

# KEEP IT SAFE

BFFF QUARTERLY HEALTH & SAFETY NEWSLETTER

JULY 2015



**British Frozen Food Federation**

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## FOREWORD

### Welcome to the new edition of Keep It Safe.

Once again, BFFF have been working hard to produce guidance for the sector. We are currently continuing to work on guidance for 'Working at Height on refrigerated vehicles'. We are looking to meet with HSE later in the summer to discuss how to move forward with the guidance.

We have published our first Fire Safety advice, as part of our Primary Authority partnership with Lincolnshire Fire and Rescue, and there's more information on this in this issue.

The BFFF Health & Safety webpages have been updated and now include new and up to date guidance on a wider range of topics than before. There is also a brand new 'Case Studies' section, which includes case studies from across the industry for a variety of different circumstances. The new and updated webpages are available under the Health & Safety tab here: [www.bfff.co.uk](http://www.bfff.co.uk). All members and their employees have free access to our web site so please contact [neeshacleary@bfff.co.uk](mailto:neeshacleary@bfff.co.uk) for any log in details you may require.

This issues' safety focus is on Pallet Truck Training and the Fire Safety Advice is on Choosing a Fire Assembly Point. There is also further information on Legislation changes and guidance for the industry.

If there are any topics that you would like to see covered in future issues of Keep It Safe, please contact [joannahancock@bfff.co.uk](mailto:joannahancock@bfff.co.uk)

If you would like to get involved with any of our Primary Authority schemes contact [crystalholmes@bfff.co.uk](mailto:crystalholmes@bfff.co.uk)

### Expert Group Update

The BFFF Health & Safety Expert group last met on the 20<sup>th</sup> May.

Our expert group consists of health and safety experts representing all sectors of the BFFF membership. They work in a proactive and open manner to discuss industry level issues all aimed at reducing injuries and ill health incidents within our sector and supporting members with this aim.

The group met this month to agree the strategy for future BFFF health and safety work and discuss relevant health and safety issues. Topics discussed at this meeting included; 2014 accidents statistics and priority areas, HSE common strategy for our sector, food industry compliance to DSEAR and new guidance work streams for our members. The meeting was rounded off by a presentation by David Blackhurst of Star Technical Solutions; he covered Ammonia Refrigeration Systems and Regulatory Compliance.

The group provides their expert knowledge when BFFF deal with member queries. This is a completely free service for our members to use. All queries are treated confidentially and are always anonymized before circulation to the expert group for opinion. So please feel free to contact Joanna Hancock if you would like to use this service or if you have any topics for future discussion at the meetings.



**Crystal Holmes**  
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We do hope that you find  
*Keep It Safe* a valuable read.



**Joanna Hancock**  
Health, Safety & Projects Manager  
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## BFFF HEALTH AND SAFETY INITIATIVES

### PRIMARY AUTHORITY AWARDS LAUNCHED

Joanna Hancock and Su Dakin attended a Ministerial reception at BIS to launch the 2015 Primary Authority Awards. One element was a roundtable discussion with the Minister of State for Business and Enterprise and the Minister of State for Energy, MP Matthew Hancock on how we thought the PA scheme could be improved and developed in the future. BFFF raised the opportunity for greater engagement from National Regulators to provide a consistent approach in developing advice for businesses.



In 2014 BFFF won a Primary Authority award for contributions to the scheme and its development.

This year, BFFF have entered Lincolnshire Fire & Rescue into the awards for Primary Authority of the Year, and also Keiron Davey, from LFR, for Officer of the Year. This is as our thanks for their outstanding work in helping with the development of the Fire Safety Primary Authority and helping our members become compliant, without causing any burden to their businesses. We are delighted that Lincolnshire Fire & Rescue have been selected as finalists for the awards for their partnership with BFFF.

If you would like to find out more about our PA member benefit – which is free and can give you advice that has legal backing, contact Technical Assistant [CrystalHolmes@bfff.co.uk](mailto:CrystalHolmes@bfff.co.uk)

### FIRST FIRE SAFETY ADVICE PUBLISHED

As you are aware BFFF have been working with Lincolnshire Fire & Rescue, as part of our Primary Authority Partnership, to provide members with Fire Safety advice that is currently not available for the industry.

We are now pleased to announce that the first piece of assured advice has been published. The advice is an induction pack for businesses to hand out to new employees and contractors. It includes:

- Induction Pack;
- Hot Works Permit;
- Hot Works Permit Instructions; and
- Hot Works Checklist.

The advice is available to all members, but can only provide legal backing to those in the Primary Authority Scheme. If you wish to get involved, please contact [crystalholmes@bfff.co.uk](mailto:crystalholmes@bfff.co.uk)



## HSE FOOD MANUFACTURER INSPECTIONS

Through our membership of the HSE Food Manufacturing Forum we have been informed all food manufacturers will be inspected by HSE between April 2015 and April 2016. Their inspections will start with food producers within the categories of Bakeries/ Cakes/ Dairy/ Cheese/ Meat and Poultry Processing. They will then look at other food manufacturing sites.

The focus of their inspections will revolve around the management of Musculoskeletal disorders in food and drink manufacturing and also the management of occupational asthmagens and carcinogens in manufacturing industries.

Their pro-active inspection programme will involve the following:

### **Focus Area 1- Controlling significant health risks from Musculoskeletal disorders caused by manual handling (MH) and repetitive tasks**

The benchmark they have set for these inspections is nil or negligible risk of a serious injury or health effect. They have stated that non-compliance with the benchmark standards (set by the MAC or ART tool) will produce at least a 'substantial risk gap' with standards established or defined. This would result in an initial enforcement expectation of an Improvement Notice.

### **Focus Area 2- Occupational asthmagens and carcinogens in manufacturing industries**

Flour dust and enzymes are the main asthmagens and/or carcinogens relating to our industry that they are focusing on and they are targeting manufacturers of bread, fresh pastry goods, cakes, rusks, biscuits and bakeries for this campaign.

More information on what the inspections will involve is stated within the guidance section.

## IOSH NATIONAL FOOD AND DRINK HEALTH & SAFETY AWARDS

IOSH have launched their National Food and Drink Health & Safety Awards and we would like to encourage businesses to get involved.

Entry is open to anyone working in the food and drink manufacturing industries, including health and safety advisors, occupations nurses, hygienists, ergonomists, engineers, process operations, safety representatives and employee representatives.

Sponsored by the IOSH Food and Drink Group and with judges from the HSE, FDF and TUC, the awards look at recognising and celebrating the contributions of individuals or teams that have produced a solution to health and safety problems.

The first prize is a trophy, certificate and a cheque for £750. At the judges' discretion, one or two runners-up may each receive a trophy, certificate and a cheque for £250.

The winners and runners-up will also be offered the opportunity to give a 20-minute presentation on their project at the start of day two of the conference.

The closing date for entries is Friday 31 July 2015. For further information on how to enter please visit: <http://tinyurl.com/oxso32d>



## ENERGY SAVING OPPORTUNITY SCHEME REGULATIONS (ESOS)

ESOS is a mandatory scheme requiring large companies in the UK to assess their energy saving potential every four years and notify the Environment Agency that they have complied.

Companies have to comply with ESOS if on the 31<sup>st</sup> December 2014 their business had more than 250 employees, or, had an annual turnover exceeding €50 million and a balance sheet exceeding €43 million, or, if they are a subsidiary of an organisation that meets these two criteria. Organisations that are subject to certain public contracts regulations are exempt.

As this new legislation affects a number of our members, we launched the BFFF group scheme in February through a dedicated seminar and the monthly updates. Sector energy efficiency and compliance experts, Ray Gluckman and Julie Gartside (both formerly SKM Enviros) are running the scheme which is available to all relevant BFFF members and their subsidiary/ parent companies.

Following the seminar, interest was shown from a selection of members from across the industry. It is not too late to join the scheme and ensure that your company is compliant in this area. Contact [Joannahancock@bfff.co.uk](mailto:Joannahancock@bfff.co.uk) for more details.

## BFFF MEMBERS' COLLATED HEALTH AND SAFETY INJURY STATISTICS 2014

We have pleasure in sharing with you the members' collated health and safety injury statistics for 2014. We are delighted that even more members took part last year with 29 Food Producers, 22 Wholesalers and 6 Logistics Service Providers (LSP's) all sharing their data with us representing over 35,000 employees. So thank you to all our members that contributed to this important service for our members.

The chart below highlights the average injury rate per 100,000 employees from 2009 through to 2014. The detailed spreadsheets for each sector are available to all members that have provided their statistics, so please contact Joanna Hancock if you would like to see a detailed comparison for your company.

