - The group discussed two cases where coldstore employees wearing non freezer rated gloves have attempted to prosecute the companies concerned for injuries caused by frost bite. In both cases the employees had been provided with double lined gloves that had not been thermally tested for cold store use. This is an area of continuing concern as not all companies insist on employees wearing freezer rated gloves due to the diversity of the work involved and indeed the outcomes of their individual risk assessments. One of the member companies concerned resolved their issue by the PPE supplier undertaking a specific thermal test on double lined gloves. It was found that these particular gloves used as a double thickness did meet the cold store use thermal criteria. Investigations are continuing regarding the second case and we will keep members updated when there are developments in this area. In the mean time we would urge all members to review their current procedures in this area to ensure that they are fit for purpose.

Single failure points - One of the group described how they had an issue at one of their sites where a sealed oil cooler failed, which was linked to both compressors for the site and subsequently took 3 days to repair. Therefore they have urged all members to assess the single points of failure from within their plants, which could take their entire refrigeration system out of action.

Safety positioner for working on cab roofs - An incident involving an engineer falling from the top of the vehicle cab where he was working, has resulted in a complete review of a maintenance company's particular working practices in this area. Part of their revised working practice includes the engineers wearing a safety positioner, which actually prevents the engineer from getting in a position where they may fall. Please contact Joanna Hancock for more information on this product.

The meeting was rounded off with a presentation from HSE on Behavioural Safety and the pros and cons of implementing Behavioural safety programs and making Behavioural Safety work for organisations. This subject is a complex topic that does not suit all organisations and is a relatively new subject area in health and safety management. Please contact

Joanna Hancock for a copy of the presentation.

The working group will be meeting again on the 28th September and is available for all members to anonymously raise industry issues for group discussion. Please contact Joanna Hancock with the details of any points you wish to raise.

BFFF MEMBERS COLLATED HEALTH AND SAFETY INJURY RATE STATISTICS- 2010

We are delighted to enclose the most recent members collated health and safety injury rate statistics for 2010 and we would like to thank all members who kindly shared their information with us. With 16 food producers, 12 wholesalers and 8 Logistics Providers all contributing to these statistics we now have even

more members taking part from an excellent cross section of the membership. With this increase in participation, for the first time, we have been able to provide separate statistics for Logistics Service Providers and as such developed an additional tool to enable more members to compare their health and safety performance.

These updated statistics include the new criteria for accident topics, which now show a clear picture on the areas of issue for the industry. These revised accident topics reflect the areas logged by HSE and as such will enable BFFF members to easily compare their performance against the national food industries results. The HSE results are not released until later in the year and we will update you on the comparisons in due course.

The BFFF collated members' results show an overall improvement for wholesalers and an increase in the incident rate for food producers. Although, the incident rate for food producers is not as high as the rate in 2006.

SECTOR SPECIFIC INFORMATION					
SECTOR	AVERAGE Rate of injury per 100,000 employees for the sector				% CHANGE 2009-2010
	2007	2008	2009	2010	
PRODUCERS All Accidents	19342.5	19016.0	17445.9	20827.7	19.4%
PRODUCERS Reportable only	1208.7	1488.6	1260.7	1673.4	32.7%
WHOLESALERS All Accidents	14799.9	10688.2	12991.2	10648.2	-18.0%
WHOLESALERS Reportable only	2013.0	1354.0	1735.6	1990.1	14.6%
LOGISTICS SERVICE PROVIDERS All Accidents	--	--	--	15416.7	--
LOGISTICS SERVICE PROVIDERS Reportable only	--	--	--	1767.9	--

The Top 3 producer issues were:

- Slips and trips
- Hit by moving/ falling object
- Hit by something fixed/ stationary

The incidence of Manual handling and slips accidents has increased for food producers.

The Top 3 wholesaler and LSP issues were:

- Slips and trips
- Manual Handling
- Hit by moving/ falling object

The incidence of Manual Handling and slips accidents has improved for wholesale members.

We shall look forward to gathering members' statistics for 2011 at the beginning of next year when comparisons against the 2010 results can be made in the different areas. Please feel free to contact Joanna Hancock for a detailed copy including the breakdown of the statistics for 2010 and further information on how you can become involved in the future.

THE PUBLIC HEALTH RESPONSIBILITY DEAL

The Public Health Responsibility deal was launched by the Department of Health in March and sets out the Government strategy for public health. It is an initiative to harness the contribution that businesses can make to deliver the public health priorities set by the Government. This is through the influence businesses can exert on Food, Physical activity, Alcohol and Health in the workplace.

There are various elements that are relevant to a trade association that BFFF will be signing up to. Members should be aware of this initiative as government may exert pressure on businesses becoming involved in the future. For more detail follow the link <http://tinyurl.com/34vwyx8>

BFFF LEAD AUTHORITY PARTNERSHIP SCHEME (LAPS) AGREEMENT

We met with our LAPS partners in June for an update on HSE and LA activities that are relevant to our members. They provided us with valuable updates in the areas of campaigns (highlighted later in this newsletter), changes to the HSE Infoline and Incident Contact centre and the proposals for extension of cost recovery.

HSE Infoline

The Infoline public enquiry telephone service will end on 30 September 2011.

All HSE information and advice will continue to be available to the public via the HSE website, which is undergoing improvements to ensure easy access to answers to the most common questions that Infoline receives.

