

# KEEP IT SAFE

BFFF QUARTERLY HEALTH & SAFETY NEWSLETTER

APRIL 2015



**British Frozen Food Federation**

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**Please contact BFFF on 01400 283096 if you have any Health & Safety queries or would like to receive additional / back copies of this newsletter.**

## 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 working on guidance on 'Working at Height on refrigerated vehicles', which will be sent to HSE in April for their comments. We are also working to publish updated advice on 'Working at Height in Cold Stores'. This advice has been commented on by our H&S expert group and is currently with HSE for review, and we are confident that there should be no further issues. There is also information on our Primary Authority schemes with Wakefield Metropolitan District Council and Lincolnshire Fire and Rescue.

This issues' safety focus is on Young Persons and Material Handling Equipment, and there is 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@bff.co.uk](mailto:joannahancock@bff.co.uk)

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

### Expert Group Update

The BFFF Health & Safety Expert group last met on the 28th January. The group is made up of health and safety experts from all sectors BFFF membership who work in a proactive and open manner to discuss industry level issues for the benefit of the members and indeed the sector.

Topics covered at the last meeting included the development of the working at height guidance, planning of the BFFF Health & Safety Seminar on the 1st July and food industry compliance to DSEAR. The meeting was rounded off by two presentations on delivery point risk assessments looking at how this issue is managed within the parcel delivery sector for ideas and comparisons for our wholesale members.

The group also provide 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 is you would like to use this service or if you have any topics for future discussion at the meetings.

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



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# BFFF HEALTH AND SAFETY INITIATIVES

## BFFF RESPONSE TO SENTENCING GUIDELINES CONSULTATION

The Sentencing Council published a new consultation document outlining proposed increased fines for judges and magistrates in corporate manslaughter, health and safety, and food safety and hygiene cases, following their concerns that some sentences historically imposed have been 'too low'.



The proposals have a potentially significant impact on our industry particularly as they are proposing using turnover (or the equivalent) to identify the size of the organisation and thereby indicating the starting point for the fines. Likewise the size of the proposed fines is considerable.

BFFF drafted a response on behalf of the industry, including comments that were received from members, both for Health & Safety and Food Safety & Hygiene.

The Health & Safety response highlighted that the fines were far too high and disproportionate and the fines being based on turnover was not suitable for our industry as many companies have high turnovers but low profits comparatively. We also highlighted the need for a distinction between businesses that strive to be compliant, with Primary Authority partnerships and good track records, and those that do not. An extract from the BFFF health and safety response is as follows:

'We believe the proposed levels of fines are too high and would potentially have a severe detrimental effect on a business.

We accept that penalties should be dissuasive of uncompliant practices within business. However, we do have concerns about how proportionate these proposed penalties are and the fact that human factors play a strong part in health and safety compliance. Industry is concerned that even though they have the right procedures in place, train their employees correctly, supervise their employees and adhere to all the relevant legislation, there is always the risk of employees not following the procedures.

We do not agree that turnover should be the deciding factor when deciding fines. For our sector, turnovers can be exceptionally high yet margins can be very slim. This would mean that whilst companies in our industry have high turnovers, they do not have particularly large profits to pay the large fines envisaged. Therefore a clear focus on the reality of the financial position of the company rather than simply focussing on turnover must be a necessary and important part of the Guidelines. Currently there is insufficient emphasis given to this point. As such we believe that the bands should be reflective of company profits and not turnover. We also believe that more bands should be added further up the scale to aid sentencing of 'very large' businesses, and distinguish between the largest companies.

We believe that wider factors are essential when considering the impact of fines and these factors should be elaborated. Again, we would stress that the proposed level of fines are too high and would potentially have a severe detrimental effect on a business. As such assessing the impact on employees is crucial.'

The consultation can be accessed on the BFFF Health & Safety Guidance page (under Regulatory Enforcement) along with the full BFFF response. We will keep you updated on the outcome.



## DANGEROUS SUBSTANCES AND EXPLOSIVE ATMOSPHERES REGULATIONS 2002 (DSEAR)



Compliance to DSEAR is relevant predominately to refrigeration plants using Ammonia as a refrigerant.

With the increased use of Ammonia, HSE has been carrying out a review of their guidance note PM81 'Ammonia refrigeration information sheet'. During this review HSE has indicated that they have identified a number of broad areas of non-compliance to the DSEAR regulations by the food industry, particularly food manufacturers. HSE are due to re-issue PM81 this year and this will potentially be one of their focus areas.

With this in mind, we are concerned on the level of compliance within the food industry and are keen to learn how BFFF can support members in this area to ensure that they do comply. As such we would appreciate if you could arrange for your teams to complete our short questionnaire. The questionnaire has been designed as a spreadsheet to

provide members with the flexibility to add in additional site details etc. and please do not hesitate to contact us if you have any queries on the content.

Please be assured that the results of the questionnaire will remain confidential within the BFFF offices and will not be shared with other parties. We will be using anonymised collated results to determine the support needed for the industry. Importantly we want to support members to comply as efficiently as possible in the future.



To take part in the survey, click [here](#) to access the short questionnaire and please send all results to [crystalholmes@bfff.co.uk](mailto:crystalholmes@bfff.co.uk)

## ENERGY SAVING OPPORTUNITY SCHEME (ESOS)

The ESOS legislation requires 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 31st 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.



ESOS is a mandatory scheme and relates to a number of our members. After canvassing the opinions of our large wholesale and food producer members, along with the Health & Safety Expert group, there was significant appetite to develop a BFFF group scheme.

The aim of the group scheme is to provide a scheme focused on our sector, available to all BFFF members and their subsidiary/ parent companies, using the economies of scale of the BFFF membership to potentially reduce costs.

