

KEEP IT SAFE

BFFF QUARTERLY HEALTH AND SAFETY UPDATE

JULY 2014

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

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We do hope you find '**Keep It Safe**' a valuable read.

Please contact BFFF on 01400 283096 or email joannahancock@bfff.co.uk if you have any health and safety issues or wish to receive additional/back copies

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.



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BFFF HEALTH AND SAFETY INITIATIVES

BFFF HEALTH AND SAFETY EXPERT GROUP

The BFFF Health and Safety working group met for the second meeting of the year on the 20th May, following the Fire Safety Primary Authority Seminar. The group commented on the success of the Seminar and many expressed an interest to join the scheme.

The focus of the meeting was the Fire Primary Authority Scheme, and the Fire Safety issues that the group feel need to be addressed throughout industry. Keiron Davey, of Lincolnshire Fire & Rescue, attended the meeting and gave the Expert Group the insight into new 'Unwanted Fire Signals' Guidance that is currently out for comment, which will impact all businesses. He asked the group to give any comments, integrating the frozen foods sector into Lincolnshire's response to the guidance. Joanna Hancock is also now part of the business engagement forum with

the Chief Fire Officers Association (CFOA) so will be able to bring future fire issues to the group for their opinions.

Joanna Hancock updated the group on the guidance that is currently being developed / reviewed. HSE have highlighted an issue with the use of ladders in the 'Keeping Engineers Safe whilst Working at Height' guidance. The group gave comment, and Joanna Hancock will meet with HSE on the 24th June to discuss the issue further.

The 'Working at Height in Coldstores' Guidance has been approved by BFFFs' Primary Authority Partners at Wakefield District Council; the final draft has gone out to HSE's Logistics Forum and Safety Unit to review.

The meeting was rounded off with a very interesting presentation

by one member business on the Health & Safety failings that they had discovered through CCTV footage. The 'You've Been Framed' type presentation was commented upon by the group and will be presented again at the BFFF Health & Safety Seminar.

These are important areas of work for our industry and more detail is enclosed within this newsletter on each topic however please feel free to contact Joanna Hancock for more information on any of the areas. We would like to take this opportunity to thank the expert group for their support and hard work on behalf of our members and the industry. They bring a wealth of experience to a very productive and open expert group available as a resource for all members to raise any industry level issues. So please feel free to contact Joanna Hancock with any points that you would like to raise.

WORKING AT HEIGHT IN COLD STORES GUIDANCE

The BFFF worked with the FSDF and developed guidance in 2007 after full consultation with HSE to provide our industry with special dispensation for the use of non-integrated working platforms (e.g. cages) in certain circumstances. As part of the development process, BFFF members were consulted on the systems of work they had in place in this area and BFFF worked to present the industry case.

Since December we have been reviewing the guidance, to understand the current working

practices in operation within cold storage businesses and whether technology has changed since the last guidance was produced.

The feedback from members showed that this guidance is still extremely relevant. We have worked with our Primary Authority Partners at Wakefield District Council to update the guidance. Wakefield have updated and approved the guidance, and it is now being reviewed by HSE before we publish it to our members.



WORKING AT HEIGHT ON REFRIGERATED VEHICLES / TRAILERS

It was agreed at the last guidance working group meeting for BFFF to co-ordinate a meeting with the HSE to discuss their comments on the draft guidance around the use of ladders for planned maintenance. This meeting was held on the 24th June at Palmer & Harvey in Leeds and Jo Hancock was accompanied by representatives from the working group, Palmer & Harvey, Brakes, Carrier Transicold UK, Marshall fleet Solutions and Michael Ward Ltd.

It was a very constructive and open meeting with two representatives from HSE, one representative that has been involved in the whole of the review process and another relatively new to the guidance. Consequently we had to cover some old ground for background and essential information in the meeting before we discussed the use of ladders. However, HSE were very happy with the open approach from the industry and the desire to work together to find a practical solution.

No agreement was made on the



use of ladders at the meeting however HSE had been provided with significant information to digest. We were also able to convey the main reasons why alternatives were not reasonably practicable in certain scenarios for planned maintenance.

HSE has now requested more information on the processes

involved with working on refrigerated vehicles and we have agreed to stage a demonstration at a refrigeration contractors premises which we will organise in the next couple of months.

Our Primary Authority is still in agreement with the guidance in its current form and we will be inviting them to the next meeting.



PRIMARY AUTHORITY ASSURED ADVICE

The BFFF have been working with Wakefield District Council since we launched our Primary Authority Scheme in October, to produce and update guidance, as well as answer frequently asked questions regarding Health & Safety.

We have now produced our first assured advice which has been published, and circulated to members participating in the scheme, and they can now benefit from this legally backed advice.

The FAQs that have been published are:

- Selecting staff for first-aid training
- How to Assess Head Protection for Cold Stores Workers
- Provision of Defibrillators in the Workplace
- Overtime Risk Assessments
- Rest Breaks for Cold Store Workers
- The Legislative Requirement for Health Surveillance for Coldstore Workers Including Night and Shift Work



An example of our assured advice can be found on the following pages. For more information on our Primary Authority Scheme please contact crystalholmes@bff.co.uk





The Legislative Requirement for Health Surveillance for Coldstore Workers Including Night and Shift Work

ADVICE

The Purpose of Health Surveillance

The purpose of health surveillance is to ensure the protection of employees by the early detection of any ill effects on the health of employees caused by the work or the materials used for the work, with a view to ceasing, controlling or minimising the exposure of the person and preventing the effects.

Health surveillance is not intended to be a control measure in itself, but is intended to be a check that the control measures that are in place are functioning. If ill health is detected, it may mean that control measures have failed.

Legal Requirements

Many pieces of legislation have a specific and explicit requirement for health surveillance or medical inspections. The following outlines the main legislation applicable to cold stores:

Management of Health and Safety at Work Regulations 1999

Regulation 6 of the Management of Health and Safety at Work Regulations 1999 contains the requirement for health surveillance.

"Every employer shall ensure that his [or her] employees are provided with such health surveillance as is appropriate having regard to the risks to their health and safety which are identified by the (risk) assessment."

Working Time Regulations 1998

Under regulation 7 of the Working Time Regulations 1998, an employer shall not assign an adult worker to work which is to be undertaken during periods which will deem the worker a night worker, unless the employer has ensured that the worker has the opportunity of a confidential free health assessment before taking up the assignment.

Where the worker has already had a health assessment prior to doing similar work on an earlier occasion, and the employer has no reason to believe that the assessment is no longer valid, then it is not necessary to conduct another assessment. The employer shall also ensure that each night worker he or she employs has the opportunity of a free health assessment at regular intervals of whatever duration may be appropriate in each case.



The Control of Noise at Work Regulations 2005

Regulation 9 – If the risk assessment indicates that there is a risk to the health of his employees who are, or liable to be exposed to noise, the employer shall ensure that such employees are under suitable health surveillance, which shall include testing of their hearing. Health Surveillance is required where workers are regularly exposed above the upper exposure action values in Regulation 4. Health records of employees who undergo health surveillance must be kept.