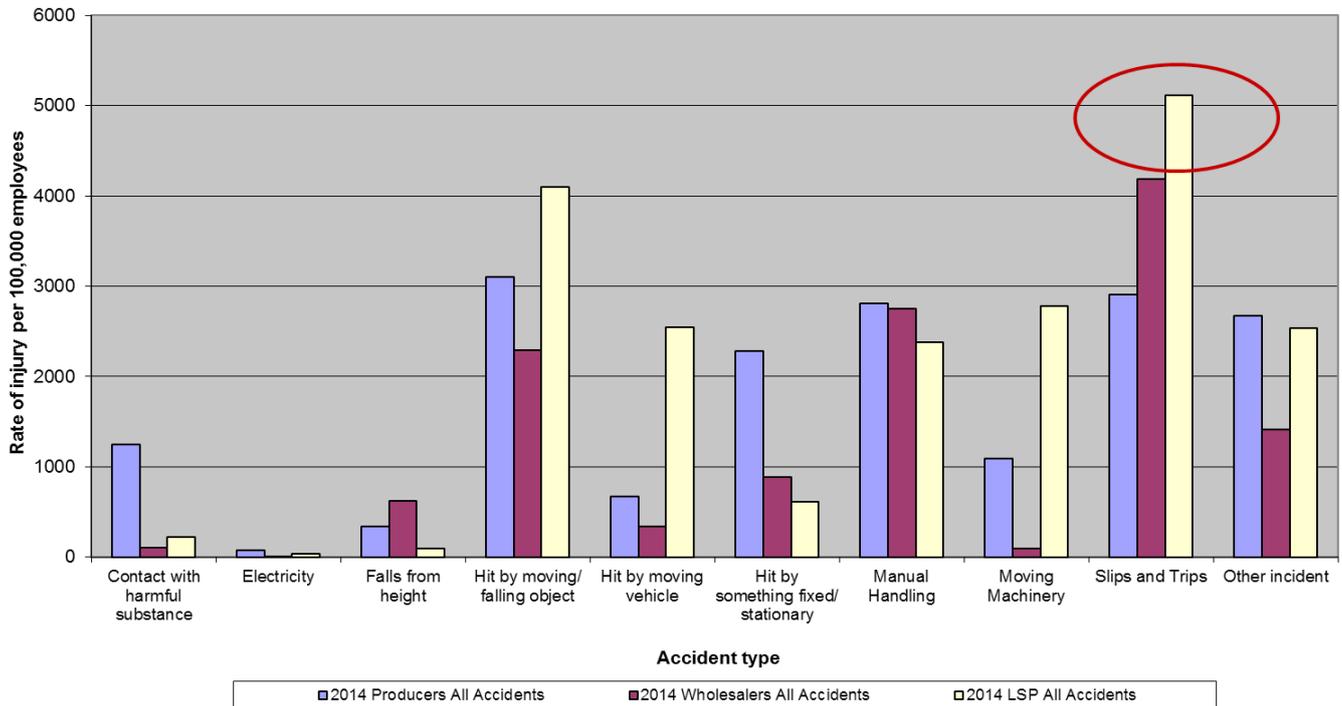
It is also important to note that the RIDDOR reporting parameters for 2012 onwards show the over 7 day accidents whereas the previous years' figures show over 3 day reportable accidents.

SECTOR SPECIFIC INFORMATION								
SECTOR	No. of responses received	Average injury rate per 100,000 employees for the sector						% Change 2013 - 2014
		2009	2010	2011	2012	2013	2014	
PRODUCERS All Accidents	29	17,446	20,828	17,953	18,909	17,189	20,670	20.3%
PRODUCERS Reportable only		1,261	1,673	1,609	942	1,663	1,035	-37.7%
WHOLESALEERS All Accidents	22	12,991	10,648	13,174	10,678	12,678	11,548	-8.9%
WHOLESALEERS Reportable only		1,736	1,990	2,168	1,433	1,280	1,564	22.2%
LSPs All Accidents	6	n/a	15,417	12,806	16,025	20,404	9,159	-55.1%
LSPs Reportable only		n/a	1,768	1,855	1,244	656	2,025	208.7%

The following charts breakdown the 2014 figures in more detail for the sectors.

## **All Accidents 2014**

**Members All Accidents Breakdown  
2014**



## **Food Producers**

Although the 'all accident rate' for food producers increased from last year, the rate is below the peak in 2010. The top three accident category areas mirror the results from 2013 and were:

1. Hit by moving/ falling object
2. Slips & Trips
3. Manual Handling

## **Wholesalers**

Encouragingly the 'all accident rate' has decreased from last year and the trend is downwards from 2009. Once again the top three accident categories mirror the results from 2013 and were:

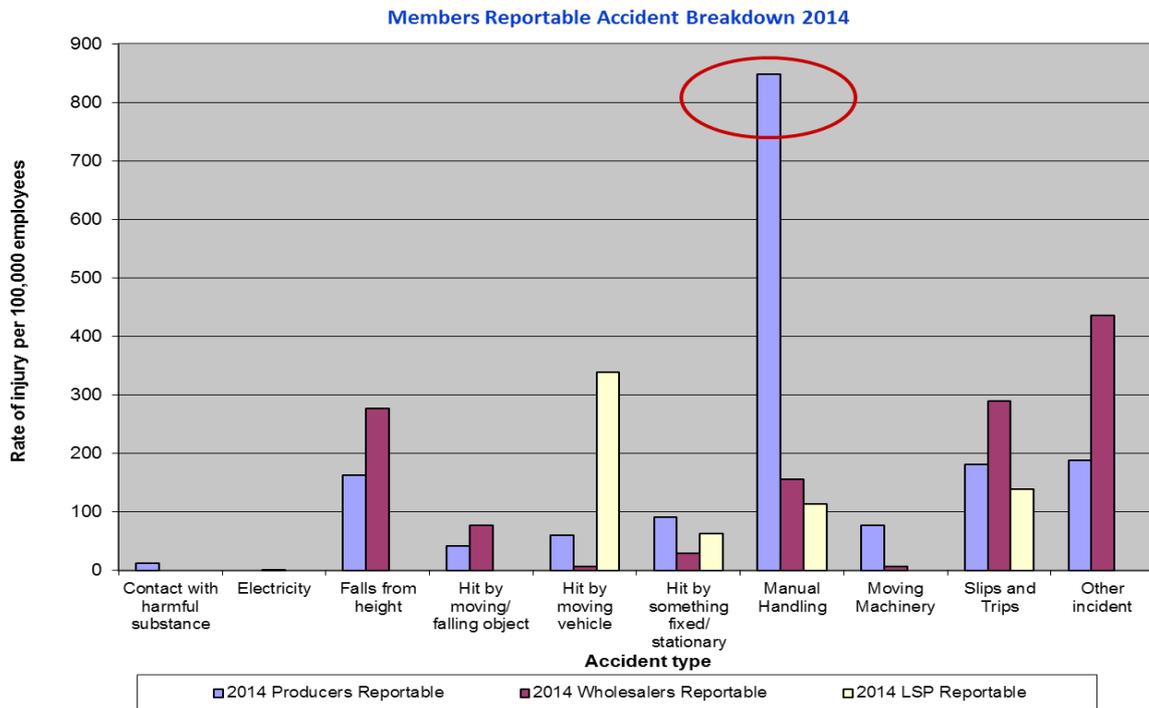
1. Slips & Trips
2. Manual handling
3. Hit by moving/ falling object

## **Logistics Service Providers**

With the relatively small sample of companies contributing to the data, it is difficult to analyse the results however the top three accident categories are very similar to the wholesale sector being:

1. Slips & Trips
2. Hit by moving/ falling object
3. Moving machinery

## Reportable Accidents 2014



### Food Producers

Encouragingly the reportable accident rate significantly reduced last year. The top three reportable accident categories were as shown below. Although 'slips & trips' accidents feature again within the top 3, there is an overall trend downwards for food producers:

1. Manual Handling
2. Slips & Trips
3. Falls from height

### Wholesalers

The reportable accident rate has increased from last year however we now have even more wholesalers providing us with their information. The top three reportable accident categories were as shown below. Encouragingly there is an overall downward trend for 'slips & trips' and 'manual handling' accidents:

1. Slips & Trips
2. Falls from height
3. Manual Handling

### Logistics Service Providers

Again with the relatively small sample of companies contributing to the data, it is difficult to analyse the results however the top three accident categories were:

1. Hit by moving vehicle
2. Slips & Trips
3. Manual Handling

## 2014 Summary and next steps

BFFF strives to support members to reduce their overall accident rate by providing a mechanism for members to benchmark their performance compared to the sector and providing guidance and advice on specific health and safety issues.

Throughout 2014, we answered 45 health and safety queries from members and our portfolio of industry guidance now includes 3 major pieces of industry guidance and 7 assured guidance notes.

We have collated our members' accident statistics since 2007 and are delighted with the significant number of member companies that are contributing to this work. We have an excellent benchmarking tool for the industry, and although there has been a reduction in the injury rate in specific areas, there is still room for improvement for the sector as a whole.

In order to quantify some of the target areas for our members, BFFF will be coordinating a small working group of selected BFFF members to compare their accidents in detail. The aim of this working group will be to dissect their accident rates and provide members with clarity on some of the specific target areas to reduce accidents. Their work will also include providing members with guidance on the true costs of accidents. The group will be meeting within the next few months and we will keep members updated on the progress.

## ENHANCING OUR STATISTICS FOR THE FUTURE

The management of occupational health issues is a concern for the whole of the food industry. Indeed queries within this topic are the most frequently asked questions from our members.

BFFF would like to enhance the statistics that we collate from our members for the future to incorporate occupational health statistics. The aim will be to create a benchmarking tool for the industry and produce key performance indicators for occupational health incidents. As such we will be asking members to provide BFFF with the following additional information relating to a 12 month period:



- How many incidents of back injury have been reported?
- How many cases of mental ill health have been reported (including stress)?
- How many cases of work related upper limb disorder (WRULD) have been recorded (please include all cases whether RIDDOR reportable or not)?
- How many cases of occupational asthma have been recorded (please include all cases whether RIDDOR reportable or not)?
- How many cases of occupational dermatitis have been recorded (please include all cases whether RIDDOR reportable or not)?
- How many cases of occupational hearing loss have been recorded?

Occupational health issues will remain a focus area for the regulators in the near future and we would like to thank all members in advance for contributing to this new area of work.

Please do not hesitate to contact Joanna Hancock if you would like to discuss any elements in detail.

