

PRIMARY AUTHORITY ASSURED ADVICE

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

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Advice Issued June 2014 and reviewed November 2017 and May 2021, Primary Authority Advice is issued by Wakefield Council to The British Frozen Food Federation that the guidance document 'The Legislative Requirements for Health Surveillance for Cold Store Workers including Night and Shift Work version 4' is satisfactory to comply with Health and Safety at Work etc. Act 1974, the Management of Health and Safety at Work Regulations 1999, the Working Time Regulations 1998 and the Control of Noise at Work Regulations 2005

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IT HAS BEEN ASSESSED BY THE PRIMARY AUTHORITY THAT THE ABOVE DOCUMENT DEMONSTRATES COMPLIANCE WITH HEALTH AND SAFETY LEGISLATION.

WHERE THIS DOCUMENT IS PROPERLY IMPLEMENTED BY BFFF MEMBERS IT WOULD DEMONSTRATE SO FAR AS IS REASONABLY PRACTICABLE, COMPLIANCE WITH THE ABOVE HEALTH AND SAFETY LEGISLATION

If you require further information and the full version of this advice and guidance, please contact the Primary Authority via the Primary Authority Register.

THE PRIMARY AUTHORITY WOULD NOT BE PREPARED TO SUPPORT ENFORCEMENT ACTIONS WHICH CHALLENGE THE ADEQUACY OF THIS POLICY.



Introduction

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 important for:-

- detecting ill-health effects at an early stage, so employers can introduce better controls to prevent them getting worse;
- providing data to help employers evaluate health risks;
- enabling employees to raise concerns about how work affects their health;
- highlighting lapses in workplace control measures, therefore providing invaluable feedback to the risk assessment;
- providing an opportunity to reinforce training and education of employees (e.g. on the impact of health effects and the use of protective equipment).

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

The Management of Health and Safety at Work Regulations 1999

Regulation 6 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.”

The Working Time Regulations 1998

Regulation 7 states that, 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 (or young worker for the restricted period: 22:00 – 06:00 hours), unless the employer has ensured that the worker has the opportunity for a 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 states that 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. (see Regulation 3 of The Management of Health & Safety at Work Regulations 1999)

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 e.g Raynaud 's phenomenon, 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 launched a suite of web pages providing additional advice in the area of health surveillance. They can be accessed by the following web link: <http://www.hse.gov.uk/health-surveillance/>



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