Forms of Health Surveillance

Health surveillance takes different forms depending on the level of risk to the health of those exposed and the nature of the hazardous substance. Health Surveillance is about putting in place systematic, regular and appropriate procedures to detect early signs of work related ill health, and acting upon the results.

The first step is to identify and document the need for health surveillance in your workplace risk assessment. (The Management of Health & Safety at Work Regulations 1999 - Regulation 3)

Working in a sub zero environment is a hazard. Employees may suffer ill health or injury (e.g. frostbite) from prolonged exposure to sub zero temperatures (particularly those with certain pre-existing medical conditions that may be exacerbated by exposure to cold work environments need careful monitoring). Extreme cold may also lead to gradual loss of awareness of risk.

In the cold store environment, health surveillance includes the following:

- Collecting, maintaining and reviewing relevant individual health records.
- Pre-employment health screening of Cold store employees.
- Where the disease or harm has obvious external signs, such as circulatory problems, there should be regular checks for these by a responsible person with sufficient information to be able to recognise them. This could be a supervisor who has received additional training, first aider, qualified occupational health nurse or doctor.
- Employees must also receive information on how to recognise symptoms of cold stress and preventative measures to be followed. Ongoing monitoring of employees could include the completion of questionnaires by employees to identify any ill health.
- Referral system - If the likelihood of disease is significant or employees show signs of ill health then health surveillance should involve enquiries, inspections and examinations by a qualified person, e.g. an occupational health nurse or doctor.

In workplaces where the risk of serious harm is low, it could be considered reasonable not to undertake any health surveillance beyond the recording of the details. This should not include any clinical information obtained from a medical professional, unless the employee has given informed consent (preferably in writing).

A risk assessment should identify an appropriate selection of medical tests and examinations to enable a decision regarding any damage to the health of these individuals. The selection of the tests and examinations is based on the hazards to which the person is exposed and the likely level of exposure.

Practical Health Surveillance

Once it is decided that health surveillance is appropriate, it should be maintained during the employee's employment unless the risk to which the worker is exposed and associated health effects are short term. The minimum requirement for health surveillance is the keeping of an individual health record.

Where appropriate, health surveillance may also involve one or more health surveillance procedures depending on their suitability in the circumstances.

HSE has recently launched a suite of web pages providing additional straight forward advice in the area of health surveillance. They can be accessed by the following web link: <http://www.hse.gov.uk/health-surveillance/>

FIRE SAFETY

PRIMARY AUTHORITY - FIRE SAFETY

We are delighted that the launch of our Fire Primary Authority, an exclusive member benefit, has launched with great success.

This important addition to our Primary Authority portfolio enables members to obtain consistent fire safety advice for their businesses through a dedicated Fire authority. Our partner is Lincolnshire Fire and Rescue (LFR). The scheme is open to all BFFF members with premises in England and Wales.

Members feedback to our recent survey has enabled us to work with LFR to plan 'assured' industry standard guidance and topics at the top of our agenda are;

- Fire Risk Assessments
- Business continuity
- Emergency Planning
- Training

The BFFF scheme offers members bespoke fire safety advice for their business.

We held a seminar to launch the scheme on the 20th May which received great feedback with over 30 delegates attending on the day. For those that couldn't make the seminar, or if you just want to get some more information, we will have a Primary Authority stand at the Health & Safety Seminar



**BFFF Fire
Primary Authority**



on 2nd July, at the Ricoh Arena, Coventry. There will be members of Lincolnshire Fire & Rescue to answer questions and provide case studies. For further information contact crystalholmes@bfff.co.uk.

CHIEF FIRE OFFICERS ASSOCIATION (CFOA) - UNWANTED FIRE SIGNALS GUIDANCE

Editorial provided by Lincolnshire Fire & Rescue

Fire and Rescues services (FRS) will continue to pursue a risk based approach to Automatic Fire Alarm (AFA) turnout, matching attendance to risk in conjunction with a Unwanted Fire Signal (UFS) prevention strategy. False alarms not only reduce the availability of fire appliances for real emergency incidents, they also result in the loss of production and the general disruption of your normal business activities. In addition, a system that generates false alarms may not be as effective, people will gradually lose confidence in the alarm system and therefore may not respond appropriately in a real fire situation.

All FRS are striving to ensure best use of resources through modified

response to AFAs whilst ensuring that your premises risk is carefully monitored.

The methodology employed by this draft guidance to reduce UFS is the culmination of the following;

- Education through undertaking a range of generic and specific campaigns to highlight the moral and legal duties of premises responsible persons and other key stakeholders in the fire alarm industry.
- The use of a call challenging protocol by fire control staff. This means that when you, or your call centre contacts fire and rescue about fire alarm activation you will be asked a series of questions. In most

circumstances the caller will be asked to establish the cause of the alarm. If there is a confirmed fire, fire and rescue resources will be mobilised. This will also apply to your alarm call centre staff contacting your premises to ascertain the situation before the signal is passed to FRS.

- The adoption of a robust off line policy by considering taking your fire alarm system offline during periods when the premises are fully occupied. This means that whilst the fire alarm will continue to warn persons within the building of a possible fire, the signal will not be transmitted automatically to the Alarm Receiving Company.

This can be achieved by a risk assessment and be detailed in the premises Emergency Action Plan (EAP) and training to staff given before implementation. The offline period will normally be during the hours 07:00 to 19:00 but these times are variable according to risk and staffing levels.

- Unacceptable performance may result in the requirement for immediate remedial action and improvements may be time bound. A reduced attendance may be introduced until the poor performance is rectified. FRS will establish in advance the appropriate level at which changes in response are determined. Thus advising you that your premises have exceeded the acceptable performance trigger.
- The Localism Act 2011 brings into force changes and allows FRS to charge for responding to a report of fire where the call is made within the following circumstances: There is a report of fire, The premises are not domestic, the report is false, the report is made as a direct or indirect result of warning equipment having malfunctioned or been mis-installed and there is a persistent problem.

You should be advised in advance of any changes to attendance levels and reminded that you should alert your Insurance Company to the changes to FRS attendance response. Furthermore it will be encumbent upon you to review the Fire Risk Assessment/Emergency Plan.

FRS will also consider the use of enforcement powers under Fire Safety legislation. You must be

aware that it is the Responsible Person (RP) as defined by the Fire Safety Order (Article 3) who has responsibility for the alarm system and all other fire safety measures within the premises. The RP is required by law to ensure that all fire precautions within the premises including the alarm system are managed and maintained effectively and that effective premises management is in place. Properly managed and maintained, an automatic fire alarm system with its fast response in the initial stages of a fire can be a significant factor in protecting life and limiting damage to your property. Unfortunately, the very features that provide this fast response can also produce false alarms arising from activities and events other than a fire situation.

An important factor in minimising

the disruption to your business when the fire alarm actuates falsely is to have in place an effective emergency action plan that is appropriate to your premises.