HSE Incident Contact Centre

With effect from 12th September 2011, statutory reporting to HSE of work related injuries and incidents under RIDDOR will move to a predominately on-line system. Fatal and major injuries will still be reportable to HSE's incident contact centre by telephone. Seven online forms will be available for reporting other types of reportable accidents.

More information on these changes is available through the HSE web site.

Extension of Cost Recovery to include Health and Safety

HSE is proposing to amend the Health and Safety (Fees) regulations. This amendment will allow health and safety regulators (both HSE and Local Authorities) to recover their costs if a duty holder is found to be in breach of health and safety law and the regulator is required to formally intervene to ensure compliance with the law.

The Government believes that it is reasonable and fair that businesses that are found to be in breach of health and safety law- rather than the tax payer- should bear the related costs incurred by the regulator in helping them put things right. They feel that cost recovery implemented in this way will provide a deterrent to those who would otherwise fail to meet their obligations and a level playing field for those who do.

It is proposed that HSE will recover all of the costs of an intervention at which a material breach in standards is diagnosed and a requirement to rectify is formally made, together with the cost of any follow up work. Compliant businesses will not pay a penny in intervention fees and there will be no recovery in relation to purely technical breaches.

HSE will be launching a consultation from July to October 2011 with the aim of bringing the new cost recovery system into operation in April 2012. HSE will be seeking views on how best cost recovery should operate prior to that in the pre-consultation discussions. Details will be available on the HSE website.

HSE FOOD INDUSTRY CASE STUDIES

HSE CASE STUDY- SEVERED FINGER ON UNGUARDED MACHINE

In the food and drink industry, machinery and plant causes over 30% of fatal injuries and over 10% of major injuries. The following case study outlines an accident involving an employee severing his fingertip on a machine, the action take by HSE and HSE advice in this area.

Summary

A food production company were prosecuted following an incident to an employee who had his fingertip severed on a dough machine.

The worker was asked to repair a dough divider machine. He had removed a guard and was cleaning the middle part of the machine with a screwdriver and an air gun. As he put his right hand into an enclosed space, a dangerous part of the machine severed the tip of his right index finger.

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

The company had already been served with an Improvement Notice for a separate incident, which should have alerted them to proper maintenance systems throughout the workplace.

Action

The company pleaded guilty to breaching section 2(1) of the Health and Safety at Work etc Act 1974 for failing to ensure the safety of their employee. They were fined £20,000 and were also ordered to pay costs of £5,491.

Advice

The worker suffered serious injuries because the company failed to protect its workers from harm. They had a poor health and safety record at the time of the incident.

This case stresses the need for employers to have safe systems of work in place so that guards and crucial safety devices are working properly to ensure that maintenance on dangerous machinery can be carried out safely.

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

HSE CASE STUDY- KNIFE WOUND TO STOMACH

Being injured by a moving object (e.g. being struck by a falling object or a cut from a hand knife) accounts for over 10% of major injuries reported to HSE in the food and drink industries. This is the third largest category of reported injuries after manual handling and slips. The following case study outlines an incident involving a knife injury including HSE action and advice following the incident.

Summary

A poultry company were prosecuted following an accident to a worker who suffered a 'self-stabbing' injury with a knife while working on a turkey processing line.

The east European worker, who was not a direct employee of the poultry company, worked for another company, which supplied labour to the slaughter and meat processing industry.

At the time of the incident he had been working on a temporary workstation that had been added at the start of the line to help alleviate some of the workload from other employees.

Unlike the other workstations his did not have its own knife sharpener, which meant he had to move elsewhere to sharpen his knife. The closest place was at a nearby sink. In order to gain access, he had to move behind his colleagues into a small partly enclosed area where the sharpener was kept. This needed to be done approximately every twenty minutes. It also had to be done quickly, as the line was continuing to move while he was away from his position.

After sharpening his knife he turned, but it caught on the enclosure whilst he was moving and the knife entered his stomach, causing a four inch deep stab wound to his abdomen.

The investigation found that the worker had only been issued with a chain mail glove and safety wellingtons. Unlike another employee, he had not been issued with a chain mail apron. There had also been a handful of previous 'self-stabbing' accidents to employees on the line.

While the worker's employer was responsible for providing PPE, the poultry company were in control of the line when the accident happened. This included the workstation and methods of working. Moving around holding a knife is a foreseeable risk to the person holding the knife and to others.

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 £10,000 with an additional £2,726.60 in costs awarded against them.

Advice

There were a number of reasonably practicable methods that would have prevented this accident and the similar previous incidents.

Following the accident the company has:

- Issued chain mail aprons to all staff who use knives;
- Redesigned the production line. Each position is now provided with a bench-fitted knife sharpener which removes the need for butchers to move from their workstation;
- Introduced stricter procedures regarding moving around carrying knives; and
- Ensured that all knives have slip-proof handles.

HSE Campaigns

In March 2011 the Department for Work and Pensions (DWP) published a plan entitled “Good Health and Safety, Good for Everyone”¹ outlining the next steps of the coalition government’s Health and Safety reforms. The plan has far reaching implications for HSE and their enforcement and campaign programmes as detailed in the following articles.

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 not be list of inspection topics or specific campaigns.

HSE INSPECTIONS & CAMPAIGNS FOR THE FOOD MANUFACTURE INDUSTRY

A member of the HSE’s Operational Strategy Division has confirmed to BFFF that following the publication of the DWP plan there will not be any campaigns as such in the period 2011/12. Instead HSE will focus on higher risk areas and on dealing with serious breaches of health and safety regulation, which will result in a very substantial drop in the number of health and safety inspections carried out in the UK.