## CHOOSING A FIRE ASSEMBLY POINT



The Regulatory Reform (Fire Safety) Order 2005 (RRO) requires that “emergency routes and exits must lead as directly as possible to a place of safety”.

A “place of safety” is usually designated as the Fire Assembly Point and is a key piece to any emergency plan. It should be well-known and clearly marked to provide an easy location during an emergency. Within the building the evacuation notices should indicate the assembly point.

For many premises a single assembly point is sufficient, but you may need more than one, e.g. because of prevailing weather conditions, hazardous materials location, occupants needing to exit from opposite sides of a building, or due to the scale or complexity of the premises.

In larger premises, there may be multiple assembly points, with each area having its own dedicated point. Each assembly point should have a safety officer responsible for managing the affairs of the assembly point during an emergency until the situation is all clear.

The assembly point should be located far enough away from the building to afford protection from heat and smoke in a fire situation but not so far away as to discourage people from using it. Fire Assembly Points should be in positions that do not put staff, visitors and users of the building at risk from emergency vehicles responding to the incident, or from general/other traffic in the vicinity, therefore the Fire Assembly Points should be located away from, and off the vehicle access routes leading to the building. Ideally the Fire Assembly Points should be located so as not to require the crossing of a road or movement through trafficked areas.

Fire Assembly Points are temporary gathering areas where it can be immediately determined if everyone is out of the building. Appropriate decisions should be made in regard to continuance of use of the Fire Assembly Points for longer durations. Management and staff should undertake fire drills so that they will be familiar with what should be done in the event of a fire occurring and the locations and use of the Fire Assembly Points.

When it comes to choosing a specific assembly point, picture your own office or workplace. Where are the potential hazards? Would you want to have a meeting place beside these potentially hazardous locations? To get an idea of where the assembly point should be, think of the safest locations that are free from hazards, and that have good lighting, then make your evacuation plans accordingly. Use your common knowledge, and get input and feedback from your staff to ensure that everyone has a say regarding the potential threats of the proposed assembly point.

You should also consider all your options before adjusting or finalising your plan. The location of assembly points should be regularly reviewed particularly if there is any significant change within the premises.

Finally, you may need to consider different assembly points for different types of incidents e.g. fire, chemical leaks, bomb threats etc. These may need to take into account factors such as ground conditions (slopes, hard standing, and grass), prevailing weather conditions, and distances from buildings. Further guidance can be found in the Fire Safety Risk Assessment Guides.

## CALL FOR BUSINESSES TO FOLLOW SAINSBURY'S LEAD AFTER DEPOT FIRE

Fire chiefs have called on other businesses to follow Sainsbury's lead in installing sprinklers on business premises, following a recent fire at the retailer's distribution depot in Charlton which was controlled with the help of the retailer's own fire suppression system.

On Monday, 18 May 2015, London Fire Brigade was called to a fire in Sainsbury's Thameside Depot on Lombard Wall in Charlton at just after 4pm.

Ten fire engines and over 70 firefighters tackled the blaze which started in a lorry parked in one of the loading bays outside the warehouse before spreading to six other lorries and part of the depot's wall. The cause is under investigation.

Thick black smoke from the fire could be seen for miles around but the fire was under control by around 6.30pm.

The fire chiefs said that the sprinkler system Sainsbury's had installed, and the quick actions of firefighters, helped prevent potentially devastating damage to the distribution depot.

The Brigade is now calling on other businesses to follow the supermarket giant's example and have sprinklers installed in their own premises.

According to independent research, each year one in five warehouses in England will have a fire requiring the attendance of firefighters.

London Fire Brigade is campaigning for business owners, care providers and housing developers to fit sprinklers in commercial premises, residential care homes, housing and schools.

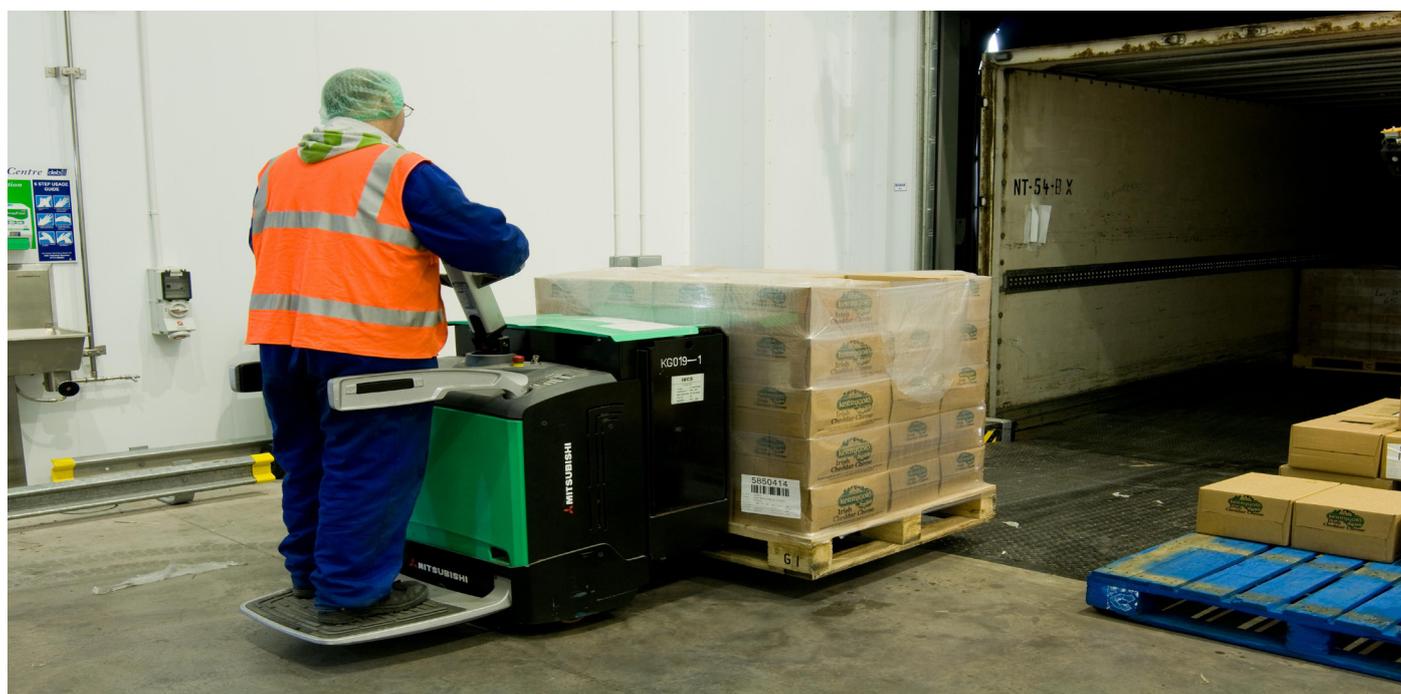
Commenting on the depot fire, Deputy Assistant Commissioner Mark Andrews said, "This incident highlights the clear benefits of sprinklers to businesses and we would urge all companies to install them. As well as being potentially lifesaving devices, sprinklers and other fire suppression systems help with business continuity by minimising disruption and allowing businesses to get back to normal as soon as possible."



## SAFETY FOCUS

### TRAINING KEY TO POWERED PALLET TRUCK SAFETY

*Mentor Training, the UK's leading materials handling training provider, is encouraging employers to make operators and their colleagues on foot aware of the dangers posed by powered pallet trucks. Though less imposing than counterbalance or reach trucks, Andy Cartwright, Mentor's Technical Manager, explains why it is important not to overlook these small but powerful machines when creating your company's training plan.*



It should go without saying, but a powered pallet truck is a type of fork lift truck. So it follows that the risks surrounding its operation is the same.

Yet, these trucks are often regarded as less of a risk simply because they appear less daunting in stature, without cabs and, in most cases, without loads being lifted at height. Though powered pallet trucks can look fairly innocuous, they should not be underestimated. After all, there's a reason why they are covered by the same legal requirement as counterbalance and reach trucks for safety training.

Powered pallet trucks are heavy pieces of equipment and easily capable of causing real damage to operators and colleagues on foot, as well as stock, fixtures and fittings. According to the HSE, over 200 people per year are struck by fork lift trucks and other vehicles in food and drink factories.

That's not all; they are often operated in constricted spaces and with the operator only ever an arm's reach away from the front of the machine when it's in motion (in the case of pedestrian operated trucks), the risk of trapping is high. And rider operated trucks present their own hazards; a hasty dismount before the machine comes to a complete stop can easily lead to a broken ankle.

These and all incidents involving workplace transport equipment are not only costly and disruptive to the lives of those injured but also to the businesses in which they take place, so it's crucial that employers, as well as the workforce, understand the risks and their responsibilities to minimise them.

Regulation 9 of the Provision and Use of Work Equipment Regulations 1998 (PUWER) requires that those operating **any type of work equipment** should be trained in its use, as should those who oversee the operation of the equipment. Managers and supervisors play a key role in keeping their teams safe so it's vital that they can identify the risks.

To help businesses who use powered pallet trucks to stay safe, we have put together five top tips for the safe use of powered pallet trucks to share amongst your workforce:

### **1. Control your speed**

Always drive at a safe speed, matching the pace of the operation to the conditions and load being handled. Even when carrying a load correctly, excessive speed can cause a truck to tip over, and an unladen truck will tip over even more readily. Avoid harsh acceleration, braking and erratic use of hydraulics. Instead, plan ahead, change pace gradually and sympathetically and operate hydraulics smoothly to reduce the risk of a tip over, loss of load or worse.