In most premises, it is reasonable to develop procedures that limit the degree of unnecessary disruption due to false alarms. You may wish to consider that in the event of the alarm sounding you adopt an appropriate investigation strategy, false actuations of the fire alarm can be quickly identified, the system reset and the workplace return to normal state, thereby minimising the disruption to your business.

Finally I must reiterate that where it is found the alarm has actuated due to a fire, the fire and rescue service should be called.



CFOA Guidance for the Reduction of False Alarms & Unwanted Fire Signals



CFOA Publications



SAFETY FOCUS

ONLINE HEALTH AND SAFETY TRAINING

In recent years there has been a considerable proliferation of online health and safety training courses, often referred to as e-learning. The number of occupational health and safety (OHS) courses and subjects that are now offered is considerable and leaves those organising training a good deal of choice, as well as difficult decisions to make before investing time and money in a particular type of training. Courses from simple induction programmes all the way through to NEBOSH Diploma and OHS degree programmes are now offered online.



So what are the advantages and disadvantages of online training? Does it meet the legal requirements on the provision of training? Is it worth the investment?

The importance of training

Training is fundamental to the success of any health and safety management system. When it comes down to it, it is how people behave and the decisions they make that can cause or prevent accidents and incidents. So, effective training is key to that success.

Some professional roles, such as those appointed as competent persons under the Management of Health and Safety at Work Regulations 1999 (MHSWR), rely on their training as part of their competence to be able to advise employers and others in an authoritative manner. Others such as first-aiders and fork lift truck drivers need training to make sure they are able to fulfil their functions.

The provision of training is also

a legal requirement. In particular, s.2(2)(c) of the Health and Safety at Work, etc Act 1974 requires employers to: “provide such information, instruction and training and supervision as is necessary to ensure, so far as reasonably practicable the health and safety of all employees”.

Other regulations, such as the Health and Safety (Display Screen Equipment) Regulations 1992 and the Manual Handling Operations Regulations 1992, also require training and lay down to some extent what should be covered in any training provided.

These legal requirements are supported by MHSWR, which require training on recruitment and on being exposed to new risks or increased risks. They also require an employee’s capabilities

to be taken into account. In all of these legal requirements there is no stipulation as to the form the training should take, and therefore online training is an option, providing the training is effective.

As laid down in common law, competence is not just about qualifications. It is also about attitudes and behaviour. To be a competent employee he/she must have positive attitudes to health and safety at work and behave responsibly, and training can play an important role here. Can online training make a difference in this respect? All these issues need to be considered when making the choice on the type of training to be adopted.

Making the choice

Training should not be provided on a random basis. It must be based on an assessment of requirements and this can often involve a training needs analysis (TNA). TNA is the systematic collection of data to find out where there are gaps in the existing skills, knowledge and competence of personnel. TNA can also be used to analyse where there are deficiencies in attitudes, perceptions and other human factors important to health and safety in the workplace.

A TNA is usually applied from three perspectives.

- At organisational level. Training may encourage change or input in terms of improving or maintaining the organisation's standards of health and safety.
- At job level. All jobs should have a training specification for skills and competence

- At an individual level. TNAs are very important for individuals and should be linked to personal development.

Following the TNA, a choice must be made about the type of training to be provided. Will the training be provided in-house or will a training provider be used? Where will the training take place? Who will do the training? What is the cost? Can the training be provided online, will this be effective and should this option be taken up?

Online training: pros and cons

Pros:

- Online training can often be less expensive than attendance at an external training provider's premises or providing in-house training. This not only includes the fees for the training but associated costs such as time and expense in attending the course: travel, subsistence and accommodation, etc.
- Online training is flexible in terms of the availability and location of the learner: training can be undertaken anywhere and anytime, provided there is access to the internet.
- The learner can proceed at her or his own pace and is by default actively involved in the training.
- There is no limit on the number of employees that can be trained providing there are adequate IT facilities.
- Personal progress can

be monitored and results tracked during the training.

- The consistency of information and delivery can be maintained and assured.
- There can be the option to join online discussion groups or contact made with tutors and teachers.



- There can be blended learning options where the learner attends training sessions in addition to the e-learning.
- Online packages can be visually attractive and interactive.

Cons:

- Online options require discipline on the part of the learner and self-motivation is important.
- If the training is undertaken in the workplace or in the learner's own time there can be unexpected interruptions.
- There is no or limited interaction with other learners or the tutor. Learners may feel isolated and raising problems and asking questions may not be possible.
- The learner may need confident IT skills and IT support may be required.
- An investment in IT equipment and software may be required.
- Online training can be interrupted by IT problems, such as slow internet connections, etc.
- There may be limited opportunity for practical and hands-on experiences.

The verdict

There is definitely a place for online OHS training but those organising training must consider the drawbacks as well as the advantages. It is also important to consider these from the learner's perspective and not just that of the organisation.

It is likely that online learning lends itself more comfortably to basic or fundamental training, such as induction or display screen equipment training. This is in contrast to higher level, more complex training, where contact

with others and the trainer during the training is probably less important.

This looks to be the biggest drawback for online training; there is no interaction with other learners or with the trainer at the time of training and it is difficult to quantify what may be lost through this omission. Discussion with and listening to others during training is an important part of the learning process. This may be offset to some extent by blended learning options (a mixture of online and

classroom training).

It should not be forgotten that a good trainer can sometimes be inspirational and change a learner's attitudes and behaviour. It is difficult to see how online training could replicate that and achieve the same result.

The provision of training can be an expensive investment and it is important that the training is effective. Those organising training need to carefully consider their options before opting for online training.

HSE FOOD INDUSTRY CASE STUDIES

WASTE PRODUCT FALLS FROM FORKLIFT TRUCK

Summary

A snack foods company has been prosecuted after a 400 kilogramme block of compacted snack waste fell on a worker, breaking his leg.

The waste from a production line ran off into another machine and then, in the form of pellets, into a magnum bin - a large plastic box with slots underneath for the forks of a forklift truck. The pellets, which solidify into a large block, could not be dug out by hand, so a forklift is used to lift and turnover the magnum so the block fell out.

As the block was lifted into a wheeled bin to be emptied, it became stuck at the top. When the two men attempted to move the bin, it tipped over causing the block of pellets to fall onto the employee, breaking his leg. He was off work for 15 weeks but has since returned to work with the company.

The Court was told that the work had not been properly planned, supervised or carried out in a safe manner.