HSE will continue 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 (i.e. LPG, waste and recycling and maintenance within the manufacturing industry as other high risk 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.

HSE FOCUS FOR FOOD MANUFACTURE INDUSTRY

The HSE’s main enforcement focus for the food manufacture industry for 2011/2012 has changed significantly in line with DWP’s plan. 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.

¹ The plan can be viewed at www.dwp.gov.uk/docs/good-health-and-safety.pdf

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
Salisbury	5 July 2011	City Hall, Malthouse Lane, Salisbury, Wiltshire, SP2 7TU
Stratford	6 July 2011	66 Club Suite, West Ham United, Boleyn Ground, Green Street, Upton Park, London, E13 9AZ
Bristol	7 July 2011	Fry Club & Conference Centre, Somerdale, Keynsham, Bristol, BS31 2AU
Leek	13 July 2011	Staffordshire Moorlands District Council, Stockwell Street, Leek, Staffordshire, ST13 6HQ
Worthing	14 July 2011	The Charmandean Centre, Forest Road, Worthing, West Sussex, BN14 9HS
Sildon	19 July 2011	Sildon Civic Hall, Civic Hall Square, Sildon, DL4 1AH
Scunthorpe	21 July 2011	Scunthorpe United, Glanford Park, Jack Brownsword Way, Scunthorpe, DN15 8TD
Weymouth	3 August 2011	Weymouth College, Cranford Avenue, Weymouth, Dorset, DT4 7LQ

Other events of interest over the next few months are:

Event	Location	Date	Venue
Managing Work-Related Stress at an Organisational and Individual Level	Buxton	4 - 5 July 2011	Health & Safety Laboratory
Upper Limb Disorders Risk Assessment of Repetitive Tasks	Buxton	13 July 2011	Health & Safety Laboratory
National Food and Drink Manufacture Health and Safety Conference	Nottingham	4-5 October 2011	The Nottingham Belfry

Legislative Update

CALL FOR EVIDENCE ON SAFETY LAWS FOR LÖFSTEDT REVIEW

The Löfstedt Review into health and safety legislation, announced by the Government in March 2011, has now issued a call for evidence, inviting views “from all interested parties on the scope for reducing the burden of health and safety regulation on UK businesses whilst maintaining health and safety outcomes”.

The review of health and safety will be chaired by Professor Ragnar E Löfstedt of King’s College, London, supported by an independent advisory panel, and will publish its findings in Autumn 2011.

The review’s Terms of Reference have now been finalised and published and a Government source confirmed the panel would consider the opportunity for “combining, simplifying or reducing the approximately 200 statutory instruments” that are owned by the Health and Safety Executive.

A source said that this would be done by learning lessons from health and safety regimes in other countries, and considering the extent to which regulations have:

impacted on positive health and safety outcomes and businesses

led to unreasonable outcomes or inappropriate litigation and compensation

unnecessarily enhanced the requirements of an EU directive.

Commenting on the call for evidence, the Employment Minister, Chris Grayling, said, “Getting the regulation of health and safety right is important to everyone ... we need to put common sense back into health and safety and ease the burdens on business ...”

Professor Löfstedt said, “I want the review to be informed by concrete examples and evidence from a range of stakeholders including employer and employee organisations, Government and professional health and safety bodies, practitioners and academics.”

Further information on how to provide your views is available from:

<http://www.dwp.gov.uk/consultations/2011/lofstedt-review-cfe.shtml>

CONSULTATION ON NEW EXPOSURE LIMIT VALUES

The Health and Safety Executive (HSE) has published a new consultation document on European proposals to implement a third list of indicative occupational exposure limit values (IOELVs).

The consultative document sets out the proposals from the HSE to implement the European Commission’s Third Indicative Occupational Exposure Limit Values (IOELV) Directive (2001/161/EU) through the UK’s national system of Worker Exposure Limits (WELs).

The proposed limits for 19 substances are based on recommendations by the European Commission’s Scientific Committee on Occupational Exposure Limits (SCOEL), which has considered the scientific information available on each substance. The limits proposed by SCOEL have all been subject to six-month EU-wide public consultation.

In 2005, the then Health and Safety Commission introduced a new framework for setting occupational exposure limits (OELs) following an amendment to the Control of Substances Hazardous to Health Regulations 2002 (COSHH).

The new system dispensed with the previous system of maximum exposure limits (MELs) and occupational exposure standards (OESs) and replaced both with a single type of limit, the WEL.

The HSE proposes to implement the IOELVs in the directive through the domestic system of WELs and will harmonise specific WELs with the relevant IOELVs as set out in the directive. The specific proposals as to how this will be done are summarised in the consultation document. The deadline for responses is 4 August 2011.

THE BRIBERY ACT – A QUICK VIEW

After months of speculation, debate and delay the Ministry of Justice has finally published its guidance on the Bribery Act 2010. This outlines the procedures which businesses can put into place to prevent persons associated with them from giving bribes. In other words it explains what “adequate procedures” are for the purposes of the defence contained within it. The Act will be enforced from 1 July 2011. The MoJ has also published a ‘quick start guide’ to help SME’s during this period.

The Act itself replaces and expands the existing anti-corruption laws in the UK. There are 4 main offences under the Act:

- An offence to give a bribe
- An offence to promise, offer, request or agree to receive a bribe
- A discrete offence of bribing a foreign public official
- A new offence of, “a commercial organisation failing to prevent an associated person from bribing another person for the organisation’s benefit” (which is a strict liability offence).