It will be run by Julie Gartside, Technical Director of SLR consulting, a specialist energy efficiency company and supported by Ray Gluckman, a refrigeration and energy efficiency expert. Our proposal involves Julie's team working with Ray's expertise to ensure that the audits for our members are focused in the key areas to determine the best outcomes. Both Ray and Julie are both formerly from SKM Enviros and have considerable experience within our sector and the food industry.

We launched the group scheme at a seminar on the 12th February. Contact [joannahancock@bfff.co.uk](mailto:joannahancock@bfff.co.uk) for further information.

## HEALTH & SAFETY PRIMARY AUTHORITY

Our Primary Authority partnerships with Wakefield Metropolitan District Council, Cambridgeshire County Council and Lincolnshire Fire & Rescue have become very successful over the last year.

We currently have 10 members fully signed up to Health & Safety with Wakefield.

Current assured guidance for Health & Safety include;

- Working in a Cold Store Environment – Advice for Employees
- Selecting Staff for First Aid Training
- Provision of Defibrillators in the Workplace
- How to Assess Head Protection for Cold Store Workers
- Rest Breaks for Cold Store Workers
- Overtime Risk Assessments
- Health Surveillance for Cold Store Workers



We currently have 13 members fully signed up to our Fire Safety scheme with Lincolnshire. BFFF members, Brakes and Kerry Foods are also currently going through the process of joining.

We are working with Lincolnshire on our first piece of assured advice on Fire Safety which will be a Fire Safety Induction for employees and contractors. It is currently in its second draft, and will include;

- Induction Training Check List for Staff;
- Induction Training Check List for Contractors;
- Hot Work Permit;
- Hot Work Permit Instructions; and
- Hot Work Permit Checklist.



## ACCIDENT STATISTICS FOR 2014

In January we began to collate our members' health and safety statistics for 2014. Thank you to everybody that has already submitted their stats so far.

We would like to once again invite all members that haven't already done so to contribute their accident statistics for 2014, as this is the last chance to submit them for the year.

Last year we had over 60 members confidentially sharing their health and safety information with the BFFF for collation and we now have an excellent benchmarking tool for our industry. Furthermore, each member contributing their health and safety statistics has an opportunity for BFFF to provide a detailed comparison for their company. Feedback from members has shown that they have found the comparisons a very valuable health and safety management tool within their businesses.

To get involved, or for more information contact [emmacranidge@bfff.co.uk](mailto:emmacranidge@bfff.co.uk)

## BFFF HEALTH AND SAFETY PLEDGE

Our pledge provides members with the opportunity to commit to the pledge values aimed at providing a safe and healthy work environment for all involved in the frozen food industry.

Signatories are encouraged to improve their standards of health and safety and share best practice case studies as a means of improving the health and safety performance of the industry.

We now have 86 members signed up to the pledge. This is the highest number of members we have ever signed up and we are delighted with the commitment. Please contact [hazelcranidge@bfff.co.uk](mailto:hazelcranidge@bfff.co.uk) for more details on how to take part.



# HEALTH & SAFETY SEMINAR

Wednesday 1st July 2015  
Ricoh Arena, Coventry CV6 6GE  
9.30am - 3.30pm

## Sponsorship Opportunities Available!

Now in it's sixth successful year, join leading industry experts to discuss a wealth of topics affecting our industry.

### Hear from:

*HSE - Priorities & Targets for 2015/16*

*BFFF - H&S Update on Guidance*

*Lincolnshire Fire & Rescue - Cold Store Fire Case Study*

*Asda - Manual Handling Case Study*

*Chalcroft Construction - CDM Regulations 2015*

*DLA Piper UK LLP - Sentencing Guidelines Implications*

*Mentor FLT Training Ltd. - Supervising Forklift Operations*

*Stronger Together Initiative - Tackling Hidden Labour Exploitation*

**Further topics & speakers to be announced shortly**

### Feedback from the 2014 Seminar:

- A very well thought out Seminar with excellent speakers and topics aligned to BFFF members. **Tony Miller, Dawnfresh Seafoods**
- An informative conference covering salient points within the frozen manufacturing and supply chain sector, a day well spent **Paul Fenner, Young's Seafood**
- Informative and very valuable day. Well organised with relevant topics covered providing real-life case studies from within industry. **Lizzy Wood, Santia Consulting**

**PRICE: £99 + VAT per member delegate**  
**£125 + VAT per non-member delegate**

**To Book Your Exhibitor Space or  
to discuss Sponsorship**

**Contact Kate Miller**  
**Email: [katemiller@bfff.co.uk](mailto:katemiller@bfff.co.uk)**  
**Mob: 07933 704270**



# FIRE SAFETY – FROM LINCOLNSHIRE FIRE & RESCUE

## FIRE RISK MANAGEMENT



In the wake of some prominent multi-fatality fires, organisations have spent considerable sums of money on fire safety but not necessarily achieved an improved level of fire safety assurance. Having spent a number of years undertaking Fire Safety Audits on a variety of buildings, it is noticeable that some organisations are beginning to wonder if the current practice is sustainable.

It's been almost nine years since the Regulatory Reform (Fire Safety) Order 2005 prompted many organisations to undertake Fire Risk Assessments within the premises under their control and many organisations have spent significant financial resources on 'consultant' Fire Risk Assessors only to discover that the advice they received may have been offered with the best of intentions but was not wholly appropriate and may have differed from the advice of a 'competent' Fire Risk Assessor.

At the same time the fire industry has spent a considerable amount of time in the last few years deciding how to define a 'suitable and sufficient' Fire Risk Assessment (as per one of my previous articles) and deciding how to tackle the 'cowboy' market.