Action

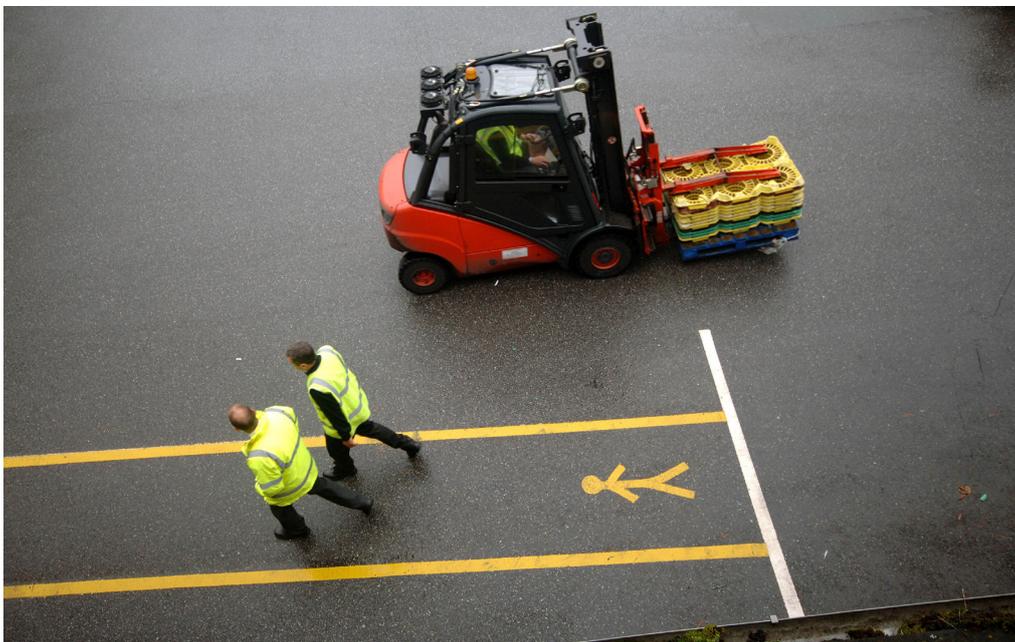
The company pleaded guilty to breaching Regulation 3(1) of the Management of Health and Safety at Work Regulations 1999 and Regulation 8(1) of the Lifting Operations and Lifting Equipment Regulations 1998. They were fined a total of £20,000 and ordered to pay costs of £10,000.

Advice

After the hearing the HSE Inspector said:

“The task of devising a method to dispose of the waste pellets had been given to an agency worker who did not have the experience or training required to allow him to properly plan how the task should be carried out. As a result it was carried out without supervision and, as the injuries to the employee suggest, the task was not carried out in a safe manner.

“The company also failed to properly assess the risks associated with the task, which should have formed an important part of the planning process. As such the risks were not fully appreciated by those workers involved in the task, and a man suffered serious injury.”



GAS EXPLOSION AT BAKERY

Summary

A pie-making company was prosecuted for safety offences after a gas explosion in an industrial bakery oven ripped through its factory - killing a father of two and badly injuring another worker.

The explosion happened after a baker made apparent repeated attempts to light the 30-year-old oven unaware that more and more gas was building up to a critical flashpoint inside the baking chamber.

When the gas did ignite, the blast blew the large oven door off its hinges hitting the worker. The 37-year-old baker, who was standing in front of the oven, was hit by the door and then trapped when part of the roof collapsed.

The baker, who had worked for the company for 12 years, was pronounced dead at the scene. A colleague was also badly injured.

The court heard that the baker, a supervisor, had started work early so he could light the two large ovens before other workers arrived. One of the ovens had apparently failed to light and at around 5am it exploded, killing him, injuring his colleague and causing severe damage to the building.

HSE found the company's procedures for operating the ovens were inadequate and informal. The bakery workers had not been given sufficient instruction or training in their use, or the potential hazards arising and precautions necessary to operate them safely.

The company failed to appreciate that direct-fired ovens could potentially fill with a flammable mix of gas and air if repeated unsuccessful attempts were made to fire them up.

The investigation also discovered that an explosion relief panel on the back of the oven, which should have safely vented excess pressure, had at some time been rigidly fixed in place.

Action

The company were found guilty at Crown Court of breaching the Dangerous Substances and Explosives Atmospheres Regulations 2002. The company were also found guilty of two breaches of the Provision and Use of Work Equipment Regulations 1998.

The company were fined a total of £250,000 and ordered to pay additional costs of £124,896. Imposing the penalty, the judge said the company had 'failed dismally' his judgement reflected the level of failings by the company.

Advice

After the hearing the HSE Inspector said:

"The tragic death of the employee in this incident was devastating for his wife and family. I hope that the conclusion of the case will help to provide a degree of closure for his bereaved family, friends and former colleagues. The judge commented clearly that the worker was not at fault.

"The explosion could have been avoided if the correct lighting-up procedures had been followed. No more than two attempts to light the oven should have been made. If the oven still failed to light, engineers should have been called in.

"Large gas oven explosions are known, but rare. HSE issued a Safety Alert after this incident to similar companies asking them to check the explosion reliefs on all direct fired bakery ovens."



LEGISLATIVE UPDATE

NEW HEROISM BILL TO PROTECT “GOOD SAMARITANS” AND EMPLOYERS

The Justice Secretary, Chris Grayling, has announced measures “to bring some common sense back to Britain’s health and safety culture”, with a so-called “Heroism Bill” to protect good Samaritans from lawsuits and to provide more protection for responsible employers from liability claims.

The Bill has been designed to protect volunteers and other community members from worries about risk and liability if something goes wrong in their activities.

However, in a statement, Chris Grayling said the legislation will also bring forward measures to put the law “more clearly on the side of employers who do the right thing to protect employees if something does go wrong through no fault of their own”.

The statement said that the measures will provide greater protection to small business owners who “face challenges from irresponsible employees” even if they have taken a

responsible approach to safety training and procedures.

The changes will be made in new legislation expected to come into effect next year and follow ongoing efforts by the Government to tackle the apparent compensation culture.

The new Social Action, Responsibility and Heroism Bill has been nicknamed “Sarah” by the Conservatives and the “Heroism Bill” by the press.

Hugh Robertson, Senior Policy Officer for Health and Safety at the Trades Union Congress (TUC) said, “There is... the possibility that this Bill will have a much more sinister application, which is shifting the blame to workers when they are injured, with employers claiming the worker was acting ‘irresponsibly’. If that is the case, this is not a Heroism Bill, it is a



Blame Bill.”

Introducing the changes, Chris Grayling said, “I don’t want us to be a society where a responsible employer gets the blame for someone doing something stupid. I want a society where common sense is the order of the day, and I believe this measure will help us get there.”

IS THE COMPENSATION CULTURE A MYTH?



Asked by the then Leader of the Opposition, David Cameron, to review health and safety in the UK, Lord Young came back with a report which argued that a compensation culture driven by litigation was at the heart of the problems that he had identified.

Four years later, the belief that many employers are ever more risk averse as they fear compensation claims backed by ambulance-chasing lawyers is prevalent but, according to the TUC, is not supported by the evidence.

According to “The Compensation Myth”, a report it has produced with the Association of Personal Injury Lawyers (APIL), workplace compensation cases have fallen by more than half in the last decade — down from 183,342 in 2002/03 to 91,115 in 2012/13.

The TUC also highlights that more than six out of seven (85.7%) of workers who are injured or made ill at work get no compensation whatsoever.

Where damages are paid, they are not “a gift or a windfall” for the injured individual, the report argues, but designed with the sole aim of putting claimants back to the position they were in before being injured.