The Guidance

The guidance aims to provide businesses with an element of clarity on what they need to do to avoid a prosecution under the Act, and reassure them on certain issues of key concern. It recognises small and UK only businesses are likely to need to do less than those that are larger or have overseas operations. However ultimately it is for every organisation to assess its risks and decide on its own needs in terms of policies and procedures.

Facilitation Payments:

These continue to be illegal as they were under the previous law. The guidance recognises the problems faced in some parts of the world and in some sectors and that prosecutorial discretion (is a prosecution in the public interest?) coupled with appropriate policies and procedures to prevent such payments will be critical.

Corporate Hospitality and Gifts:

The guidance recognises that *bona fide* and *proportionate* hospitality is a legitimate aspect of carrying on business. However it is also strongly suggested that policies in this area should be reviewed and appropriate standards set.

‘Adequate Procedures’:

A commercial organisation commits an offence where a person associated with it bribes another person for that organisation’s benefit. Associated person has a wide definition and covers agents, employees, joint venture partners and subsidiaries. The organisation’s only defence is to prove that it had ‘adequate procedures’ in place to prevent bribery.

The guidance identifies six principles to assist organisations in developing policies and implementing and maintaining adequate procedures:

1. proportionate procedures
2. top level commitment
3. risk assessment
4. due diligence
5. communication (including training)
6. monitoring and review

It is stated in the guidance that the aim of the Act is not to target well run organisations or isolated incidents of bribery. However in the event that bribery does occur, the ability to point to policies and procedures will be of the utmost importance.

Penalties and Consequences:

For less serious offences in the Magistrates’ Court a Defendant may be liable to a fine for up to £5,000 or imprisonment for up to 12 months.

For more serious offences in the Crown Court a Defendant may be liable to imprisonment for a maximum term of up to 10 years, or an unlimited fine, or both. Companies convicted under the offence of failing to provide adequate procedures will be subject to an unlimited fine in the Crown Court only.

Directors should also be alive to the risk of a disqualification order following conviction under the Bribery Act 2010.

The SFO will be responsible for enforcing the Act and it is ultimately for it to exercise its discretion in a “sensible”, risk based and proportionate way.

Going Forward:

As Ken Clarke says, “the aim of the guidance is to offer clarity on how the law will operate and help align trading nations around decent standards”.

The guidance should reassure businesses and provide them with an element of clarity. However businesses must act now to ensure they do not fall foul of the Act. There will undoubtedly be prosecutions and some high profile prosecutions should be expected in the not so distant future. Don’t let it be you!

The guidance on the act can be viewed at: <http://www.justice.gov.uk/guidance/making-and-reviewing-the-law/bribery.htm>

For more information please contact Fiona Carter on: FCarter@brownejacobson.com (0115 976 6224)

Guidance

INJURY STATISTICS IN THE FOOD AND DRINK MANUFACTURE INDUSTRY

In the ten year period April 2000 to March 2010 almost 77,000 workers in the food and drink industries suffered an injury reportable to HSE and there were 36 fatal injuries (excluding contractors). In 2009/10 over 5000 injuries were reported (4185 'over-3-day absence' injuries plus 856 'major' injuries) representing a quarter (26%) of all manufacturing injuries. However injury rates vary widely between the 30 or so different food and drink industries, with some being above the average for all manufacturing industries and some below.

Since the joint HSE/food industry Recipe for Safety initiative commenced in 1990/91, the overall injury rate in food and drink manufacture has reduced by over 50% and each year continues to see fewer injuries reported.

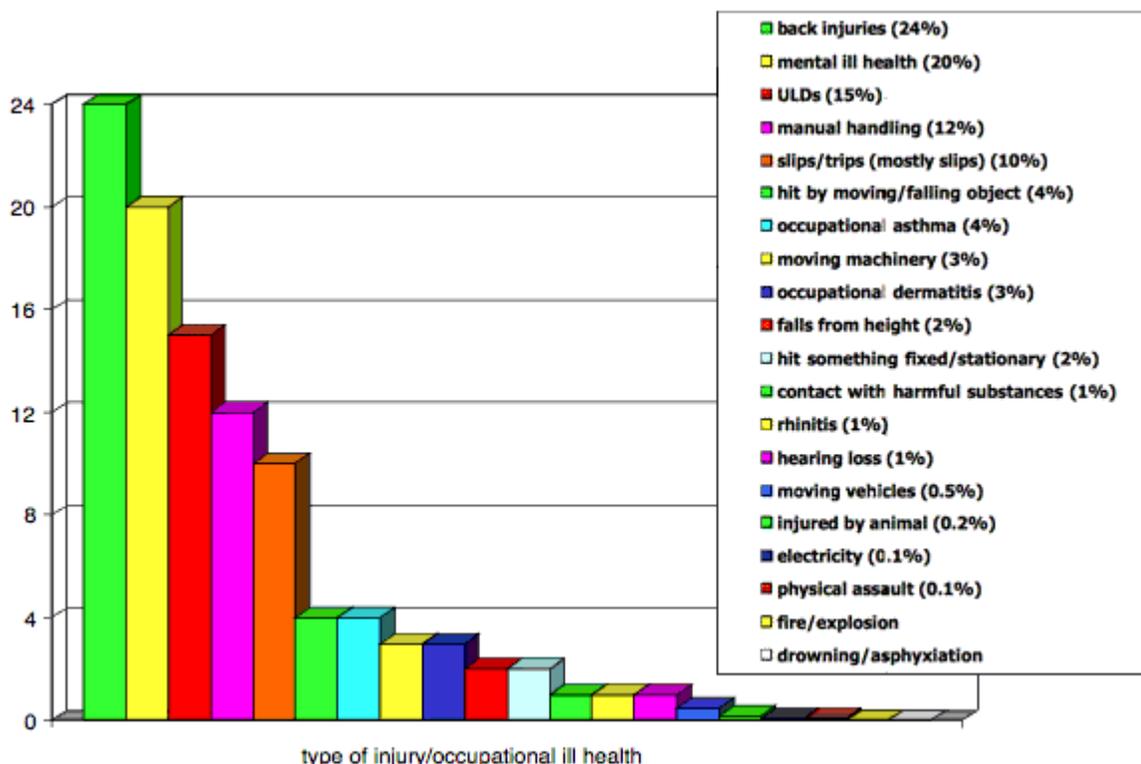
Every year around 19,000 workers (nearly 5% of the workforce) suffer from ill health caused or made worse by work in food and drink manufacture. The risk of suffering occupational ill health is around twice that of sustaining an injury reportable to HSE.