It would appear that, at long last, there is now at least a 'defined' competency criterion for Fire Risk Assessors and guidance for those charged with delivering Fire Risk Assessment programmes on how to seek out the services of a competent Fire Risk Assessor.

Following a recent review of Enforcement of the Regulatory Reform (Fire Safety) Order 2005, undertaken by the Department of Business Innovation and Skills, the Chief Fire Officers Association (CFOA) is now committed to promoting the use, and acceptance, of recognised professional certification and accreditation for commercial Fire Risk Assessors.



Fire Risk Assessments are the cornerstone of the Regulatory Reform (Fire Safety) Order yet the value of a Fire Risk Assessment, even when undertaken by a competent Fire Risk Assessor, is largely dependent on the organisation's ability to manage the outcomes. A Fire Risk Assessment is a means to an end but not the end in itself.

When reviewing the high profile prosecutions that have hit the headlines over the past few years, one quickly realises that failure to undertake a 'suitable and sufficient' Fire Risk Assessment (under Article 9) is not the only compliance obligation imposed by the Regulatory Reform (Fire Safety) Order 2005; there are numerous other duties by which the responsible person is bound.

Enter the concept of 'fire risk management'. With very few fire fatalities arising in commercial premises, fire risk management is not just about life safety or the risk of injury or death in the event of fire occurrence, it encapsulates life safety, property protection, mission continuity and sustainability in the face of fire.

In today's global and interconnected market place issues such as corporate social responsibility and reputational risk are very prominent and news headlines travel fast via both traditional and new media forms.

The cost of fire is at an all-time high and in these tough economic times organisations need to be frugal with finite financial resources. They need to build resilience and ensure that Fire Risk Assessment programmes deliver the intended outcomes.

Many organisations have a policy in place setting out an overarching statement of intent (signed by the CEO) and firmly establishing the 'what and why'.

Less common yet essential is the Fire Risk Management Strategy; a document which defines an organisation's Fire Risk Management System and method of implementing the overarching policy and which firmly establishes the details of 'how, when and who'. These two pieces of documentation form the backbone of an organisation's Fire Risk Management System (a set of interrelated or interacting elements of an organisation to establish policies and objectives and processes to achieve those objectives and manage fire risk) and are generally underpinned by operational procedures.

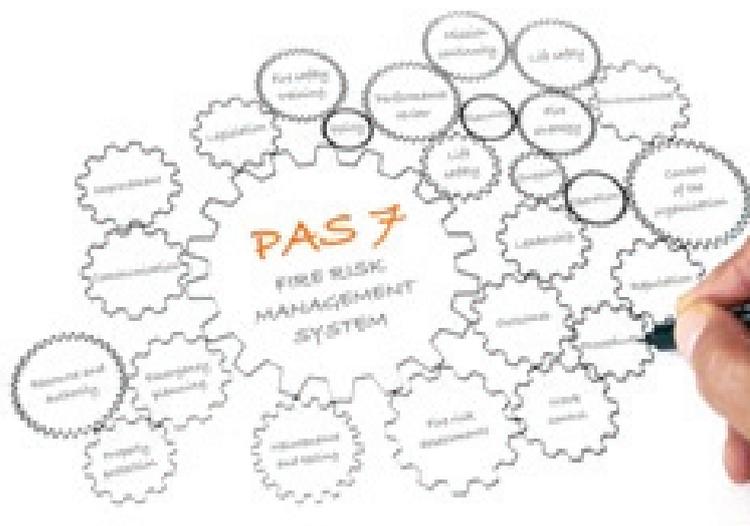


The practice of fire risk management within our built environment is a much broader discipline than many give it credit for. When undertaking Fire Risk Management System Audits, my experience is that those organisations that recognise fire risk management as a discipline in its own right, regardless of which department the function sits, are in a far better position to maintain governance over organisational fire risk than those that do not.

PAS 7 presents requirements for an organisation's Fire Risk Management System that documents a policy that is translated into action to ensure that the risk to people and the business are reduced as far as reasonably practicable, whilst ensuring that the legislative requirements are met. British Standards have recognised the benefits of PAS 7 and have now started the formal process of making the PAS7 into a British Standard.

Some organisations have formalised their fire safety policy, strategy and procedures and are now in the process of gaining Fire Risk Management System certification via a third party certification body. Those organisations that already hold certification of their Health and Safety Management System to OHSAS 18001, or Business Continuity Management System to ISO 22301, are well placed to integrate their management systems and streamline the internal or external audit process.

Fire risk management is evolving both as a discipline and a practice as an integrated or holistic approach to understanding and managing the risks posed by the threat of fire which enables an organisation to optimise its underlying processes and achieve more efficient results.



# SAFETY FOCUS

## YOUNG PERSONS AND MATERIALS HANDLING EQUIPMENT

One of the frequently asked questions to the British Frozen Food Federation is around the minimum age for persons using materials handling equipment, including electric pallet trucks and lift-trucks. Here we discuss how to manage the issues around young workers.

### HSE's perspective

The HSE state that there is no minimum age specifically for the use of mobile plant, although lift-truck operators should be over the minimum school leaving age (MSLA). One exception is in ports where they must be at least 18 years old.

### At greater risk

Rates for injuries sustained at work are among their highest in less experienced, young people embarking on their working careers. This is because they are likely to:

- not be fully developed — physically or mentally
- be less competent as they have had less training and lack experience
- encounter unfamiliar risks both from the work activities they carry out and from their surroundings
- have an increased willingness to take risks and shortcuts, often in an attempt to impress management and colleagues
- have a less developed decision-making ability than older workers
- lack the confidence to speak up about a workplace hazard.