Another common perception that the report rebuffs is the size of compensation payments. The majority of workplace damages paid to injured workers in 2011 was for less than £5000, and around 75% of cases are for damages of

under £10,000.

The report also looks at ways the existing bill could be cut without unnecessarily penalising injured workers and bluntly suggests that employers should stop acting negligently and stop killing and injuring workers.

Insurance companies could help by linking premiums much more closely to the actual risk within specific workplaces and more readily offering risk-based premiums that reflect an

employer’s health and safety history, the TUC argues.

General Secretary Frances O’Grady said: “The Government is forever trying to brainwash us into thinking the UK has a rampant compensation culture, but — as this new report shows — the facts tell a very different story. Even those dying from work-related diseases have precious little chance of getting a decent payout.”

CONSULTATION ON PROPOSALS TO AMEND PUWER ACOPS

In April the HSE published a consultation containing details of its proposals to amend the three Approved Codes of Practice (ACOPs) relating to the provision and use of work equipment (PUWER).

The aim of the review, described as “light touch” by an HSE source, is to remove time-limited material and simplify text. The ACOPs which are under review are:

- Provision and Use of work Equipment (L22)
- Safe Use of Power Presses (L112)
- Safe Use of Woodworking Machinery (L114).

The consultation presented

the three draft revised ACOPs and associated guidance as prepared by the HSE, taking into account feedback from an earlier consultation, which started in June 2012 and closed in September 2012.

The 2012 consultation stemmed from Professor Ragnar Löfstedt’s independent review of health and safety legislation, which was itself published in November 2011. In his review, Professor Löfstedt recommended that the HSE should review all its ACOPs.

The 2012 consultation considered combining the three PUWER ACOPs into one. However, it has now been concluded that despite the obvious advantages to having one document rather than three,

one ACOP would be too “long and unwieldy” so the individual ones will be retained.

Another key issue to come out of the 2012 consultation is occupational health. The original woodworking ACOP dealt with safety but not health issues which the HSE notes are “equally important” and the revised ACOP now addresses this concern.

The new consultation began on 31 March and ended on 23 May 2014. CD268: ACOPs: Provision and Use of Work Equipment (L22), Safe Use of Power Presses (L112), Safe Use of Woodworking Machinery (L114) can be accessed at www.hse.gov.uk/consult/condocs/cd268.htm.

Q & A'S

INTRODUCING DRUG AND ALCOHOL SCREENING

Q. As part of our accident and incident investigation procedures, my organisation is considering the introduction of drug and alcohol screening. Are we allowed to introduce such screening?

A. Screening of employees for substances such as drugs and alcohol within the workplace can be quite controversial, particularly if being used to identify potential misuse that may have contributed to an unwanted event.

The Health and Safety Executive (HSE) notes that such screening may be used for a number of reasons including random testing or after an incident has occurred, particularly in certain critical jobs in which impairment could have serious effects for the individual, colleagues, members of the public and the environment.

In some industries, the use of screening is set in legislation such as the Transport and Works Act 1992. Where this does not apply, the employer should clearly demonstrate that the introduction of screening has been assessed and deemed necessary under the Health and Safety at Work, etc Act 1974 and the Management of Health and Safety at Work Regulations 1999.

The HSE emphasises the need to consult employees or their representatives so as to secure their agreement and support. The employer should also develop a clear policy and procedures for any screening arrangements that include ensuring “informed consent” is obtained before screening takes place and that there is a secure “chain of custody” for samples when taken.



Any screening policy and procedure may have to be based upon whether there is any evidence to suggest that drug or alcohol has contributed to the unwanted event occurring.

In terms of justification for obtaining health information from screening, the Information Commissioner’s Employment Practices Code notes that, before obtaining information, employers should ensure that the benefits justify any adverse impacts. It suggests:

- that the collection of information through drug and alcohol testing is unlikely to be justified unless it is for health and safety reasons
- post-incident testing where there is a reasonable suspicion that drug or alcohol use is a factor is more likely to be justified than random testing.

The above Code also recommends that drug or alcohol testing should only be used where it provides “significantly better evidence of impairment than other less intrusive means” and that testing should be based on “reliable scientific evidence of the effect of particular substances on workers”.

In terms of good practice for screening, the European Workplace Drug Testing Society (EWDTs), have produced a number of guides that may assist in developing an appropriate policy and procedures.

For more information, please contact our associate members at Biosure: Jude Ashworth – 07974 213550

RESPONSIBILITY FOR CONTROL OF LEGIONELLA

Q. As the “duty holder” responsible for the control of legionella in our properties, I have been informed that we must now appoint a “responsible person” to manage risks from the legionella bacteria. Is this the case?

A. In earlier guidance, the Health and Safety Executive recommended the appointment of a responsible person to take day-to-day responsibility for controlling risks associated with legionella bacteria.

However, the revised Approved Code of Practice (ACOP) L8 Legionnaires’ Disease. The Control of Legionella Bacteria in Water Systems has changed this guidance and has given ACOP status to “the specific role of the appointed competent person, known as the responsible person”.

Paragraph 48 of the ACOP states that where the assessment shows that there is a reasonably foreseeable risk associated with legionella bacteria, the duty holder should appoint “a competent person or persons to help undertake the measures needed to comply with the requirements in COSHH”.

The accompanying guidance then details that this appointment is known as the “responsible person” and that the appointee should “take day-to-day responsibility for controlling any identified risk from legionella bacteria” and should have “sufficient authority, competence and knowledge of the installation” to ensure operational procedures are undertaken.

In addition, the guidance notes that they must be properly trained to a level that ensures tasks are carried out in a safe, technically competent manner and should have a clear understanding of their role and the overall health



and safety management structure and policy in the organisation.

The ACOP states that where the duty holder does not employ anyone with the necessary competence, they may need to appoint people from outside the organisation.

In such circumstances, the duty holder should take all reasonable steps to ensure the competence of the people carrying out work who are not under their direct control and that responsibilities and lines of communication are properly established and clearly laid down.

ACOP status describes preferred or recommended methods that can be used to meet legislative compliance, and by following the

advice the duty holder “will be doing enough to comply with the law in respect of those specific matters on which the Code gives advice”.

If a prosecution takes place and it is proved that the duty holder did not follow the relevant provisions of the Code, the duty holder will need to show that he or she complied with the law in some other way, otherwise a Court will find the duty holder at fault.

GUIDANCE

LAUNCH OF EUROPEAN WORK-RELATED STRESS CAMPAIGN

The European Agency for Safety and Health at Work (EU-OSHA) has officially launched its new two-year European health and safety campaign for 2014/15 in Brussels, with the slogan “Healthy Workplaces Manage Stress”, calling on employers and workers to tackle stress in the workplace together.

A source at the Agency described the prevalence of work-related stress in Europe as “startling”. A recent pan-European opinion poll by EU-OSHA has revealed that 51% of workers find work-related stress to be common in their workplace and 4 in 10 workers think that stress is not handled well in their organisation.