Causes of fatal injury

In the ten year period April 2000 to March 2010 there were 44 fatal injuries in the food and drink manufacturing industries. These fatalities involved machinery/plant (33%), workplace transport (24%), falls from height (18%), confined spaces/asphyxiation (13%), struck by an object (4%) and animals, chemicals and explosion (1% each).

Combined injury and occupational ill health

The graph below gives an overall picture of the incidence of types of injuries and occupational ill health in food and drink manufacture. The graph combines data from causes on non-fatal injury and causes of occupational ill health and is adjusted to reflect the higher incidence of the latter.



SAFETY IN ELECTRICAL TESTING AT WORK

The Electricity at Work Regulations 1989 is the principal legislation relating to electrical testing activities. *Regulation 4(3) requires that 'work on or near to an electrical system shall be carried out in such a manner as not to give rise, so far as is reasonably practicable, to danger'.*

All electrical equipment and installations should be maintained to prevent danger. It is strongly recommended that this includes an appropriate system of visual inspection, and where necessary, testing. By concentrating on a simple inexpensive system of looking for visible signs of damage or faults, most of the electrical risks can be controlled. This will need to be backed up by testing as necessary. It is recommended that fixed installations are inspected and tested periodically by a competent person.

Fixed installations

Any maintenance work must be carried out in accordance with the current edition of the Institution of Electrical Engineers Wiring Regulations which has been adopted as BS7671.

Installations should be inspected and tested at regular intervals depending upon the type of environment in which they are installed. Recommended intervals are as follows:

- Commercial (e.g. offices) - 5 years
- Industrial - 3 years
- Emergency lighting - 3 years
- Fire alarm systems - 1 year

Portable electrical appliances

All portable electrical appliances, that is to say all items powered electrically and supplied via a lead and plug, must be maintained in safe condition. The most effective way of ensuring this is to have a competent person carry out inspections and tests at regular intervals. The frequency of these inspections and tests will depend on the type of appliance, the nature of its use, and the environment it is used in.

In addition, frequent visual checks by the user of the equipment are required.

In order to protect people from the risk of electric

shock, a planned maintenance system should be introduced. This should include the following:

- Unique numbering of each appliance
- Regular inspections by users
- The appointment of competent people to regularly inspect, and where appropriate, test each appliance
- Recording the dates and details of all such inspections and tests
- Written instructions to all employees not to use faulty or damaged equipment
- Effective maintenance system to ensure the repair of damaged or faulty equipment.

Where items are found to be damaged or faulty, a label should be attached securely to the item. The label should clearly show "Faulty Do Not Use" and the fault or damage written upon it. The item should then be put in a secure area to prevent use.

Maintenance and testing of emergency escape lighting

All emergency escape lighting systems should be regularly tested and properly maintained to an appropriate standard. Most existing systems will need to be manually tested. However, some modern systems have self-testing facilities that reduce routine checks to a minimum.

Depending on your type of installation you should be able to carry out most of the routine tests yourself. The test method will vary. If you are not sure how to carry out these tests you should contact your supplier or other competent person.

Particular care needs to be taken following a full discharge test. Batteries typically take 24 hours to re-charge and the premises should not be re-occupied until the emergency lighting system is fully functioning unless alternative arrangements have been made. It is good practice to keep a record of tests.

See BS 5266-827 for more information.

IOSH SHADOWING SCHEME FOR FOOD & DRINK

The Institute of Occupational Safety and Health (IOSH) Food and Drink Group is piloting the organisation's 'Shadowing Scheme' to give opportunities to

graduates of at least 3 months 'hands on' experience with a company in the food and drinks industry.

In the present economic climate and high unemployment figures it was recently announced by the Office of National Statistics that the graduate unemployment rate is one in five who cannot get a job on leaving further education establishments.

By companies offering crucial hands on experience in the world of health and safety at work, it will give those individuals on the shadowing scheme a greater chance of getting onto the employment ladder.

At present there is a 'catch 22' situation of employers looking for employees with experience and qualifications, this unfortunately leaves a situation where graduates are unable to secure employment as they have no work experience. After all good qualifications are important, but they are only half of the complete package. With the new Shadowing Scheme in place it will give graduates a better chance of putting in to practice what they have learnt at college and university, and develop their skills in industry.