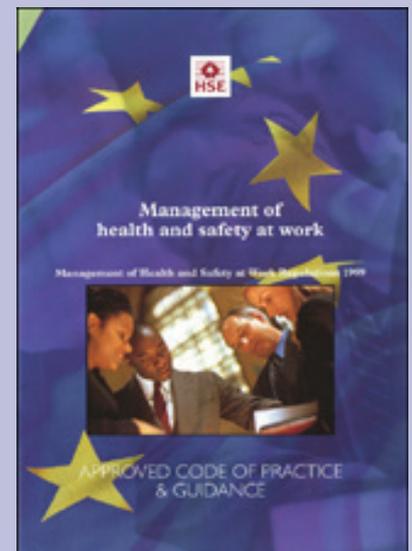
As a consequence, young people need special consideration, especially when undertaking higher-risk work such as using mobile plant.

### A legal requirement

Under the Management of Health and Safety at Work Regulations 1999 (MHSWR) an employer has a responsibility to ensure that young persons employed by them are not exposed to risk due to:

- lack of experience;
- being unaware of existing or potential risks; and
- lack of maturity.

For the purpose of these regulations, a young person is anyone under the age of 18, and a child is anyone who has not reached the MSLA. Pupils reach the MSLA at the end of the school year in which they turn 16. In Scotland, pupils turning 16 between 1 March and 30 September can leave school after 31 May of that year, while those turning 16 between 1 October and the end of February can leave at the start of the Christmas holidays in that school year.



## The risk assessment

MHSWR requires a specific assessment of risks to which young workers may be exposed, taking account of their inexperience, lack of awareness of risks and immaturity. The risk should take into account these specific factors.

- The young person's inexperience, lack of awareness of risks, and immaturity.
- The nature of the workplace and workstation.
- Exposure to physical, biological and chemical agents.
- The work equipment and the way in which it is handled.
- The organisation of processes and activities.
- The extent of the health and safety training provided or to be provided to young persons.
- Risks from agents, processes and work listed in the Annex to Directive 94/33/EC on the protection of young people at work.

The risk assessment should be used to identify the controls required to protect the young person, the level of supervision and the training needed. It should also identify the work activities that young people should be prohibited from undertaking, specific equipment that they should be prevented from using, areas to which access should be prohibited, and activities only to be undertaken with supervision.

There may not be a need for a new risk assessment for each young person. It is possible that more details can be added to the current risk assessment for materials handling operations to take account of the characteristics of the young person.

## The importance of induction

Given the additional risks that are a consequence of the employment of young persons, it is important that all young persons receive documented information, instruction and training before they start working. This induction training should not be postponed as many injuries occur during this initial period.

The induction should include a basic introduction to health and safety. It should be remembered that young persons and trainees on work experience are regarded in health and safety law as employees. As a consequence, they must be provided with the same health and safety protection and welfare facilities as other employees.

This induction will include the arrangements for first aid and accidents, details of the emergency evacuation procedure, the reporting of unsafe acts and conditions, welfare facilities, and the law on working time. In some organisations it may be necessary to include detail about the arrangements for personal safety and freedom from sexual harassment, violence and aggression or bullying.

While there is no formal licensing scheme for using materials handling equipment at work, the law does require that each operator is given adequate training by their employer so that they are competent to operate the machinery which they use (the Provision and Use of Work Equipment Regulations 1998; regulation 9). The training should be for the type of machinery to be used: for instance the skills for using a reach type lift truck can be different to those of using a counterbalance truck. Training provided for one type is not interchangeable with another.

Finally, before the young person starts their first task, adequate supervision by a competent person must be in place and a check carried out to confirm that the young worker has understood the information, instruction and training they need to work safely.

## LEGISLATION UPDATE

### FORTHCOMING LEGISLATION ON DRUG DRIVING

New legislation on drug driving has been welcomed by the campaign group Driving for Better Business which champions the cause of work-related road safety.



The new drug drive law came into force in England and Wales on 2 March 2015, making it illegal to drive with a specific controlled drug in the body above the accepted limit for that drug.

These new rules will mean it will be an offence to be over the specified limits for each drug while driving, as it is with drink driving.

The new offence will work alongside the existing offence of driving while impaired through drink or drugs.

Drugs to be covered by the new rules include cannabis, cocaine, ecstasy and ketamine.

In a statement, the Department for Transport has warned that the limits for illegal drugs will be extremely low and one smoke of cannabis will put drivers over the limit.

The penalties for drug driving will be the same as for drink driving. Drivers who are convicted will receive:

- a minimum 12-month driving ban
- a criminal record
- a fine of up to £5000 or up to 6 months in prison or both.

In the context of drugs and health and safety in the workplace, the HSE recommends that employers should adopt a substance misuse policy, in consultation with their staff. Some employers have decided to adopt drug screening as part of their drug policy. However, the HSE suggests that employers who decide to adopt drug screening “think very carefully” about what they want screening to do, and what they will do with the information it generates. The safety watchdog warns that drug screening by itself will never be the complete answer to problems caused by drug misuse.

Commenting on the new legislation, a source at Better Driving for Business said, “This legislation will provide a more effective tool for dealing with the danger posed by drug drivers.”

### FIRST PRIMARY AUTHORITY DETERMINATION

A dispute over different local authority interpretations of the law has been resolved in the first ever Primary Authority determination. The Business Department’s regulatory delivery directorate, BRDO, has upheld advice from primary authority Newcastle City Council to high street baker Greggs Plc. about provision of toilets in its retail premises.

**PRIMARY  
AUTHORITY**

Since Primary Authority was launched in 2008, BRDO has worked with more than 100 local authorities to find resolutions to differences of view which would otherwise have created unnecessary costs for businesses, whilst ensuring that vital protections are maintained.