The new Healthy Workplaces Campaign aims to help employers and workers to successfully manage and prevent work-related stress and psychosocial risks,

urging Europe’s enterprises — both private and public — to recognise the need to tackle work-related stress, and in doing so protect their workers’ health and their organisations’ productivity.

The campaign will run for two years and will involve hundreds of organisations from across Europe, involving a range of activities such as training sessions, conferences and workshops, poster, film and photo competitions, quizzes, suggestion schemes, advertising campaigns and press conferences.

The campaign seeks to show how psychosocial risks can be handled in the same systematic way as any other occupational safety and health risk.

A key activity in the campaign calendar is the European Good Practice Awards, which was

launched on 15 April 2014. Applications are encouraged from all European organisations who are successfully implementing measures to reduce and eliminate stress.

Other key dates for the campaign include:

- Good Practice Awards Ceremony: April 2015
- European Weeks for Safety and Health at Work: October 2014 and 2015
- Healthy Workplaces Summit: November 2015.

Further information can be accessed at www.healthy-workplaces.eu.

Unite have also produced a leaflet downloadable from www.unitetheunion.org/uploaded/documents/EuroStress201411-17288.pdf.

HSE FAQ ON POWERED DOORS AND GATES

HSE’s Work Equipment microsite carries a useful FAQ section on powered doors and gates, which have been subject to increased scrutiny by HSE since the summer of 2010 when two children, in separate incidents, were crushed to death by powered gates.

The site covers topics such as:

- The risks associated with powered gates and doors, including crushing and trapping
- What to do if you think a gate is unsafe, such as engaging a competent person to fit safety devices and protective devices
- Duties of owners of commercial premises, including ensuring that gates and doors are designed, constructed and installed for safety along with checking the competence of the installer
- Competence and duties of installers
- The main safety requirements
- Specific legal requirements under Supply of Machinery (Safety) Regulations 2008 and the Workplace (Health, Safety and Welfare) Regulations 1992.

The FAQ can be viewed at www.hse.gov.uk/work-equipment-machinery/faq-powered-gates.htm.

HSE CONSTRUCTION PLAN OF WORK

The HSE Construction Division has published its latest Construction Plan of Work which sets out their activity for 2014/2015. The Plan of Work states that the HSE's main operational activities will focus on:

- Licensed asbestos removal work
- Small sites/projects
- Refurbishment
- Home building
- Major projects/large contractors.

Certain generic issues will also be a main focus of attention during site visits, such as:

- Work at height
- Occupational health risks
- Asbestos risks
- Provision of welfare facilities
- Site conditions



In addition, HSE will also consider:

- Management of health risks
- Leadership, in particular how effective directors and senior management are at leading health and safety, and how work is supervised from the top of the organisation to the workforce.
- Worker involvement
- CDM duty holders, in particular the roles of duty holders such as clients to determine their influence on the standards found on sites
- Contractor competence, placing particular emphasis on the competence of organisations and individuals.
- Temporary works, raising awareness of managing temporary works effectively and ensuring that adequate management arrangements are in place.

TACKLING OCCUPATIONAL DISEASE

The HSE has set up a new occupational disease community site, designed to encourage the promotion and exchange of ideas and initiatives for tackling occupational ill health.

According to the HSE, in 2011/12 there were an estimated 1.1 million working people suffering from a work-related illness, with around 450,000 new cases of occupational-related ill health and a further estimated 12,000 deaths each year caused by past exposures to harmful substances at work.

The safety watchdog says that traditionally, health issues in the workplace have been, and still are, harder to tackle than safety issues because cause and effect

are often not clearly linked.

Many serious occupational diseases also have a long period of "latency", some up to 30 years, between exposure and development of ill health or disease, making the links even more difficult to establish.

However, where the link is established and exposure can be measured, then interventions and activities aimed at raising awareness and creating behavioural change can work to reduce exposures and prevent ill health and disease.

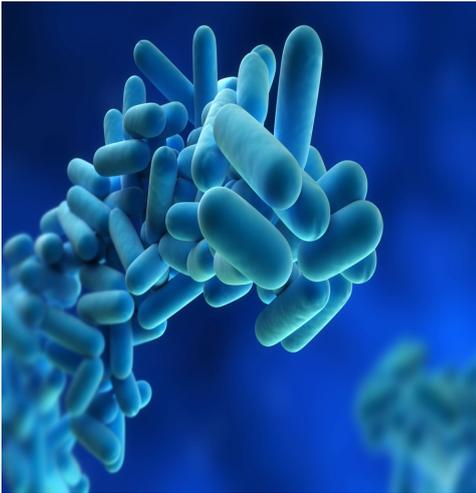
The new occupational disease community site is intended to encourage organisations to get involved in reducing the burden of occupational disease

and, in particular, share their approaches and knowledge in this regard. The primary focus of the site is on promoting initiatives aimed at reducing the incidence of occupational cancer (from all routes of exposure) and respiratory diseases (including asthma, chronic obstructive pulmonary disease and silicosis).

The community is open to anyone who has an interest in reducing the incidence of occupational disease and would like to promote their work or seek ideas.

Visit www.hse.gov.uk/aboutus/occupational-disease/index.htm for more information.

TECHNICAL GUIDANCE ON LEGIONNAIRES' DISEASE PUBLISHED



The HSE has published new technical guidance on legionnaires' disease, pertaining to hot and cold water systems.

The guidance is intended for duty holders, which includes employers, those in control of premises and those with health and safety responsibilities for others.

Their legal duties include:

- identifying and assessing sources of risk
- preparing a scheme to prevent or control risk
- implementing, managing and monitoring precautions
- keeping records of precautions
- appointing a manager responsible for others.

The guidance gives practical advice on the legal requirements of:

- the Health and Safety at Work, etc Act 1974
- the Control of Substances Hazardous to Health Regulations 2002 concerning the risk from exposure to legionella
- relevant parts of the Management of Health and Safety at Work Regulations 1999.

The newly published information on the control of legionella bacteria in hot and cold water systems forms the second part of the HSE's three-part technical guidance: HSG274 The Control of Legionella Bacteria.

The first and third parts were published in 2013 and part 2 has now been published online by the HSE.

The technical guidance (HSG274) is comprised of:

- Part 1: The control of legionella bacteria in evaporative cooling systems (2013)
- Part 2: The control of legionella bacteria in hot and cold water systems (2014)
- Part 3: The control of legionella bacteria in other risk systems (2013).

The hard copy version of HSG274 will be published later in 2014.

MANUAL HANDLING IN FOOD AND DRINK SECTOR

The HSE has published revised guidance on manual handling solutions for the food and drink industries.

The second edition of the guidance, HSG196 Moving Food and Drink is aimed at employers and duty holders within the food and drink industry. It discusses manual handling risks and solutions.

Focusing on the risk of damage to employees' muscles and joints, the guide sets out simple and cost-effective ways of reducing both acute and chronic injuries. The solutions outlined in the guidance are successful answers to actual problems experienced by companies.