At present the Food and Drink Group are primarily working with further education establishments and universities in looking at what possibilities there are for graduates to have a shadowing place. They are hoping to also work with other bodies that may be looking to place graduates within industry. Companies will benefit from looking at potential managers who are on the scheme working within their companies who may channel new talent into the industry. As the workforce gets older, industry may start to struggle to find a good quality workforce in the future, especially if they don't start to look and take on the younger generation who need the life skills and experience to become the future line management.

The IOSH development manager is responsible for sourcing and placing graduates on the scheme and is looking for newly qualified graduates who have fallen victim to the difficult jobs market, and are looking for a shadow placement to give them practical experience in health and safety and a more competitive edge.

On placements, graduates will learn how to complete risk assessment schemes, work with insurers, insurance brokers, and spend time with safety advisors on day to day tasks and also dealing with enforcement officers like the Health and Safety Executive and local authorities.

The IOSH 'Shadowing Scheme' will be launched at this years Food and Drink Manufacturing Conference in October. IOSH are looking for companies to pledge places and is also accepting shadowing applications from graduates.

To find out more visit the Food and Drink Group website at www.iosh.co.uk

HSE STRESS MANAGEMENT COMPETENCY INDICATOR TOOL

People often get confused about the difference between pressure and stress. We all experience pressure regularly – it can motivate us to perform at our best. It is when we experience too much pressure and feel unable to cope that stress can result. The Health and Safety Executive (HSE) estimated the costs to society of work related stress to be around £4 billion each year, while 13.5 billion working days were lost due to stress in 2007/2008. By taking action to reduce the problem you can create a more productive, healthy workforce and save money. Many organisations have reported improvements in productivity, retention of staff and a reduction in sickness absence after tackling work related stress.

The HSE have developed a 'Stress Management Competency indicator tool' for companies to assess whether the behaviours identified as effective for preventing and reducing stress at work are part of the company's management repertoire or not,

The questionnaire looks at four behavioural areas identified as being important for managers to prevent and reduce stress in their staff.

These include:

- Respectful and responsible: Managing emotions and having integrity;
- Managing and communicating existing and future work;
- Managing the individual within the team; and
- Reasoning/Managing difficult situations.

The questionnaire asks you to consider a range of specific manager behaviours and place a tick in the column that most closely represents your level of agreement with the statement. At the end of each table you calculate your score on the behavioural area covered by that particular sheet.

The overall assessment process uses the scores from the questionnaire to assess your effectiveness in preventing and reducing stress in your staff. It allows you to identify whether any of the areas have development needs for you to address or whether you are reasonable or effective in each area.

There are a number of tips and ideas on how you can use the assessment to improve your effectiveness

in preventing and reducing stress at work through management behaviour.

During the HSE's review of the Management competencies tool they found that the majority of managers found the tool easy to use, felt the questions were relevant to their current role and that the questionnaire was accurate in identifying key management development areas. Many managers felt that the feed back from their staff was more supportive than they had expected and were '*pleasantly surprised how supportive staff were*', finding the process '*motivating and encouraging*'.

For more information on the framework of 'Management competencies for preventing and reducing stress at work' and key messages for managers, please refer to the guidance leaflet available for download at: www.cipd.co.uk/subjects/health/stress/_strwklmng.htm.

To read more about how the 'Management competencies for preventing and reducing stress at work' were identified, how the stress management competency indicator tool was developed, please refer to the full research report available to download at www.hse.gov.uk/research/rrhtm/rr633.htm.

SHP IOSH AWARDS 2011

The Safety and Health Practitioner/IOSH awards, now in its fifth year, is one of the highlights of the Health and Safety calendar with the trophy now considered to be desirable throughout the profession.

The awards are an opportunity for companies and individuals to get recognition for their efforts to encourage good health and safety practices.

There are thirteen categories in all to enter; the categories vary from best health and safety achievement in a local authority or education, training initiative of the year to achiever of the year. The IOSH lifetime achievement award is also given during the event.

The judges are built up of a variety of different professionals from different organisations including SHP, the TUC, IOSH and NEBOSH. They will be looking out for the level of achievement and initiative worked rather than the amount of money spent.

There are various charities involved in this year's awards. The charity with the most votes as voted for by the individuals attending the evening will be the chosen charity for the event. Charities involved include British Red Cross, Macmillan Cancer Support and Friends of the earth.

For further information on the awards visit the SHP IOSH Awards 2011 website at www.iosh.co.uk>News and events. The site contains a list of last year's winners, a full list of the judging panel, information about costs and booking details. The black tie evening includes a three course meal and a champagne reception along with a "well known television personality" as host and a range of after dinner entertainment.

FIRST AID KIT CONTENTS GUIDANCE

With regards to The Health and Safety (First Aid) Regulations 1981, there is no mandatory list of what should be included in a first aid container; an employer will take that decision depending on the outcome of a first aid needs assessment. Guidance on what needs to be taken into consideration can be found in the Approved Code of Practice and Guidance L74, available on the Health & Safety Executive (HSE) website.

L74 provides basic guidance on the minimum contents of a first aid container as follows:

- 20 individually wrapped sterile plasters (assorted sizes), appropriate to the type of work (hypoallergenic plasters can be provided, if necessary);
- Two sterile eye pads;
- Four individually wrapped triangular bandages, preferably sterile;
- Six safety pins;
- Two large sterile individually wrapped unmedicated wound dressings;
- Six medium-sized individually wrapped unmedicated wound dressings;
- A pair of disposable gloves. (See HSE's leaflet "Latex and you")

The outcome of the first aid needs assessment may indicate that additional first aid materials are required such as scissors, disposable aprons, singly wrapped moist wipes and adhesive tape, these could be stored separately or in the first aid container if there is room. If access to a mains water tap is not available for eye irrigation then at least one litre of sterile water or sterile normal saline (0.9%) in sealed disposable containers should be provided.