BRDO

This challenge from Kingston upon Hull City Council is the only issue which has reached the dispute resolution process set out by legislation in the Regulatory Enforcement and Sanctions Act 2008 which established Primary Authority.

Kingston upon Hull City Council had challenged Newcastle City Council’s Primary Authority Advice, insisting that two of Greggs’ retail outlets provide toilets on the premises. The assurance provides certainty for the business about future investment decisions and clarity for all parties, helping to inform regulators and businesses elsewhere.

### SELECTING APPROPRIATE EYE PROTECTION



**Q.** A risk assessment has identified the need to provide eye protection for employees using substances that can be hazardous. Could you outline how we can ensure the most appropriate eye protection is provided?

**A.** Although it is small in size, the eye arguably provides humans with the most important of the five senses: vision. Any damage to the eye through workplace accidents can have a significant impact on those suffering an injury.

BS 7028: Eye Protection for Industrial and Other Uses - Guidance on Selection, Use and Maintenance notes that “the selection of appropriate and suitable eye-protectors for any given situation is of vital importance”. Failure to do so can have an effect on the wearer ranging from minor discomfort through minor injury to complete loss of sight.

When selecting eye protection, there are two essential sources of information that complement the risk assessment findings:

- those who are the users of the equipment
- the manufacturers, who can supply relevant data on products.

Having determined that individual eye-protection is necessary, the basic type of eye-protector required needs to be identified in terms of its specification to the appropriate standard (BS EN 166/1731 for chemical, mechanical and optical radiation).

There are then a number of potential performance requirements that need to be determined. This may include protection from liquid splashes or droplets, gas or vapours and molten metals.

The final stage of the selection process is to select a style of eye-protector that matches these requirements. This could be fulfilled by more than one style of eye-protector (eg spectacle, goggle or face shield) with manufacturers most likely able to supply various alternative models.

Guidance to the Personal Protective Equipment Regulations 2002 recommends that eye protection is “issued on a personal basis”. If doing so, it is advisable to offer employees a selection of suitable eye-protectors and to carry out trials to assess, for example, comfort, fit, aesthetic appeal, ease of maintenance and compatibility with other items of PPE.

The points in relation to comfort and fit are important, employees wearing uncomfortable products will be tempted to remove them, or even not wear them, in the hazardous environment.

Other factors to consider include cost, any limitations of the equipment and effectiveness in the work situation. For those who require corrective spectacles to undertake work activities, there is the option to provide face-shields or deep framed goggles. Alternatively, special corrective eye-protectors can be obtained.

## CRISIS COMMUNICATION

**Q.** A recent health and safety-related incident has highlighted the need to improve our “crisis communication” arrangements. Are there any guidelines on how we can prepare to ensure better communications in the future?

**A.** Although rare, serious health and safety-related incidents, when they do occur, can generate considerable interest among a range of stakeholders using numerous media sources.

Research undertaken by the HSE found that management of reputational risk is growing in importance, largely due to the following points:

the growth in information technology and media leading to rapid transmission of information directly to general public

a “professionalisation” of communications, where society actively engages media

a greater stakeholder interest in corporate misconduct due to the impact this has on share and brand value.

British Standard 11200, Crisis Management — Guidance and Good Practice, provides detailed guidelines on the preparation of a communications strategy as part of crisis management. The standard notes that “effective crisis communications position the organisation as the central source of information, reassure interested parties and demonstrate control of the situation”.

As such, a communication strategy should be developed as an overall part of the organisation’s contingency planning. The general principles to be considered when developing a communication strategy are that:

crisis communication maintains a steady flow of relevant, factual and timely information

communications must have a central strategic role in the response to, and recovery from, an incident.

those with responsibility for communications must have credibility with management to give clear advice that is acted on.

Organisations will need to ensure there is a dedicated individual or team nominated to manage communications and related information flow. The functions of the role will involve handling press enquiries, drafting press releases, issuing background information, anticipating enquiries, drafting key positive messages, briefing spokespersons and monitoring media coverage of the incident.

In the event of a serious incident, a decision will need to be made as to the potential impact this may have on the organisation’s reputation and whether or not the plan needs to be invoked. This will very much be a judgment call, based on the facts available.

Preparation of some information prior to an incident may be beneficial, for example on the organisation’s health and safety record and management systems. Pre-prepared information can be especially useful in the early stages of an incident as it enables an organisation to provide generic information while details of the incident are still being established.



# GUIDANCE

## HSL WHITE PAPERS

The Health and Safety Laboratory have produced some White Papers for the industry, promoting Safety Culture and also a handy guide on footwear ratings.

As safety professionals, HSL can appreciate the value of safety culture to businesses, but it's not always easy to persuade colleagues above and below in the management chain. The three white papers, which can help with understanding the importance of a positive safety culture and highlight experience of the moral, legal, and financial arguments. They can also help you develop a business case for investing in improving the safety culture in your organisation.

The 'First Steps' white paper explains the process of improving your safety culture, specifically where you begin. It helps with understanding the things you need to do to lay the foundation for a successful programme and describes how the Safety Climate Tool can help you understand your strengths and areas for improvement. There are also two further papers 'Making a Case for Culture' and 'Measuring Climate Safety in Organisations' that you may find of use. HSL have also released 5 new ratings as part of the GRIP footwear rating scheme, which helps health & safety professionals make an informed decision when purchasing slip resistant footwear.

All of the HSL White Papers are available on the Health & Safety Guidance pages of our website: <http://bff.co.uk/health-safety/guidance-2/>

HSL can help in improving safety culture within your business. You can contact them by calling 01298 218356, or find out more information on their website: <http://www.hsl.gov.uk/>

## UPDATED RISK ASSESSMENT GUIDANCE

HSE has re-launched its guidance document INDG 163 as Risk assessment: A brief guide to controlling risks in the workplace (it was formerly known as Five Steps to Risk Assessment).