Specifically, the guidance covers:

- the main causes of injuries
- handling raw materials
- production
- packing into containers
- stacking and moving containers
- handling equipment
- off-site delivery.

The introduction in the new edition has been revised but the case studies remain unchanged. The case studies cover raw materials handling, production, packing into containers, stacking/moving containers, handling equipment and off-site delivery.



The guide points out that in the food and drink industries:

- around one-third of reportable injuries are acute injuries caused by handling and lifting, and more than half of these injuries involve lifting heavy objects
- studies have shown that three-quarters of these injuries are preventable
- back injuries account for around one-third of cases of occupational ill health in food and drink manufacture
- workers carrying out lighter repetitive tasks, eg on production lines, can suffer from chronic (persistent) injuries such as work-related upper limb disorders, which account for almost a quarter of cases of occupational ill health
- for both acute and chronic injuries, the back, neck, shoulders and upper limbs are particularly at risk.

SOUND SOLUTIONS

There is a new edition of HSE's publication HSG232 Sound solutions for the food and drink industries. It gives examples of simple, cost-effective ways of reducing the risk of hearing

damage to workers in the food and drink industries. It contains 60 case studies showing how companies have found successful solutions to problems created by high noise levels.

This new edition has been revised but the case studies remain unchanged. Download the revised edition from HSE's Publications Website www.hse.gov.uk/pubns/priced/hsg232.pdf.

NATIONAL FOOD AND DRINK MANUFACTURING CONFERENCE

Following the very successful annual National Food & Drink Manufacture Health & Safety Conference held in October 2013, the next national Conference will take place at the Park Royal QHotel, in Warrington on 7th & 8th October 2014.

This annual event remains the foremost health and safety conference in the food and drink

manufacturing calendar, aimed at health and safety practitioners, health and safety representatives, managers, consultants, enforcing authorities and machinery & equipment designers and suppliers.

This year's conference will inspire delegates and provide them with renewed vigour and a toolbox of skills to take away. The event is

run by IOSH in partnership with the Food and Drink Manufacture Health and Safety Forum (www.hse.gov.uk/food/forum.htm) and HSE (www.hse.gov.uk/food/index.htm).

Further information, contacts and booking details will be found on the IOSH website www.iosh.co.uk.

FURTHER DEVELOPMENT OF THE VARIABLE MAC (V-MAC) TOOL

Manual handling of loads in picking warehouses (be it heavy goods/light goods or varied) is a common operation that involves lifting tasks of variable frequency and load.

HSE's Manual Handling Assessment Charts (MAC) are

not suitable for assessing such tasks because they assume that the load and frequency of handling are both fixed. HSE have developed a separate tool to the 'MAC Tool' - the 'Variable Mac' (V-MAC) that addresses this issue. However the V-MAC tool requires further development and a report

has been published describing the results of a pilot intervention study with duty-holders and usability testing of the tool with HSE inspectors and duty-holders.

More information and the full report can be found on [HSE's Research Website](#).

HSE UPDATES GUIDANCE ON WORK-RELATED ROAD SAFETY

Story from Fleet News

The Health and Safety Executive (HSE) has updated its [‘Driving at work: managing work-related road safety’ guide](#), which is essential reading for any organisation with employees who drive for work, and self-employed drivers.

The guidance has been fully reviewed and improved

with examples of types of activities companies can use to manage road risk.

At least one in four (26%) of road casualties in Britain involve an at-work driver, according to the latest Department for Transport figures.

Many of these devastating events can be prevented through employers implementing tried and tested policies and practices. Many employers who effectively manage their road risk experience a range of benefits including improved staff morale and reputation, and significantly reduced costs.

NEW GUIDE TO HGV ROADWORTHINESS

Story from Newpress.

The Driver and Vehicle Standards Agency (DVSA) has launched an updated version of its Guide to Maintaining Roadworthiness this week and highlighted the vital role that Driving for Better Business Partner the [BVRLA](#), plays in promoting best practice.

The DVSA launched the [guide](#), widely acknowledged as ‘The Bible’ for HGV operators, to an audience of vehicle rental and leasing industry executives at a BVRLA/Motor Transport breakfast event held at the CV Show.

The latest guide was drawn up with the help of BVRLA members and includes clarification on safety inspection intervals, new guidance on brake testing and

maintenance facilities and an



update on walk-round checks.

“The Driver and Vehicle Standards Agency values the involvement industry partners had in creating a new version of the Guide to Maintaining Road Worthiness,” said Peter Hearn, Head of the Office of the Chief Executive at DVSA.

“The BVRLA and its members have a valuable role in improving safety standards through their quality assurance programme which we have referenced in the guide as a source of best practice to ensure operators are meeting their obligations to regularly monitor the suppliers of vehicles.”

UPDATED HSE GUIDANCE – DRIVING AT WORK

Updated guidance from HSE is now available relating to managing work-related road safety. [The new leaflet](#) applies to any employer with employees who drive, or ride a motorcycle or bicycle at work, as well as self-employed people. It also applies to those using their

own vehicle for a work-related journey. It will be particularly valuable to those responsible for fleet management. Employees and their safety representatives will also find it helpful.

It emphasises how to follow a ‘Plan, Do, Check, Act’ approach and

shows examples of how this approach can be applied to work-related road safety.

Among the new recommendations are the need to ensure that the safest vehicles are made available.

DEVICES USED TO REDUCE OPERATOR ENTRAPMENT AND CRUSHING ON MOBILE ELEVATING WORK PLATFORMS

Health and Safety Executive - Safety Alert

Department Name:	Field Operations Directorate
Bulletin No:	FOD 3-2014
Issue Date:	May 2014
Target Audience:	Mobile Elevating Work Platform manufacturers, owners (hire companies), users and operators, Agriculture, Construction, Engineering, Entertainment and leisure, Manufacturing (general), Others.
Key Issues:	The selection and use of devices to reduce entrapment and crushing to operators working at the controls of boom type mobile elevating work platforms (MEWPs)

This alert must be read with the two referenced documents

Introduction:

- This alert advises that covers/shrouds on machine controls do not protect against entrapment of operators between the machine and nearby obstructions.
- Duty holders are directed to two sources of industry guidance which may be used in assessing and reducing the risk of entrapment/crushing accidents.

Background:

- In 2010 [HSE issued an alert to introduce the publication of industry guidance on avoiding entrapment/crushing accidents in mewps](#); reference 1.
- Industry has been developing a range of devices which can help reduce the risk of serious entrapment/crushing injuries. The International Powered Access Federation, IPAF has recently published a document outlining currently available devices to help protect against entrapment/crushing injuries on mewps; reference 2.
- HSE has reviewed seven fatal accidents in which operators were crushed. In five of the accidents the operator was crushed between an overhead obstruction and a cover/shroud fitted over the controls of the machine.