It is recommended that tablets and medications are not kept in the first aid container, as first aid at work does not include giving tablets and medicines to treat illness. The only exception is aspirin where it is used

when giving first aid to a person suspected of having a heart attack in accordance with currently accepted first aid practice.

The contents of the first aid containers should be inspected on regular basis and if the first aid container has been used it should be restocked as soon after use, additional stock should be kept on the premises to insure any item is available if required by the first aiders. When stock within the first aid containers reaches their expiry date care needs to be taken in the disposal of such items.

POTENTIAL FIRE SAFETY RISK WITH NEW BILL

A fire and security company has warned that the new Localism Bill could have a serious impact on fire safety in England and Wales, given its proposals to allow Fire and Rescue Services to charge should they attend a false fire alarm at a commercial property.

ADT Fire & Security acknowledged that false alarms and unwanted fire signals from some automatic fire detection systems can be a major problem in the UK and result in many unwanted calls to Fire and Rescue Services every year.

However, the company says the proposals in the Bill could end up diluting fire safety cover for UK businesses, encouraging businesses to turn alarms off for fear of a fine, and making companies reluctant to provide alarm receiving services, depending on who is landed with the bill for a false alarm call out.

Commenting on the Bill, Peter Lackey, Fire Product Marketing Manager at ADT Fire & Security said, "... should the Localism Bill get the go ahead — we need to consider the serious impact in terms of fire safety if people decide to turn fire detections systems and alarms off because they do not want to run the risk of a fine."

Mr Lackey also raised the issue of who would be required to pay the bill for the call out, asking whether it would go to the end user, the service provider or the alarm receiving centre (ARC).

Mr Lackey warned that if the ARC were landed with bills, based purely on the fact that its call was the one which the brigade responded to, it may refuse to pay and not wish to get involved in what some see as an inconsistent approach to policy implementation by individual brigades — the result of which could be a dilution of fire safety cover to UK business.

SAFE TRANSPORT OF ROLL CAGES

Loading vehicles and transporting goods on the road may be the most dangerous work activity carried out by many companies operating in the UK. Previous research carried out for HSE by HSL highlighted the risks to operators and other parties when goods are transported on the roads and, following the publication of the research, industry stakeholders expressed concern regarding the current methods of loading and securing roll cages in single and double-deck trailers.

The profile of UK freight transport has changed significantly over the last fifty years, not only in terms of the quantity of goods moved, which has increased significantly, but also the mode of transport. The majority of the raw materials and goods used or sold by UK businesses are now transported by road rather than rail, and the road haulage industry transports a highly diverse range of goods, including food and agricultural products, bulk liquids, car components, container transport, express parcels, furniture removal, heavy haulage, and livestock. Goods such as food, drink, tobacco products, toiletries and household goods, which are often transported in roll cages, comprise over half of all goods transported on the road.

This report seeks to give an overview of current practice, legislation and guidance, identify the problems associated with transporting roll cages, and offer practical information on good practice for loading and securing roll cages for safe loading, transport and unloading.

This report and the work it describes were funded by the Health and Safety Executive (HSE). Its contents, including any opinions and/or conclusions expressed, are those of the author alone and do not necessarily reflect HSE policy.

The full report can be viewed at: <http://www.hse.gov.uk/research/rrpdf/rr862.pdf>

ASBESTOS- UPDATED GUIDANCE

Asbestos fibres are present in the environment in Great Britain so people are exposed to very low levels of fibres. However, a key factor in the risk of developing an asbestos-related disease is the total number of fibres breathed in. Working on or near damaged asbestos-containing materials or breathing

in high levels of asbestos fibres, which may be many hundreds of times that of environmental levels could increase your chances of getting an asbestos-related disease.

HSE has launched updated guidance in this area. To read more or to access the guidance on the website please click [here](#).

NEW TO THE JOB

Workers are as likely to have an accident in the first six months at a workplace as during the whole of the rest of their working life.

The extra risk arises due to:

- lack of experience working in a new industry or workplace;
- lack of familiarity with the job and the work environment;
- reluctance to raise concerns (or not knowing how to); and
- eagerness to impress workmates and managers.

This means workers new to a site:

- may not recognise hazards as a potential source of danger;
- may not understand 'obvious' rules for use of equipment;
- may be unfamiliar with site layout - especially where site hazards may change from day to day; and
- may ignore warning signs and rules, or cut corners.

HSE has launched six steps to protect new starters. For more information visit their web site [here](#).

Enforcement

TEENAGER INJURED BY FORK-LIFT TRUCK

A Nuneaton company has been prosecuted by the Health and Safety Executive (HSE) after an 18-year-old employee was pinned to the ground by a fork-lift truck.

On 1 March 2010, the employee, who has asked not to be identified, was using the fork-lift to unload a vehicle for his employer, on St George's Way, when it overturned and landed on top of him. As a result of the incident, he broke his left lower leg, dislocated his left ankle and broke, crushed and dislocated his left elbow. He was in hospital for nearly a month, has had at least five operations on his left arm and is no longer able to straighten this arm fully.

Nuneaton Magistrates' Court heard that the teenager, who had been working for the company for three weeks in his first proper job since leaving education, had received no formal training on operating a fork-lift truck and no induction training.