### **2. Stick to safe, appropriate use of your truck**

Only ever use a truck in the way it is meant to be used. Inappropriate and unsafe use is a disciplinary matter that could lead to loss of employment. Most accidents on these machines involve the truck coming into contact with the operator. To stay safe:

- Face the direction of travel
- Stand to one side of the tiller arm
- Keep arm fully outstretched to maximise the distance between operator and truck
- To stay in control, keep at least one hand on the tiller wheel at all times when moving
- Always travel forks trailing; they should only lead when picking up/putting down a load
- Never ride on a truck without a platform. If it has a platform, ride only on this part of the truck

### **3. Ensure stability is maintained**

To help maintain stability, stick to carrying out one action at a time. When starting to move or stopping, turning, lifting or lowering, ensure each action is completed smoothly and carefully. And remember, these trucks are most stable when the load is carried as low and as far back as possible.

### **4. Stay aware of pedestrians**

According to HSE figures, on average, around 60% of those injured by forklift trucks are 'on foot' at the time of impact. Be aware of pedestrians at all times. Always obey signs and markings and keep to designated travel routes and slow down and sound the horn when approaching blind corners. Never allow passengers on to your truck, including standing or riding on the forks.

### **5. Maintain concentration and observations throughout**

Prevent accidents by staying aware. Always look in the direction of travel and make sure you can see clearly ahead to avoid debris or potholes. Never do anything which could affect your concentration or physical ability to control the truck, including eating, drinking, using a phone or smoking.

For more information or to find out about the range of lift truck courses available through Mentor, visit [www.mentortraining.co.uk](http://www.mentortraining.co.uk) or call 01246 555222 to discuss your requirements.

# LEGISLATION UPDATE

## INCREASE IN MAGISTRATES' COURTS SENTENCING POWERS

Section 85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) came into force on 12 March 2015. Section 85(1) has the effect of increasing the maximum level of fine available to Magistrates' Courts to an unlimited fine (currently £20,000 for most health and safety offences). Under section 152(1) these changes apply to England and Wales but not to Northern Ireland or Scotland. The increase has no retrospective effect so will only apply in respect of offences committed after 12 March 2015.

However, when the provision does apply it is likely that more cases shall be dealt with by the Magistrates Court because their powers of sentence will be sufficient. The Criminal Practice Direction XIII Annex 3 has been amended to indicate the types of case in which, despite the unlimited fine being available, must be dealt with by an authorised District Judge. The types of case include:



- Cases involving death or significant, life changing injury or a high risk of death or significant, life changing injury
- Cases where the defendant corporation has a turnover in excess of £10 million but does not exceed £250 million, and has acted in a deliberate, reckless or negligent manner
- Cases where the defendant corporation has a turnover in excess of £250 million
- Cases where the court will be expected to analyse complex company accounts
- High profile cases or ones of an exceptionally sensitive nature

The Prosecution must notify the court 7 days before the first hearing if the case falls into one of the types of case set out above so that a District Judge can be allocated. Where a District Judge is not appointed at the first hearing the court must adjourn the case. This provision only applies when the offence has been committed after 12 March 2015. However, some courts may in practice begin to treat all such cases as requiring a District Judge.

Despite the Magistrates' Court having maximum fines available, section 3 of the Powers of Criminal Courts [Sentence] Act 2000 can be invoked in order to allocate a case to the Crown Court for sentence. Section 3(2)(a) sets out that where the court is of the opinion the offence or combination of offences make it so serious that a greater punishment should be inflicted, the Crown Court should deal with it as though the person has been convicted on indictment.

Businesses should be aware of this change. Whilst it is always notoriously difficult to gauge whether Magistrates will accept jurisdiction, these new provisions may, arguably, provide some clarity. However even if it is apparent a matter should remain in the Magistrates as a result of these provisions, the level of fines is likely to be notoriously difficult to predict.

The new provisions provide more guidance on what might be termed a 'large company'. As previously, it will be smaller companies that will suffer as a result of the uncertainty whilst it becomes clear how these provisions will actually be applied.

It will also increase potential inconsistency of fines as there is now no cap, or limit and penalties are likely to vary greatly across England and Wales. We are all too aware that uncertainty of this nature can create real difficulties for clients in their business planning, particularly if a matter takes a long time to get to Court.

Serious consideration will need to be given to decisions by clients as to whether it is in their best interest to indicate guilty pleas in the magistrates court and hence run the risk of being sentenced there, or whether consideration should be given to electing for a trial in the Crown Court and then indicating guilty pleas at the earliest opportunity following committal to the Crown Court jurisdiction.

The potential impact of the increased powers given to magistrates courts will be all the greater if the proposals contained in the recently concluded Sentencing Council Consultation (which will lead to significantly higher penalties being imposed) are implemented.

The Legal Aid, Sentencing and Punishment of Offenders Act 2012 is available to view here: [http://www.legislation.gov.uk/ukpga/2012/10/pdfs/ukpga\\_20120010\\_en.pdf](http://www.legislation.gov.uk/ukpga/2012/10/pdfs/ukpga_20120010_en.pdf) and the Criminal Practice Direction, with the amendment, is available here: <http://tinyurl.com/pf9d5mt>

## GOVERNMENT'S FINAL PROGRESS REPORT ON HEALTH AND SAFETY REFORMS

### HSE statement:

“This final progress report from the Department for Work and Pensions marks a major milestone in the achievements HSE has made in delivering reforms to health and safety legislation and guidance.

“Through both the dedication of our staff and close engagement with business and other stakeholders, we have simplified and modernised a large amount of regulation without compromising standards of protection for workers.

“There have been a number of reviews of health and safety in recent years and they have all shown that the system we have in Great Britain remains fit for purpose.

“We have made significant progress in reducing regulatory burdens for business by further helping them understand what they need to do to keep their workers safe.

“We have tackled over interpretation of legal requirements and reduced the overall stock of legislation by 50%. We have also undertaken an extensive guidance review.

“HSE is 40 years old this year. Having demonstrated our ability to evolve, we will continue to adapt and embrace new ways of working, and through close engagement with business and other stakeholders, ensure regulations remain effective and fit for purpose.

“We are proud of our regulatory system and what it has achieved in protecting the lives of workers in Great Britain.”



Department  
for Work &  
Pensions



The report ‘A final progress report on implementation of health and safety reforms’ can be accessed here: <http://tinyurl.com/ochlwwc>

## MODERN SLAVERY ACT 2015

The Modern Slavery Bill received Royal Assent on Thursday 26th March. It is the first of its kind in Europe, and one of the first in the world, to specifically address slavery and trafficking in the 21st century.

The new legislation significantly enhances support and protection for victims, gives law enforcement the tools they need to target today's slave drivers, ensures perpetrators can be severely punished, and includes a world leading provision to encourage business to take action to ensure their end-to-end supply chains are slavery free.

Having undergone extensive Parliamentary and public scrutiny, the Modern Slavery Act is one of the final pieces of legislation to be put on the statute books by this government.

Home Secretary Theresa May said:

The presence of modern slavery in today's society is an affront to the dignity and humanity of every one of us. The Modern Slavery Act 2015 is an historic milestone.

This landmark legislation sends the strongest possible signal to criminals that if you are involved in this vile trade you will be arrested, you will be prosecuted and you will be locked up. And it says to victims, you are not alone - we are here to help you.

I want to pay tribute to the campaigners, organisations, and Parliamentarians of all parties for their hard work and determination to shine a light on this hidden crime and for helping to shape this law.

Our work is far from over, and everyone in all sectors of society must play their part. But we as a nation can be proud that today we are closer to consigning slavery to the history books where it belongs.

The Act will strengthen the response of law enforcement and the courts by:

- Increasing the maximum sentence available for the most serious offenders from 14 years to life imprisonment;
- Ensuring that perpetrators convicted of slavery or trafficking face the toughest asset confiscation regime;
- Consolidating and simplifying existing modern slavery offences into one Act;
- Introducing Slavery and Trafficking Prevention Orders and Slavery and Trafficking Risk Orders to restrict the activity of individuals where they pose a risk of causing harm; and
- Strengthening law enforcement powers at sea to close loopholes which can prevent the police and Border Force being able to act on board vessels at sea.

The Act also establishes the UK's first ever Independent Anti-slavery Commissioner to drive forward the law enforcement response and hold them to account at all levels, ensuring that the perpetrators are caught and prosecuted and that the victims are swiftly identified so they can get help.

The Modern Slavery Act 2015 is available to view on the [legislation.gov](http://www.legislation.gov.uk/ukpga/2015/30/enacted) page here: <http://www.legislation.gov.uk/ukpga/2015/30/enacted>

**MODERN DAY SLAVERY**

The new Construction (Design and Management) Regulations (CDM 2015) came into force on 6 April 2015.

Whatever your role in construction, CDM 2015 aims to improve health and safety in the industry by helping you to:

- sensibly plan the work so the risks involved are managed from start to finish
- have the right people for the right job at the right time
- cooperate and coordinate your work with others
- have the right information about the risks and how they are being managed
- communicate this information effectively to those who need to know
- consult and engage with workers about the risks and how they are being managed



HSE has produced some new leaflets to help businesses better understand the regulations.