Besides the name change, the new guidance further emphasises the sensible risk management approach, explicitly stating that a risk assessment is "not about creating huge amounts of paperwork, but rather about identifying sensible measures to control the risks in your workplace".

The 'five steps' themselves remain unchanged: identify hazards, identify who might be harmed, evaluate the risk, record and review.

## HAND CLEANING PRODUCTS VS. HAND WASHING

HSE have published a new Research Report by the Health and Safety Laboratory (HSL) entitled RR1007 'A review of the data on efficacy of hand cleaning products in industrial use as alternatives to hand washing'. According to HSE, the aim of the research project was to "review available data on the efficacy of currently available alternatives to soap and water for hand washing in the context of removal of contamination typical of that experienced in a range of outdoor activities, workplaces and related environments".

Based on the evidence investigated, HSL conclude that the use of soap and warm running water for hand washing "remains an effective method for reducing the levels of hand borne microbiological contamination." The use of soap and cold running water has also been shown as "effective for hand decontamination, though is likely to be marginally less effective than soap and warm water."

Alcohol preparations, including gels or liquid hand rubs, can significantly reduce microbiological hand contamination. However, the report highlights limitations as to how alcohol rubs and gels should be used, especially where there is heavy soiling of the skin.

Based on available data, HSL recommend the following hierarchy:

- Washing hands with soap and warm water;
- Washing hands with soap and cold water;
- Rinsing hands with water alone;
- Wiping hands with moistened wipes;
- Using hand rubs or gels

To view the report in full, visit: <http://www.hse.gov.uk/research/rpdf/rr1007.pdf>

## A NEW RECIPE FOR SAFETY

HSE have launched an updated version of HSG 252 'A Recipe for Safety: Health and safety in food and drink manufacture', 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>



## WORKER HEALTH THEME FOR HEALTH AND SAFETY WEEK 2015

This year's Health and Safety Week, which will take place from 15 to 19 June 2015, will focus on the theme of worker health.

The week, supported by a wide range of occupational health and safety organisations, including for example the Royal Society for the Prevention of Accidents (RoSPA), the British Occupational Hygiene Society (BOHS), and the British Safety Industry Federation (BSIF), had a successful inaugural launch last year in 2014.

The aim of the Week is to celebrate the achievements of UK health and safety practitioners and bring pride to the industry.

The organisers of the Week point out that despite fatal injuries being at their lowest in 20 years, occupational health cases are on the rise.

The latest statistics show that 2535 people died of mesothelioma (asbestos-induced cancer) in 2012 due to past exposure to asbestos, while more than 1.2 million people are suffering from a work-related illness.

In the context of 2015 theme, the objective of the week is to inspire employers and employees to embrace health in the workplace by instigating initiatives and programmes throughout the year. Occupational health issues include problems such as:

- cancer, as a result of exposure to asbestos, silica and shift work for example
- other asbestos-related illnesses
- respiratory diseases such as asthma, emphysema and bronchitis
- noise-induced hearing loss
- musculoskeletal disorders
- work-related skin disease
- stress
- mental ill health
- hand-arm vibration diseases.



Further information about the week can be accessed at [www.healthandsafetyweek.com/](http://www.healthandsafetyweek.com/)

## GET READY FOR CDM 2015

At the time of writing the HSE has published its guidance document ahead of the new CDM Regulations 2015 which will come into force on 6 April 2015. The 'L' series Guidance has been published early so that those with responsibilities under CDM have time to make preparations for the new requirements.

Although CDM might be seen as specific to the construction industry, not only builders but all those involved in CDM projects (including the client) need to closely examine the Guidance and the Regulations and start getting ready for CDM 2015 — for anything less could lead to costly hold-ups on projects.

### Action that needs to be taken for CDM 2015

The Management of Health and Safety Work Regulations 1999 at Regulation 5 requires every employer to have health and safety arrangements in place for the effective management of health and safety. In practice, this means that the following action is required.

- Policies (and those including CDM requirements) must be reviewed and amended in light of requirements brought in by CDM 2015.
- Procedures which relate to CDM must also be reviewed and amended. Forms and pro-formas may also need revision. The guidance document can be used to obtain practical help on how to implement the changes.
- Properly consulting and engaging with workers. This, in particular, will be a key factor in managing a successful implementation of CDM 2015.

- Training Needs Analysis (TNA). It will be important to perform a TNA or a similar exercise to identify what training is required within the organisation and by whom. All roles relating to CDM need to be examined (including those at board level) and suitable training implemented as soon as possible. The TNA must cover not only the new requirements of CDM 2015 but also any changes to CDM policies and procedures within the organisation.

Equally, when considering the implementation of CDM 2015, it is important to be mindful of the transitional arrangements detailed in the Regulations since they have been amended and enhanced (in light of comments made in the Consultation process for CDM 2015) and may considerably affect appointments, roles and responsibilities during the transitional period.

### **Transitional arrangements**

Under CDM 2007, a client is required to appoint a CDM co-ordinator to:

- provide advice and assistance to the client
- make arrangements for the coordination and implementation of health and safety measures during the pre-construction phase
- identify and collect the pre-construction information.

CDM 2015 removes this role and replaces it with a new role — that of the principal designer.

Schedule 4 of CDM 2015 provides transitional arrangements for projects which span until 6 April 2015.

For projects:

- involving more than one contractor
- starting before 6 April 2015
- where a CDM co-ordinator has not yet been appointed
- and where the construction phase has yet to start
- the client must appoint a principal designer as soon as practically possible.