- Covers/shrouds are classified as primary guarding devices designed to reduce
 1. the risk of inadvertent contact with controls and,
 2. the risk of entrapment/crushing accidents caused by the sustained involuntary operation of the machine controls resulting from the operator being pushed onto the controls by an obstruction.
- HSE acknowledges that it is not possible to conclude that the accidents involving shrouds would have been prevented if those machines had not been fitted with shrouds. Nevertheless HSE wants to share the conclusions of its review with those responsible for the selection of MEWPs (and secondary guarding devices) where there is a risk of entrapment and/or crushing of the operator.

Action required:

- Duty holders should assess the potential for entrapment/crushing accidents in MEWPs for the specific tasks they are to undertake. In making the assessment and deciding on appropriate safeguards, they should consider the issues described in reference 1.
- Where a secondary guarding device (as defined in reference 2) is required, it should be selected for the specific application and its limitations should be clearly understood by those who will be using the machine.
- Covers/shrouds for machine controls should not be relied upon to reduce the risk of entrapment/crushing more generally.

Relevant legal documents:

- Management of Health and Safety at Work Regulations 1999
- Lifting Operations and Lifting Equipment Regulations 1998
- Provision and Use of Work Equipment Regulations 1998

References:

1. [UK Strategic Forum for Construction Plant Safety Group, Best Practice Guidance for MEWPs, Avoiding Trapping/Crushing Injuries to People in the Platform](#)
2. [IPAF Guidance on Secondary Guarding Devices](#)

Further information:

Health and Safety Executive [online advice form](#).

E-CIGARETTES

There are a range of nicotine-containing products (NCPs) on the UK market, including electronic cigarettes and vapourisers, which are not licensed medicines. Despite the increasing popularity of electronic cigarettes, as they are not currently regulated as medicines it is difficult to obtain information on the quality, safety and efficacy of these products.

Data released in March 2014 demonstrates that electronic cigarette use, having increased rapidly over the past two years, has now stabilised at around 17%. Action on Smoking and Health (ASH) has estimated that currently about 1.3 million people in the UK use electronic cigarettes, and around 400,000 people have completely replaced smoking with electronic cigarettes.

Due to the increasing popularity of these products, we have been asked by many members what

are the regulations regarding smoking e-cigarettes in the workplace. All companies have well-established no smoking policies, and after asking the Health and Safety Expert Group, many members are treating electronic cigarettes as normal cigarettes; workers must smoke them in a designated smoking place. However, what you should do with regards to where these products can be used is down to your own company policies.

Some people are using electronic cigarettes as a way to cut down, or try to quit smoking all together, and are questioning whether they should be made to use the same designated areas as those



smoking conventional cigarettes. This is a consideration that each business should be made aware of, but your own company policies will dictate how to proceed with any future changes.

As there is current ongoing research on the safety and quality of NCPs, we will keep members informed as new information is published.

ENFORCEMENT ACTION

FOOD GIANT SENTENCED AFTER ENGINEER'S LIFE-CHANGING INJURY

Date: 16 May 2014

A Global food producer has been fined for serious safety failings after an engineer had his hand severed when it became trapped in live, unguarded machinery at its Norfolk plant.

The worker was servicing a potato peeling machine. As he tried to retrieve a dropped bolt, he climbed down from the peeling machine which was electrically isolated and put his hand into the slurry pump below, which operated and severed his right hand.

He was treated at Norfolk and Norwich hospital for two weeks and has had to undergo eight separate operations on the stump. He is now unable to drive, work or even carry out many day to day activities.

The incident was investigated by the Health and Safety Executive, which prosecuted the company for a safety breach at Norwich Crown Court.

The court was told that self-employed engineer was servicing a 'brush and belt' peeler, a large

machine used to remove skins from potatoes, of which he had previous experience. The machine was isolated and locked off by both the company and the engineer before he began work.

While stripping the peeler down, he dropped a bolt which he thought had fallen through the peeler and into a slurry pump underneath – a single cavity pump with a screw auger at the bottom which removes waste water and peelings when the peeler is in operation. He reached into the slurry pump to retrieve the bolt and the pump started, slicing through his wrist.

HSE's investigation revealed that although the slurry pump appeared to be an integral part of the peeler, it was in fact a separate machine with its own power supply and isolation point.

Crucially, a protective grate bolted on top of the pump to prevent access, was absent, enabling the engineer to reach into dangerous parts of the machine including the screw auger. HSE said the guard

had possibly been absent for some time.

The manufacturing company was fined £50,000 and ordered to pay costs of £9,661 after pleading guilty to breaching Regulation 11(1) of the Provision and Use of Work Equipment Regulations 1998.

Following the case, HSE Inspector Tony Brookes, said:

"[The engineer] suffered a horrific injury in an incident that was wholly avoidable.

"Maintenance activities on production machinery will invariably involve additional hazards beyond those present in normal operation. [The engineer] was put at risk by [The company's] inadequate assessment of risks and lack of effective measures to stop access to dangerous parts of equipment."

For more information about safety in the food manufacturing industry visit <http://www.hse.gov.uk/food/index.htm>

SAUCES FIRM PROSECUTED OVER FORKLIFT DEATH

Date: 15 May 2014

A sauces manufacturer has been fined £140,000 after a forklift truck driver was killed at a factory in Runcorn.

The worker was using his forklift truck to load a lorry trailer outside the factory on the Astmoor Industrial Estate on 18 April 2011 when another lorry reversed into the side of his vehicle. The forklift

overturned, killing him instantly.

The company was prosecuted by the Health and Safety Executive (HSE) after an investigation found that forklift truck drivers had regularly driven onto a public road to load lorries, without the company putting any safety measures in place.

Liverpool Crown Court heard the 49-year-old worker had been loading pallets containing tubs of mayonnaise onto the trailer. He had finished loading one side and had moved into the road to reach the other side of the trailer.

As he moved the forklift truck into position, a lorry that had been parked up alongside the trailer

slowly started to reverse. The worker shouted out and the HGV driver applied his brakes but it was too late to make a difference and the lorry hit the forklift truck.

The court was told that vehicles regularly visited the site with deliveries or to pick up loads of mayonnaise to distribute, with most reversing down the road to avoid having to turn around in the cul-de-sac.

The company had not carried out an adequate assessment of the risks to its employees or visiting drivers using the 'Goods Out' area. Drivers were also not given any information, instruction or training on how to load the lorry trailers safely, and there was poor supervision.

The manufacturing company was fined £140,000 and ordered to pay £22,657 in prosecution costs after pleading guilty to a breach of the Health and Safety at Work etc Act 1974.

Speaking after the hearing, HSE Inspector Deborah Walker said:

"Our investigation revealed a chaotic and dangerous system, and sadly it was entirely foreseeable that someone was at risk of being badly injured or killed.

"Neither [the fork-lift operator] nor the lorry driver had any way of knowing they were both about to start operating their vehicles, and sadly [the fork-lift driver] did not have time to get out of the way when the HGV began to reverse.

"Following the incident, the company created a no-parking zone along the 'Goods Out' area which means there is now space for forklift truck drivers to load trailers without having to come out into the road. The firm also set up a booking-in system for vehicles delivering to the factory.

"If these simple measures had been in place at the time of the incident then [the worker's] tragic death could have been avoided."





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