### [A short guide for clients on the Construction \(Design and Management\) Regulations 2015](#)

This leaflet is aimed at anyone having maintenance, small-scale building work or other work carried out. As a client you have duties under the Construction (Design and Management) Regulations 2015. The Regulations aim to make sure the construction project is safe to build, use and maintain and offers good value. The leaflet explains what clients need to do and points out where you can find out more. It can be found here: <http://www.hse.gov.uk/pubns/indg411.htm?ebul=gd-cons/cdmapr15&cr=3>

### [Construction Phase Plan \(CDM 2015\) - What you need to know as a busy builder](#)

This leaflet provides a list of essential points to help you to plan and organise the job, and work together with others involved to make sure that the work is carried out without risks to health and safety. It will also help you to comply with CDM 2015. There is also a blank template on which you can record your plan. It can be found here: <http://www.hse.gov.uk/pubns/cis80.pdf?ebul=gd-cons/cdmapr15&cr=4>



## Q&A'S

### ELECTRICAL SAFETY TRAINING

Q. I am looking to provide some training to my employees on electrical safety. Are there any free resources that I can use?

A. At their annual Food and Drink Conference in 2013 IOSH launched an online electrical safety training package which targets operatives, managers and electricians working in the food and drink industry.

The training package consists of a film (available both online and on DVD) along with:

- Promotional resources including a promotional film and posters
- Electricians' resources including an Electricians' training video and quiz
- Managers' resources including a Managers' and supervisors' training video, a quiz and Guidance document for managers
- Operators' resources including a training video and toolbox talk

The film's aim is to raise awareness of electrical hazards and associated controls in sometimes wet and dusty environments. It puts electrical safety into context by contrasting workplace attitudes towards electricity with that the scenario of a prisoner being executed using electricity in order to "remind everyone of the everyday dangers which we sometimes take for granted."

IOSH provide the resources free of charge at [www.iosh.co.uk/Membership/Our-membership-network/Our-Groups/Food-and-Drink-Group/Electrical-safety-DVD.aspx](http://www.iosh.co.uk/Membership/Our-membership-network/Our-Groups/Food-and-Drink-Group/Electrical-safety-DVD.aspx).

### COMPATIBILITY OF PERSONAL PROTECTIVE EQUIPMENT

Q. A number of our employees have to wear various items of personal protective equipment. I am aware they must be compatible but how do we ensure that these items meet the compatibility standards required?

A. Fit quality is essential to ensure optimum protection for employees when wearing more than one item of Personal Protective Equipment (PPE). The use of incompatible PPE may result in reduced protection from one or more items of PPE and attributable to poor fit quality and also to discomfort in use; at worst, where constant readjustments are made, this can lead to employees choosing not to wear PPE altogether.

Under the Personal Protective Equipment Regulations 2002, where an employee has to wear more than one item of PPE, the employer must ensure "equipment is compatible and continues to be effective against the risk or risks in question" and through the risk assessment process ensure compatibility.

Guidance to the Regulations states that when selecting PPE "it should be ensured that all items, when used together, would adequately control the risks against which they are provided to protect" but does not provide any guidance on how to ensure compatibility.

Although all items of PPE will be appropriately CE marked and approved to the relevant national, European or international standards this does not always mean that PPE is going to be compatible in use.

Depending upon the circumstances, one method of overcoming incompatibility issues is to purchase items that combine several items into one, for example safety helmets that have integrated ear protectors and goggles.

Where such items of personal protective equipment are not available, it may be necessary to individually assess the requirements of each employee who is expected to wear items of PPE.

As each individual will be physically different, it may be the case that various combinations of ranges and styles of PPE may have to be given consideration in safe trial conditions to find the most compatible items.

As well as involving employees in the process of selection and assessment, suppliers of PPE can be consulted with as it may be the case that although items are separate they are designed for use together.

As well as selection for compatibility, how the wearers fit the PPE can also impact on the amount of protection provided. As such, users of PPE “must be trained in the proper use of PPE, how to correctly fit and wear it, and what its limitations are”.

## **ENCOURAGING EMPLOYEES TO VOLUNTEER FOR SAFETY FUNCTIONS**

Q. I am having difficulty in recruiting a sufficient number of employees to volunteer to become first-aid trained personnel and fire wardens. Could you suggest how we could encourage employees to volunteer to undertake these functions?

A. Employers have a legal requirement to provide adequate first aid and fire warden personnel to a level that is commensurate with risk. This will often require staff to be trained in first aid and fire evacuation procedures.

There are many factors that can make staff reluctant to volunteer, including lack of motivation, a poor health and safety culture, demands of work, pressure from supervisors not to take on the role, lack of appreciation by the organisation of the demands that undertaking such functions will bring, and failure to give staff suitable time to practise their skills and procedures

In situations where there is difficulty in recruiting and retaining staff, the employer should take steps to identify the causes of this and try to rectify the situation. To identify the issue, feedback should be sought from the workforce, for instance by questionnaires or interviews. Once the barriers have been identified a programme can be initiated to address them.

It is important that the employer recognises the need to motivate staff to volunteer and gives incentives to retain them in this role.

Many organisations provide monetary incentives to staff to become first-aid personnel or fire wardens. Thought may also be given to linking in volunteering to job appraisals or other incentive schemes that could reward the individual. Managers and supervisors could also volunteer, thereby setting an example to other employees. It may also be advisable to gain the support of trade union representatives who could influence their members to undertake these functions.

Once employees have volunteered, the employer should ensure they remain motivated. They should be fully involved in the formulation of first-aid and fire procedures and assisted with the necessary support and resources. Volunteers should be able to provide open feedback as to the effectiveness of, for example, the procedures and training provided.

All first-aid and fire warden personnel should also be supported in sustaining their skills. This could be by providing regular briefing sessions, allowing staff to exchange experiences and information, providing additional training if required and ensuring that line managers support staff by allowing them to attend such sessions.

Ideally, first-aid and fire warden personnel should be volunteers. However, some organisations do find it difficult to get sufficient staff to volunteer. In such cases it may be necessary to stipulate in job descriptions that an individual will be required to be trained in first aid or undertake fire warden duties. Where this route is taken, it should be made known in any recruitment process.

# GUIDANCE

## OCCUPATIONAL HEALTH SERVICE PROVISION

Employers have a legal obligation to safeguard the health and well-being of people at work, and those who may be affected by the work, eg visitors and contractors. However, there is no specific requirement in UK law for an employer to buy in or provide occupational health services.

Instead, the Management of Health and Safety at Work Regulations 1999 require employers to appoint competent persons to enable them to fulfil their statutory responsibilities. In some cases, this may require personnel or consultants with specialist professional qualifications in occupational health.

The exact services provided will depend on the:

- health risks
- number of personnel involved
- nature of the business.

### ***Effects of Work on Health and the Prevention of Occupational Disease***

The effects of work on health and the prevention of occupational disease cover:

- sudden damage to health — typically as a result of an accident or injury in the workplace or exposure to a toxic substance or irritant
- long-term ill health — as a result of exposure to a health hazard over a long period of time.

In practice, employers need to identify:

- the hazards to health in the workplace
- the control measures in place to reduce, so far as is practicable, the risk of injury to employees from any aspect of work, ie what employees do, what tools, equipment or substances they use to do their work, and how they carry out their work activities.



## ***Effects of Health on Work***

The assessment of job-fit — how suitable the job is to the worker, as well as how suitable the worker is for the job — should form an essential element of recruitment and human resources practice.

In practice, employers need to consider:

- the physical and mental health demands of the job — what the employee will be exposed to in terms of physical demand and mental pressures
- whether the job carries any specific risk to employees with particular health problems, and if so, what special arrangements need to be made to assess the health of employees before employment
- informing employees and prospective employees of the demands of the job, any specific risks and any mandatory health assessments
- providing ongoing, adequate and appropriate training.

## ***Rehabilitation and Return to Work After Illness, Injury or Other Absence***

The earlier and the more actively an absence from work is managed, the more likely it is that the employee will return promptly.

In practice, employers need to:

- maintain regular contact with the employee, understanding the reason for absence, and working towards a prompt and safe return to work
- identify any modifications to the job on either a temporary or permanent basis that will facilitate a return to work
- obtain adequate information on the effects of the illness in relation to the employee's ability to return to the job — without breaching medical confidentiality
- take action, where appropriate, to reduce the risks to the employee and others of the incident, which led to the absence, from recurring.

## ***Assisting the Disabled to Access Work***

In practice, employers should:

- obtain expert advice from an occupational health provider on the employment of disabled people, whether for a new appointment or because an existing employee has become disabled
- work with the disabled employee to clarify what modifications might be needed to enable them to undertake the work activity
- use the risk assessment process to identify both the health risks to the individual and the control measures necessary to ensure their health in work
- provide appropriate support and training for the disabled person, and their work colleagues, to maintain his or her health in work.

The Government is keen to assist employers in the employment of disabled people, and will provide grants for practical support that will help a disabled person do their job. Funding is provided through the Access to Work scheme.



## HGVs WITHOUT SAFETY EQUIPMENT TO BE BANNED FROM LONDON

The Mayor of London, Boris Johnson, Transport for London (TfL) and London Councils have given the go-ahead for a London-wide ban on any lorry not fitted with safety equipment to protect cyclists and pedestrians.

The scheme, which received 90 per cent support via a public consultation, will require vehicles of more than 3.5 tonnes to be fitted with sideguards, along with Class V and Class VI mirrors giving the driver a better view of cyclists and pedestrians around their vehicle.

The scheme will commence operation on 1st September 2015, as soon as all of the 600 warning signs are in place. Operators that are FORS accredited based on the revised standards from 9 July will meet this requirement.

All roads in Greater London (except motorways) will be covered by the scheme. It will operate 24 hours a day, seven days a week, and will be enforced by the police, the Driver and Vehicle Standards Agency and the joint TfL and DfT-funded Industrial HGV Taskforce (IHTF). The maximum fine for each breach of the ban will be £1,000. The operator will also be referred for consideration to the relevant Traffic Commissioner, who is responsible for the licensing and regulation of HGV operators.