An HSE investigation found that other employees also operated fork-lift trucks without formal training and the yard area was unsupervised. In addition, the only supply of drinking water on site was from a blue hose lying on the floor behind a portable building.

The employer was found guilty of breaching s.2(1) of the Health and Safety at Work, etc Act 1974 and regulation 22 of the Workplace (Health, Safety and Welfare) Regulations 1992.

Section 2(1) of the 1974 Act covers the duty of the employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all the employees.

Regulation 22 of 1992 Regulations requires that an adequate supply of wholesome drinking water be provided for workers.

The company was fined £4000 and ordered to pay £2832 costs. However, the company went into liquidation in January 2011, is no longer trading and as a result did not attend the court hearing.

FACTORY PRANK ENDS IN SPINAL INJURY

A factory worker who suffered a serious spinal injury when his 22-stone colleague jumped on his back has received an undisclosed sum in compensation. The worker, aged 46, reportedly needed spinal fusion

surgery after the accident.

He had worked for his employer for 21 years before the incident. While bending down to get a tool out of a cabinet, his colleague jumped on his back as a joke. He immediately felt a popping in his back and was in agony.

He suffered from a slipped disc and trapped nerve and had specialist spinal fusion surgery, where a piece of bone was taken from his hip and put into his spine. However, personal injury experts Thompsons Solicitors says its client's back is now so painful he has been told he will never work again.

He was forced to take more than four years off work before he was finally made redundant due to his condition. Following the surgery, he instructed Thompsons to pursue a claim for compensation. The law firm successfully argued that his employer was responsible for its employees' actions in the workplace. The firm admitted liability and settled the claim out of court.

Commenting on the case, a representative from Thompsons Solicitors said that although the worker's colleague was 'just larking around' those actions had had a profound affect on his life.

COMPANY FINED AFTER CRAWLEY EMPLOYEE PARALYSED

A company has been fined £120,000 after a man was left paralysed when he was knocked from a scissor lift. HSE prosecuted the company after the incident happened on the 25th January 2007 at Manor Royal Industrial Park in Crawley.

Lewes Crown Court heard the company had been subcontracted to design and build the mechanical and electrical systems in a number of new buildings.

A cable installer, who does not want to be named, was working in a scissor lift with two colleagues tying cables into overhead trays when they collapsed, knocking the man out of the lift and causing him to fall eight metres to the floor below.

The man, from Hartlepool, suffered severe spinal injuries and is now paralysed from the waist down.

HSE told the court that the company had failed to

ensure the safety of its employees while carrying out the installation of the cable tray systems.

The company admitted breaching section 2(1) and 3(1) of the Health and Safety at Work etc Act 1974 and was fined a total of £120,000 with full costs of £81,927.

After the hearing, HSE's Inspector Denis Bodger said:

"This tragic incident would have been avoided if the company had ensured all parts of the cable tray system had been properly designed and installed, including how it was attached to the building.

"During installation, when components were failing or showing signs of failure, the company took no action.

"When construction work is subcontracted, whether it's design or installation work, it is essential companies have adequate systems in place to manage this effectively.

"The fine reflects the seriousness of the omissions by this company. The company employed people to do highly hazardous work and yet failed to take the appropriate steps to ensure their safety.

"It is essential that employers consider all aspects of difficult and dangerous work; health and safety is not just a phrase, it is a considered approach to protecting people in the workplace."

WORKER FELL FROM CAGE BALANCED ON FORK LIFT TRUCK

A Yeovil vehicle repair and sales company has today been prosecuted after one of its workers fell from a cage balanced on a fork lift truck.

The employee was carrying out repair work on a high-sided lorry on 18 August 2008 when the incident happened.

The employee was attempting to change a marker light at the back of the lorry, but the equipment he had been supplied with was not adequate for this task. He had been given a step ladder which wasn't tall enough. Instead, he placed a metal cage on the forks of a fork lift truck and stood on top of the cage while a colleague raised the forks.

While being raised, the cage came off the forks and

he fell to the ground, fracturing his elbow and badly bruising his shoulder. He continues to suffer from health problems following the incident, including ongoing shoulder pain and back problems.

An HSE investigation found the company had not carried out a risk assessment for repairs to high-sided vehicles and had failed to provide a safe system of work.

Since the incident, the firm has entered administration but it was decided the firm would still be liable for prosecution given the severity of the breach.

After the hearing, Caroline Coleman, HSE Inspector, said:

"It is not safe to use a cage on the forks of a fork lift truck, unless it is specially designed for this use and properly secured. As witnessed here, a metal cage on metal forks can easily slip.

"This type of incident is unfortunately all too common. HSE has successfully prosecuted several companies in relation to similar incidents, some of which have led to serious injuries.

"Businesses have a responsibility to ensure employees are adequately trained and equipped to work safely with fork lifts."

The company was not present in Bristol Magistrates Court, but the breach of Section 2(1) of the Health and Safety at Work (Etc) Act 1974 was proved in its absence. It was fined £5,000.

In 2008/2009 over 4,000 major injuries were caused by falls from height at work. More information about preventing falls from height at work can be found at <http://www.hse.gov.uk/falls/>.

BFFF Members Collated Health & Safety Statistics

The results for 2010 are now available for members. Please contact Joanna Hancock on email joannahancock@bfff.co.uk for more information.

We will collate members' health & safety statistics for 2011 at the beginning of 2012.

All contributors information is kept confidential within BFFF and contributors have an opportunity for BFFF to provide a detailed comparison for their company. Please contact BFFF for more information on how you can get involved.