The client is not required to appoint a principal designer if the construction phase has already started, but may do so if they wish. If they choose not to appoint a principal designer, the principal contractor takes on the responsibility for the health and safety file. In these circumstances, any designer involved with the project should provide information about any residual risks in designs to the principal contractor.

Where on 6 April 2015 the client has appointed a CDM co-ordinator, a principal designer must be appointed within six months, i.e. by 6 October 2015.

The CDM co-ordinator must then comply with the duties listed in paragraph 5 of Schedule 4 for the duration of their appointment. These duties broadly reflect duties of a CDM co-ordinator under CDM 2007, but also reflect the arrangements under CDM 2015 which relate to the construction phase plan and the health and safety file.

During the transitional period, CDM co-ordinators do not have to satisfy the criteria for a principal designer under regulation 5(1)(a) that they should be a designer with control over the pre-construction phase of the project, nor do they have to comply with the principal designer duties under regulation 11.

### **Other transitional provisions**

These are:

- any pre-construction information, construction phase plan or health and safety file provided in accordance with the requirements of CDM 2007 are recognised as meeting the requirements of the equivalent provisions in CDM 2015
- notification of a project in accordance with CDM 2007 is recognised as a notification for the purposes of CDM 2015; and
- a principal contractor appointed under CDM 2007 will be considered to be a principal contractor for the purposes of CDM 2015.

## Key points to consider

### Principal designer

The role of the CDM co-ordinator role (under CDM 2007) has been replaced by the Principal Designer. This means that responsibility for co-ordination of the pre-construction phase will rest with the Principal Designer. Those appointed as Principal Designer need to have the necessary skills, experience and capability. Principal Designers must be appointed where there is more than one contractor involved in the project.



### Designing for safety

The new role of the Principal Designer is likely to lead to more emphasis on the importance of “designing for safety” during construction. Does the design team understand the concept of “designing for safety” and know how to perform “design” risk assessments and the implementation of control measures in line with the General Principles of Prevention as set out at Appendix 1 of CDM 2015?

### Competence

The explicit requirements for competence contained in CDM 2007 and its accompanying ACOP have been removed and replaced with a specific but general requirement for appropriate skills at Regulation 8 of CDM 2015. All appointments and those working on site must meet this requirement. In practice procedures need to be developed which satisfy the Guidance to CDM 2015, so that persons have the necessary skills.

### Notification

Projects will need to be notified by clients where they last longer than 30 working days and have more than 20 workers working simultaneously at any point in the project; or the project is likely to exceed 500 person days. Notification procedures will need amendment.

### Domestic clients

Domestic clients are in scope of CDM 2015 and this was primarily introduced to satisfy the requirements of the Temporary or Mobile Construction Sites Directive. In practice, their duties as a client will be transferred to:

- the contractor, on a single contractor project; or
- the principal contractor, on a project involving more than one contractor.

Procedures need to reflect and prepare for this.

### Client duties

As with CDM 2007, the duties of the client are seen as imperative to the success of the new CDM regulations. With an overriding responsibility for managing a project, clients will now need to appoint a Principal Designer and Principal Contractor for projects where there will be more than one contractor involved. In such projects, procedures will need to specify and activate this requirement.



## Conclusions

Although the changes are expected to significantly affect construction businesses, Client responsibilities have also been enhanced. Time spent preparing for the new regulations and guidance in the ensuing weeks will not only save time in the long run, but will also help maintain safe sites and a safe workforce.

According to the HSE Statistics 2012/13 in 2011, there were in excess 4,000 deaths in Great Britain attributed to mesothelioma and lung cancer caused by past exposure to asbestos.

It is expected the number of asbestos related deaths are to continue to increase in future years before peaking towards the end of this decade.

The significance of these figures can be put into perspective when compared with the number of deaths caused annually by accidents at work; in the period 2012/2013 there was only 148 fatalities.

The latest HSE asbestos awareness campaign Beware Asbestos includes its first smartphone app and follows in the steps of the HSE's successful Asbestos: Hidden Killer" campaign.

Hidden Killer was one of the HSE's most successful campaigns, resulting in a six fold increase in the number of visits to its asbestos microsite. The campaign was picked up by major print outlets and broadcasters, including the BBC Radio 4 Today programme and GMTV. But now the HSE is turning to digital media to reach its audience.

Although the Beware Asbestos campaign is principally aimed at raising the awareness of building maintenance workers who may encounter asbestos it will also be of interest for any business occupying premises constructed prior to 2000.

The app highlights the fact that some 20 tradespeople die each week from asbestos related diseases and that asbestos is still present in millions of homes and buildings build before the year 2000.

The free Beware Asbestos web app, for phones, tablets and laptops (see [www.beware-asbestos.info](http://www.beware-asbestos.info)) leads tradespeople through a list of simple multiple-choice questions about the type of building they are working in, the job that they are doing, and the type of asbestos containing material they are working on.

Depending on their answers, they will be:

- told to stop work and get a licensed asbestos contractor if the asbestos risk is too high;
- taken to a simple how-to guide giving them easy to follow step-by-step information for lower risk asbestos work lower risk asbestos work;
- told there is no asbestos risk and so they are safe to continue work