TfL has begun a campaign of engagement across the country to ensure operators and drivers are aware of the requirements and begin adopting safety equipment before enforcement starts on 1 September.

For more information on the scheme email [freight@tfl.gov.uk](mailto:freight@tfl.gov.uk) or you can find the 'Safer Lorry Scheme' information here: <http://www.tfl.gov.uk/cdn/static/cms/documents/safer-lorry-scheme-the-way-forward-report.pdf>

## DRIVER FATIGUE MANAGEMENT

### **DRIVER FATIGUE** *WAKE UP TO IT!*

Transport and driver fatigue is a particularly common cause of work-related road traffic collisions resulting in injury or death.

The Road Safety Observatory offers information concerning driver fatigue on its comprehensive website which provides easy access to the best independent road safety research.

Fatigue accounts for up to one fifth of accidents on major roads, yet many people do not see this as a serious problem.

It may be caused by modern lifestyles preventing people getting enough rest. It may be made worse by shift working, especially if combined with the monotonous nature of certain types of driving.

All drivers need to address these problems responsibly, but drivers of heavy goods vehicles and passenger carrying vehicles need to be extra vigilant because they tend to spend more time driving and to drive longer distances than other drivers. Also, accidents involving these large vehicles are more likely to result in death or serious injury than those involving cars or smaller vehicles.

More information on fatigue can be found here: <http://www.drivingforbetterbusiness.com/how/fatigue.aspx>

BFFF, through membership of the HSE Food Manufacturing Forum, have been informed that **all** food manufacturers will be inspected by HSE between April 2015 and April 2016.

Their inspections will start with food producers within the categories of Bakeries/ Cakes/ Dairy/ Cheese/ Meat and Poultry Processing. They will then look at other food manufacturing sites.

The focus of their inspections will revolve around the management of Musculoskeletal disorders in food and drink manufacturing and also the management of occupational asthmagens and carcinogens in manufacturing industries.

Their pro-active inspection programme will involve the following:

- Focus Area 1- Controlling significant health risks from Musculoskeletal disorders caused by manual handling (MH) and repetitive tasks

Inspectors will be:

- Assessing the management arrangements for control of MSD risks in accordance with the requirements of the Manual Handling Operations Regulations hierarchy and the Management of Health, Safety at Work Regulations and Workplace, Health, Safety and Welfare Regulations.
- Checking whether suitable and sufficient risk assessments have been carried out for tasks involving MH and repetitive movements. MAC, ART (and VMAC when available) tools should be used to help determine the level of risk.
- Checking that suitable control measures have been provided for MH tasks where MSD risks are significant and task cannot be avoided e.g. by provision of mechanical handling aids/ devices and job/ workplace design.
- Checking that suitable control measures have been provided for repetitive tasks where the risk of ULDs is significant and cannot be avoided (mechanised) by reducing task risk factors (repetition, duration, force) and changing work organisation (position, environment, rotation).
- Checking that relevant employees have been provided with adequate task specific information, instruction and training on MSD risks from MH or repetitive tasks and the correct use of all control measures (equipment and systems) have been provided.
- Investigating what health surveillance programmes are in place.
- When inspecting bakeries, cake and biscuit manufacturing sites the risks from flour dust and enzyme exposure should also be assessed.

The benchmark they have set for these inspections is nil or negligible risk of a serious injury or health effect. They have stated that non-compliance with the benchmark standards (set by the MAC or ART tool) will produce at least a 'substantial risk gap' with standards established or defined. This would result in an initial enforcement expectation of an Improvement Notice.

- Focus Area 2- Occupational asthmagens and carcinogens in manufacturing industries

Flour dust and enzymes are the main asthmagens and/or carcinogens relating to our industry that they are focusing on and they are targeting manufactures of bread, fresh pastry goods, cakes, rusks, biscuits and bakeries for this campaign.

Inspectors will be:

- Assessing the management arrangements for control of the risks from exposure to asthmagens and carcinogens;



- Checking whether a suitable and sufficient risk assessment has identified asthmagens and/ or carcinogens present in the workplace;
- Checking whether the assessment identified control measures to reduce exposures as low as reasonably practicable;
- Checking whether the appropriate control measures, including extraction and/ or respiratory protective equipment (RPE), to protect employees from exposure to asthmagens and/ or carcinogens are in place and being used;
- Checking if employees potentially exposed to asthmagens and/ or carcinogens have received adequate training in the health risks associated with exposure and the correct use of equipment provided to control the risk;
- Checking if the LEV systems are:
  - o Suitable for the purpose for which they are being used;
  - o Visually effective in extracting contaminant;
  - o Used properly by the worker;
  - o Supplied with a user manual and maintenance log book;
  - o Damaged or have weak points, including damaged ducting or use gaffer tape to repair damage;
  - o Maintained and inspected by a competent person (at least every 14 months);
- Checking RPE is
  - o Appropriately selected;
  - o Provided with face fit testing (if appropriate)
  - o Used;
  - o Maintained
- Checking RPE is being examined at suitable intervals; there is no specific time limit but taking into account:
  - o The environment the respirator is being used in;
  - o The manufacturer's instructions;
  - o The amount of use when setting an appropriate maintenance schedule;
- Checking cleaning methods for RPE are used;
- Checking if health surveillance is provided where appropriate;
- Checking if air monitoring has been carried out, and if not confirm that the decision can be justified.

The benchmark they have set for these inspections is a nil or negligible risk of a serious health effect. They state that this benchmark can be achieved by applying the COSHH principles of good control practice and using a variety of engineering control measures, provision and use of suitable RPE, plus the provision of suitable instruction, information, training and health surveillance.

If you would like to know any more information on these inspections please do not hesitate to contact [joannahancock@bfff.co.uk](mailto:joannahancock@bfff.co.uk).

## NEW FIT FOR WORK SCHEME

Altogether, sickness absence costs UK businesses £9 billion each year in lost production and sick pay. In order to tackle this, a new Government scheme 'Fit for Work' has been rolled out in England and Wales with a similar scheme provided in Scotland.

In England and Wales the scheme is run by Health Management Ltd, while the Scottish equivalent "Fit for Work Scotland" is being run by NHS Scotland. Both schemes have the aim of helping people to return and stay in work after a period of absence.

They work on the basis of the strong evidence base which suggests that the sooner the causes of absence are identified, and acted upon, the better. Intervention at four weeks, compared to six months, has a greater impact as an employee is more likely to still have an attachment to work.

Under the new initiative, therefore, employees who have reached four weeks of absence can be referred to the new service, where they will have access to support from a specialist health adviser to support them back to work in an effective and managed way.

While most referrals will be made by a GP, employers will be able to refer a staff member with his or her consent if, after four weeks absence, he or she has not been referred by his or her own doctor.

Employers can access health and work advice at any time through the Fit for Work as shown below:

England & Wales	Scotland
Web: <a href="http://fitforwork.org/">http://fitforwork.org/</a>	Web: <a href="http://www.fitforworkscotland.scot/">http://www.fitforworkscotland.scot/</a>
Freephone Tel: 0800 032 6235 (English) or 0800 032 6233 (Cymraeg)	Freephone Tel: 0800 019 2211

The new schemes have gone down well with businesses. In research conducted by Jelf Employee Benefits it was found that:

- only 6% of employers intended to use Fit for Work in full
- a further 42% of companies said they intend to use the service on a case-by-case basis as required
- 20% said they would use the Fit for Work website only for research purposes
- 16% intend to use their own bespoke occupational health service instead
- almost half (49%) of employers said they would adapt their own policies to incorporate access to the new Fit for Work service.

Commenting on the findings, Steve Herbert of Jelf said, "Despite the delays and limitations of the final Fit for Work offering, it is still encouraging that so many employers plan to harness this new service in some capacity. It will now be important that early evidence of success from Fit for Work is made available and publicised as quickly as possible to reinforce the value of the offering."

# Fit for Work

## EMPLOYERS ROAD SAFETY GUIDE NOW AVAILABLE IN 21 LANGUAGES

The Network of Employers for Traffic Safety's (NETS') Comprehensive Guide to ROAD SAFETY™ is now available, free of charge, in 21 languages.



The Guide was initially launched in English last year as part of the NETS mission to assist employers in advancing global road safety. The document is designed to aid employers with fleets of any size at various stages of road safety program development, including those who are preparing to initiate a program, in the early stages of policy and program development or managing more mature road safety management systems and interventions.

“Employers in most parts of the world now have a tool kit for contributing to the goals set by The Decade of Action for Road Safety. Through employers, the Guide has the potential to reach more than 50 percent of the world’s population.”

NETS' Comprehensive Guide to Road Safety™ was written by members of NETS' Board of Directors, drawing from their companies' road safety best practices. The guide also draws from information gathered by NETS' STRENGTH IN NUMBERS® Road Safety Benchmark members, representing more than 100 companies with fleet operations in 153 countries. The Guide supports the goals of the Decade of Action for Road Safety, 2011-2020, a global World Health Organization-led initiative to improve road safety around the world.

You can download the road safety for free here: <http://trafficsafety.org/nets-comprehensive-guide-to-road-safety-now-available>

## THE IMPORTANCE OF ANNUAL REFRESHER TRAINING OF FIRST AIDERS

The Health and Safety Executive (HSE) guidance strongly recommends that employers ensure that their first aiders receive annual refresher training.

The courses are of short duration and can be completed in less than half a day. The reason for refreshing these skills annually is that it helps maintain their competency until they re-qualify.

As an employer, if you wish to minimise this risk and maintain your first aiders competency, consider introducing annual refresher training if you haven't done so already.



For help in selecting employees for first aid training, BFFF have issued guidance, which has been assured by Wakefield Metropolitan District Council, and can be found under First Aid on the Health & Safety guidance page, here: <http://bfff.co.uk/health-safety/guidance-2/>

HSE also provide free leaflets and advice on First Aid, along with the Regulations, which can be found here: <http://www.hse.gov.uk/pubns/firindex.htm>

## DAIRY UK UPDATES OCCUPATIONAL HEALTH & SAFETY GUIDANCE

The Dairy UK Occupational Health & Safety Committee is responsible for determining industry policy on occupational and health and safety matters. It also promotes best practice, draws up industry guidance and combines health and safety debate with a strong occupational health profile.

Current hot topics include the collection of industry accident incidence statistics, liaising closely with the Health and Safety Executive and working to reduce industry accident rates, specifically in the areas of manual handling, back injuries and slips, trips and falls. Other issues include risk management, migrant workers, musculoskeletal disorders, noise and vibration, moving heavy loads, occupational asthma and workplace temperatures.

The Committee has recently updated its Guidelines for the Safe Use and Movement of Milk Trolleys and the Guidance on Safe Systems for Working at Height on Milk Tankers. A guide on the Prevention of Slips and Trips in the Dairy Industry will be published soon.

With support from Dairy UK staff, the Committee organises a biennial Occupational Health & Safety Conference. More information on the latest conference, presentations and guides can be found at [www.dairyuk.org/past-events/item/may-20th-occupational-health-safety-conference-worcester](http://www.dairyuk.org/past-events/item/may-20th-occupational-health-safety-conference-worcester)

## ARE YOUR STAFF DRIVING FOR WORK LEGALLY?

*Article provided by JLT Specialty Ltd.*

Companies have a duty of care to ensure their employees are driving for work legally. But how many conduct the necessary checks?

Many companies have employees that drive for work, either using their own vehicle or a company vehicle. But how many companies are actually sure that their employees are driving for work legally?

Companies are theoretically liable if their workers drive for work without a valid licence, even if they are driving a privately-owned vehicle. Yet more than one out of every 200 workers currently do this, according to Licence Bureau checks and some employees don't even know their licence is invalid. For example, many don't realise that their photocard is invalidated if it bears an out-of-date address. Consider:

More than 500,000 hours a month are spent on the road by unlicensed drivers An estimated 22% of drivers use out-of-date documents 36% of businesses do not check licences at all\*



## **Rising costs**

How employers can check whether their employees have a valid driving licence is about to change. And the costs of ensuring all workers are driving for business legally could rise.

From 8 June 2015, the paper counterpart to the photocard driving licence will not be valid and will no longer be issued by DVLA.

Fleet managers will have to get to grips with the new platform to complete in-house checks or outsource the checking of licences to a third-party provider. Either approach will cost money.

Fleets that perform licence checking in-house will have to dedicate resource and time, even with the new web-based platform at their disposal.

Outsourcing the checks can provide an accurate assessment and remove the need for in-house checks, which can be flawed – sometimes due to drivers holding multiple copies of their licence or the difficulties involved in foreign licence checks.

Established third-party providers will check whether employees have a valid driving licence for a cost of £5–6 per licence. However, insurance companies often have links to these companies, and can provide a discount of sometimes as much as two thirds, so it is worth asking.

Checking your employees' driving licences should be part of a wider robust driving-at-work risk management scheme. There is more and more interest in the use of telematics to improve driver safety and garner more motor-related data but, all of that could count for little, if your workers are on the roads illegally.

For more information, please contact [jon\\_miller@JLTGROUP.com](mailto:jon_miller@JLTGROUP.com)

## **BETTER LOOS 4 U**

Unite have launched a national campaign 'Better Loos 4 U'.

Toilet breaks are a basic necessity, but for the UK's 300,000 truck drivers getting access – if at all – to decent loos is a lottery. It's humiliating and degrading – not to mention a public health hazard.

Truck drivers are regularly report serious failings, including filthy facilities, no running water, no lockable cubicles, no soap or loo roll in facilities provided by employers and public conveniences. In some cases access to toilets is denied altogether.

The Unite campaign is aiming to make loos better for drivers by identifying the best and worst. More information can be found here: <http://www.unitetheunion.org/how-we-help/list-of-sectors/road-transport-commercial-logistics-and-retail-distribution/better-loos-4-u/>



## MANAGING HEALTH & SAFETY IN CONSTRUCTION

The Construction (Design and Management) Regulations 2015 (CDM 2015) came into force on 6 April 2015, replacing CDM 2007.

HSE have issued a publication which provides guidance on the legal requirements for CDM 2015 and is available to help anyone with duties under the Regulations. It describes:

- the law that applies to the whole construction process on all construction projects, from concept to completion
- what each duty holder must or should do to comply with the law to ensure projects are carried out in a way that secures health and safety

CDM 2015 is subject to certain transitional provisions which apply to construction projects that start before the Regulations come into force and continue beyond that date.

The guidance document can be downloaded for free here: <http://www.hse.gov.uk/pubns/books/l153.htm?ebul=hsegen&cr=2/18-may-15>

## RECIPE FOR SAFETY

BFFF would like to highlight again that HSE launched an updated version of HSG 252 'A Recipe for Safety: Health and safety in food and drink manufacture'. It is aimed at everyone in the food industry including workers, supervisors, managers, directors, health and safety professionals and health and safety representatives.

The guidance covers hazards in the food and drink industries and gives advice on how to manage the associated risks.

The latest version has been updated by HSE along with a working group of the Food and Drink Manufacture Health and Safety Forum. According to HSE, it has been written by the industry, for the industry, meaning that the content is even more relevant and accessible to all those working in the food industry. Occupational health has been given increased focus.

The guidance states that 96% of injuries and ill-health in food and drink manufacture arise from 12 areas:

- Machinery
- Workplace transport
- Work at height
- Entry into confined spaces
- Slips and trips
- Being struck by objects or knives
- Manual handling
- Upper limb disorders
- Dermatitis
- Asthma
- Hearing loss
- Stress



The guidance sets out advice for each of the topics under the following headings:

- Why this is a priority
- The Law
- How to manage the risks
- A checklist for managing the risks
- Case studies
- Further guidance

To view or download the guidance, visit <http://www.hse.gov.uk/pubns/books/hsg252.htm>

## **FEDERATION OF BAKERS 'BREATHE EASY' TRAINING**

A health and safety training DVD programme on controlling dust in bakeries produced The Federation of Bakers.

The training package contains:

- Trainer's Notes
- Training DVD (running time 20 minutes)
- Topic Cards – for group Q&A session following the DVD
- Multiple choice test questions – for use at the end of the training the check learning and understanding
- Guidance on Dust Control and Health Surveillance in Bakeries – booklet published by Health & Safety in Bakeries Liaison Committee in 1998 (revised by the Federation of Bakers Health & Safety Committee 2008)
- Contact details for further guidance and advice

The programme is recommended for use with groups of up to 10 people and intended to be 1 hour's duration.

If it has been effective, participants will have understanding of the hazards and risks associated with dust in bakeries, what they can do to control dust and how they can protect themselves and their colleagues from ill effects.

Processes covered in the training programme:

- Tipping and sieving ingredients
- Weighing and dispensing ingredients
- Mixing
- Dusting – hand and mechanical
- Choosing and wearing the right PPE
- Local Exhaust Ventilation – choosing, maintaining and using correctly
- Hygiene – leaning, clearing spillages
- Health Surveillance

More information can be found at: <http://www.bakersfederation.org.uk/health-and-safety/breathe-easy-training.html> or by contacting [caroline.ford@bakersfederation.org.uk](mailto:caroline.ford@bakersfederation.org.uk)

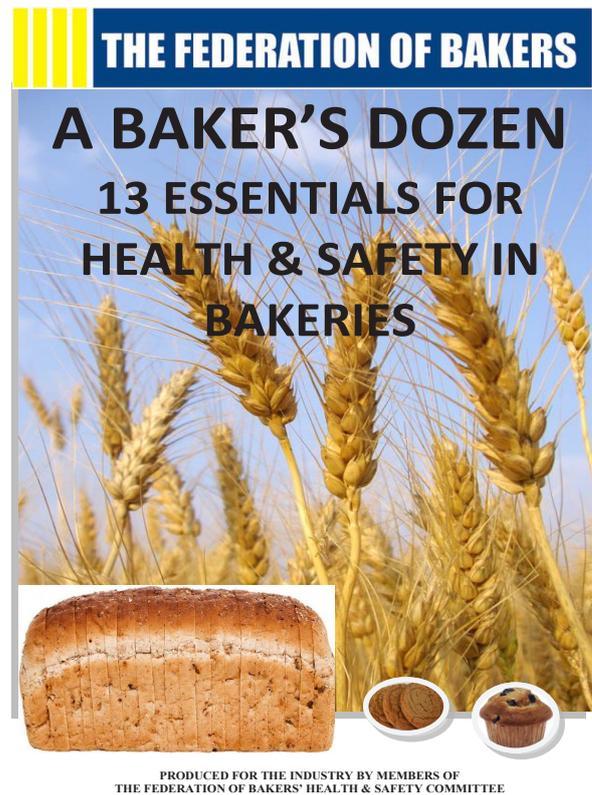
## A BAKERS' DOZEN – FREE HEALTH & SAFETY ADVICE TO BAKERS

The Federation of Bakers (FoB) has produced a revised second edition of 'A Bakers' Dozen: Thirteen Essentials for Health and Safety in Bakeries'.

A Bakers' Dozen was first published as guidance from HSE as HSG 233 in 2003, but it then decided it would leave other stakeholders in the industry to deal with specific sector advice on health and safety.

The FoB has revised this guidance for the baking sector. The publication is free to download from the FoB website and is aimed at anyone who has an interest in health and safety in bakeries, and is intended to help those working in plant bakeries, craft bakeries, in-store bakeries and other food manufacturing where baking is a core process and flour is a main ingredient.

The publication can be found here: <http://www.bakersfederation.org.uk/ABakersDozen-13Essential.pdf>



## IOSH DIESEL EXHAUST EMISSIONS AND SOLAR RADIATION RESOURCES

Diesel engine exhaust fumes are a mixture of gases, vapours, liquid aerosols and particles created by burning diesel fuels. Diesel fumes may contain over 10 times the amount of soot particles than in petrol exhaust fumes, and the mixture includes several carcinogenic substances, meaning they have the potential to cause cancer.

IOSH have produced a resource pack for those working or employing those who work around diesel exhaust emissions. The pack contains pocket cards, posters and fact booklets which are free to access. The diesel pack can be found here: <http://www.notimetolose.org.uk/Free-resources/Diesel-pack-lite-version.aspx>

IOSH have also produced a Solar Radiation resource pack.

Skin cancer cases are on the increase in the UK – and they're rising faster than in the rest of Europe.

Every year in Great Britain, on average:

- Occupational skin cancer kills 60 people.
- There are at least 1,500 new cases of non-melanoma skin cancer and 240 new cases of malignant melanoma linked to solar radiation exposure through work.

Ultraviolet radiation is a risk that particularly affects outdoor workers, who receive 5-10 times the yearly sun exposure of indoor workers.

The solar radiation pack also contains pocket cards, posters and fact booklets which are free to access. The diesel pack can be found here: <http://www.notimetolose.org.uk/Free-resources/Solar-pack-lite-version.aspx>



## HSE CHAIR HIGHLIGHTS “THE REAL PRIORITY WORKPLACE HEALTH ISSUES”

Judith Hackitt, the Chair of the HSE, has highlighted “the real priority workplace health issues,” such as asbestos, crystalline silica dust, diesel exhaust fumes, and stress, in the context of getting the workplace health agenda right.

Writing in her regular Risk Assessment blog, the HSE Chair noted recent media coverage of comments from the government workplace health policy advisor Dame Carole Black which implied that in lots of workplaces bosses are not getting it right when it comes to workplace health issues.

However, Judith Hackitt said, it was noteworthy that Dame Carole’s remarks focussed on “those who promote five a day diets and the like rather than dealing with the real issues in their workplace which cause sickness absence...”

The HSE Chair welcomed the “significant increase recently in the number of Occupational Safety and Health organisations who are now actively engaged in getting their members and stakeholders to address the real priority workplace health issues – especially the really harmful and often long latency exposures which can lead to life changing and life threatening diseases”.

She also emphasised that the number of premature deaths caused by harm to health at work is “many times more” than those killed each year in workplace accidents.

It was, she said, “really encouraging” to see the efforts of organisations such as the British Occupational Hygiene Society (BOHS) and the Institution of Occupational Safety and Health (IOSH) raising the level of awareness around other serious health hazards with those who are most likely to be exposed.

In conclusion, the Chair called for the tackling of “the right issues and in the right way”.

## NEW ROAD SAFETY THEME HIGHLIGHTS SAFETY AND ALSO WORKER HEALTH

A road safety charity has called on employers, local authorities, schools and colleges to promote road safety and help to improve the health of their employees by embracing this year’s Road Safety Week theme, “Drive less, live more.”

This year’s Road Safety Week will take place from 23 to 29 November 2015 and is organised by the road safety charity Brake.

The charity says that those who walk or cycle to work, school or college usually have to brave busy, noisy streets, full of pollution, fast traffic and risky drivers.

The charity is campaigning for commuters to considering “driving less, as little as possible, or not at all” in order to make a difference to road safety, health and the planet, as well as to save money.

The charity is inviting organisations to register now to be part of Road Safety Week 2015 and receive a free e-mail action pack. Some suggested ways to participate are as follows.

Employers could:

- set up a scheme encouraging active and sustainable commuting
- run a car free day for staff
- organise a sponsored run or bike ride
- run an activity showing how many calories walking and cycling burns
- analyse ‘at-work’ mileages to see if journeys can be reduced or better planned.



Further information on the Week can be accessed at <http://www.roadsafetyweek.org.uk>

## ENFORCEMENT



### TRANSPORT FIRM FINED £500,000 AFTER WORKER CRUSHED

A Cheshire-based transport company has been fined £500,000 after a Hull employee suffered horrific injuries when she was crushed between two lorries.

Warwick Crown Court heard that the female worker was lucky to be alive after the incident at Tip Trailer Services' Griff Lane depot in Nuneaton in April 2013.

The employee broke 13 bones in her back, shoulders and ribs, and punctured a lung. The incident left her with severe head injuries, impaired vision and she required a tracheotomy. She suffered a cardiac arrest and was in intensive care for ten days.

The woman, who has a young son, needed to wear a body brace for four months and was confined to a wheelchair for some months although has since regained some mobility. She still requires weekly physiotherapy.

A Health and Safety Executive (HSE) investigation found the employee was acting as a banksman, assisting a lorry driver to reverse park on a slope, at the time of the incident. The driver decoupled his trailer without engaging its parking brake, causing it to roll back and trap her between the two vehicles.

The investigation found TIP Trailer Services regularly allowed vehicles to park on a slope without the provision of chocks or similar devices. The company had no monitoring system to check whether drivers were applying their handbrakes properly.

The slope ended on a public road, so the risks were not just to pedestrians on site but also to passing pedestrians and drivers.

TIP Europe Ltd, of Market Street, Altrincham, Cheshire, trading as Tip Trailer Services, pleaded guilty to two breaches of Sections 2 and 3 of the Health and Safety at Work etc Act 1974, and was fined a total of £500,000 and ordered to pay a further £56,938 in costs.

### FOOD FIRM TO PAY £205K FOR FATAL ELECTROCUTION

A fresh produce manufacturing company has been ordered to pay more than £205,403 after one of its workers suffered a fatal electrocution.

The 21 year old sub-contractor was lagging pipes in the loft space when he contacted a live 240V electrical cable. The worker was pronounced dead at the scene.

An investigation by HSE revealed that the live cable was the remnant of an old electrical system that had been removed 3 years earlier. But the remaining live cable was unknown to the firm. The company had plenty of opportunity to deal with the redundant cables but assumed that they were not live.

The firm pleaded guilty to breaching sections 2(1) and 3(1) of the Health and Safety at Work etc Act 1974. It was fined £170,000 and ordered to pay costs of £35,403.

## ICE CREAM FIRM IN COURT WHEN WORKER LOSES FINGER

An ice cream manufacturer has been fined for safety failings after an employee's finger was cut off by a fruit feeder machine.

Tattenhall Dairy Products Ltd, which produces Cheshire Farm Ice Cream, was prosecuted by the Health and Safety Executive (HSE) following the incident at Drumlan Hall Farm in August 2013.

Chester Magistrates' Court heard the 60-year-old employee, from Tattenhall had been asked to clean the fruit feeder so it was ready for the next batch of ice cream.

She assumed the machine was switched off and tried to remove pieces of cookies at the back with her left index finger when it became caught by the rotating blades. Her finger was cut off to below the second knuckle.

The court was told employees had needed to clean the machine up to three times every day. They did this by removing the chute which fed in the fruit, but this meant dangerous moving parts became exposed.

The HSE investigation found employees had been told to switch off the machine when they cleaned it, but no other measures were put in place to make sure they were not put in danger. This meant there was a high risk of them being injured if they simply forgot to check, due to human error.

The company has since installed an interlocking device on the machine, which means power is automatically cut when the chute is removed.

Tattenhall Dairy Products Ltd, of Newton Lane in Tattenhall, was fined £7,500 and ordered to pay £11,287.22 in prosecution costs after pleading guilty to single breaches of the Provision and Use of Equipment Regulations 1998 and the Management of Health and Safety at Work Regulations 1999.

## RECYCLING FIRM FINED £100,000 FOR WORKER'S DEATH

A Redditch recycling company has been sentenced for safety failings after a worker was killed by a bale of waste weighing more than a tonne.

The employee was struck by the falling bale as he walked past a stack of them, some five metres high, at R&S Recycling Ltd in Beoley on 11 February 2011.

Three of the bales toppled over and one landed directly on top of him, killing him instantly.

An investigation by the Health and Safety Executive (HSE) established that R&S Recycling failed to properly control the risks to employees working at the site, particularly with regard to the proper storage and safe stacking of waste materials.

Worcester Crown Court heard that stacks of unstable material, such as baled paper and plastic, should slope backwards towards the top, and the bales should be interlocked to prevent them from falling. The stability of the stack should be checked regularly, and where bales can fall, workers on the ground should be kept well clear.

On this occasion, HSE found that the stacks of bales were uneven and too high, with no measures in place to prevent employees approaching them on foot.

R&S Recycling Ltd, of Beoley, Redditch was fined £100,000 and ordered to pay costs of £57,927 after pleading guilty to a single breach of the Work at Height Regulations 2005.



For further information or to download a copy of this newsletter, please visit [www.bfff.co.uk](http://www.bfff.co.uk).



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