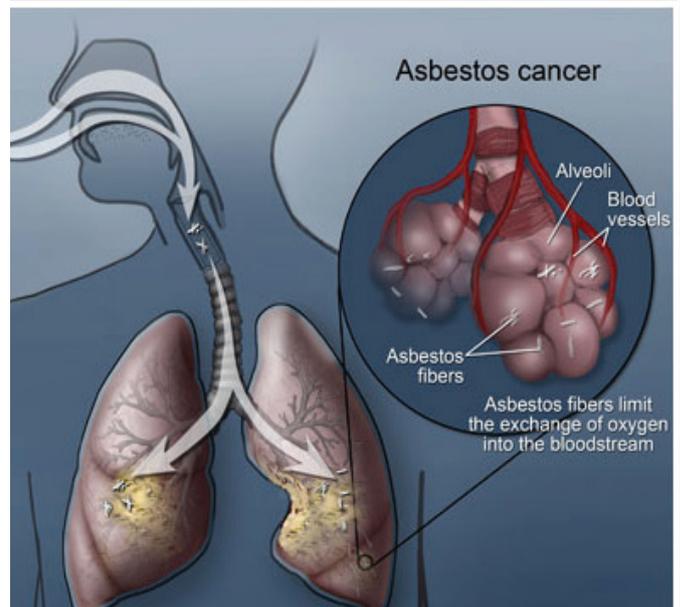
The information provided is not enough to protect against all risks from asbestos. If possible, plan work to avoid disturbing any asbestos; if this is not possible, work should not start until the correct instruction, information and training to do it safely has been given.

The HSE has also developed asbestos safety kits for the campaign, which will be distributed by membership based building supplier B&Q TradePoint; the HSE believes many of TradePoint's members fall into its target audience for the campaign.

The kits include a set of information cards giving the same guidance as the app. There are pictures of a house and industrial building showing the places asbestos can be found. Other cards focus on the three actions that will reduce the risk when dealing with asbestos: damping down dust, wearing the right kit, and cleaning up and disposing of materials carefully.

The heavy duty cards are bound together by a metal ring and the HSE hopes workers will carry them so they can refer to them on every project. The kit also includes a disposable type 5 overall — the type that should be worn when handling low risk asbestos containing materials.

The campaign launched in September 2014 and is accompanied by a six month public relations push, including advertisements in national newspapers. The smartphone app will be a permanent addition to the HSE's resources.



## SURVEY ON NEW AND EMERGING HEALTH AND SAFETY RISKS

The European Agency for Safety and Health at Work (EU-OSHA) has published the results of its latest survey on new and emerging risks in enterprises.

According to the Agency, in the second edition of the survey, almost 50,000 businesses across Europe were surveyed on aspects of occupational safety and health focusing on psychosocial risks, including, for example, work-related stress, violence and harassment, and health and safety management.

The aim of the survey is to provide nationally comparable data to help in policy making and assist workplaces to deal with risks more effectively.

In particular, the report on the survey explored in detail four areas of occupational safety and health, namely:

- the general approach to managing health and safety
- how the emerging area of psychosocial risks is addressed
- the main drivers and barriers to the management of occupational safety and health
- how worker participation in health and safety management is implemented in practice.

The report is said to reflect the continued growth of the service sector, with the most frequently encountered risk factors in this area identified as:

- having to deal with difficult customers, pupils or patients (58% of establishments)
- tiring or painful positions (56%)
- repetitive hand or arm movements (52%).

Psychosocial risk factors were perceived as more challenging than other risks. Almost one in five of organisations reporting dealing with difficult customers or experiencing time pressure, which, the authors say, indicates that they lack information or adequate tools to deal with the risk effectively.

## SECURE YOUR VEHICLE TO HELP STOP ILLEGAL IMMIGRATION

Gov.uk has guidance available on their website to help avoid bringing migrant stowaways into the UK.

Road transport companies and their drivers must secure vehicles coming into the UK to stop 'clandestine entrants'. A clandestine entrant is a person who hides in or on a vehicle to avoid going through UK border control.



If you don't secure your vehicle, and you're found carrying clandestine entrants into the UK, you'll get a fine (also known as a 'civil penalty'). You face a fine of up to £2,000 for each clandestine entrant you carry. The vehicle's driver, owner or hirer can be fined.

The law applies to all arrivals into the UK, including from European sea ports and on the Eurotunnel Shuttle.

You and your driver can be fined if don't have an effective system to secure your vehicle, or if it isn't used properly.

For your company, an effective system includes:

- written instructions for drivers on how to use the system
- robust security devices to effectively secure the vehicle, load and load space
- training for drivers on how to use the system and security devices
- giving vehicle security checklists to drivers
- checking that drivers are following the instructions

The vehicle security checklist, in an array of languages, can be found on the gov.uk website here: <https://www.gov.uk/government/publications/vehicle-security-checklist>

More information on migrant stowaways for drivers can be found here: <https://www.gov.uk/secure-your-vehicle-to-help-stop-illegal-immigration>

## ENFORCEMENT

### COMPANY GUILTY OF CORPORATE MANSLAUGHTER

The Crown Prosecution Service (CPS) has secured another successful conviction under the Corporate Manslaughter and Corporate Homicide Act 2007, following the prosecution of a Runcorn-based kayak manufacturer, after the death of a worker who was trapped in an industrial oven.

On 23 December 2010, a 54-year-old team leader at the Pyranha Mouldings factory in Runcorn, Cheshire, had gone inside an industrial oven to scrape up dripped plastic.

Subsequently, another worker, turned the oven on, without realising the team leader was inside. As it was switched on, the doors automatically shut and locked, leaving him trapped inside the oven with no means of escape or raising the alarm.

It was only after smoke began pouring out of the oven that the team leader was discovered. The evidence indicated that he had tried to escape from the oven using a crowbar but suffered severe burns and died from shock. An escape hatch has been fitted to oven since the accident.

Pyranha Mouldings was successfully prosecuted by the CPS under the Corporate Manslaughter and Corporate Homicide Act 2007.

The Technical Director of the company, who had designed the oven, was also found guilty of offences under the Health and Safety at Work, etc Act 1974. Two other directors were cleared of health and safety offences in other court proceedings.

At the time of writing the company is due to be sentenced.



### ANOTHER FIRM SENTENCED FOR CORPORATE MANSLAUGHTER



A building company and its owner have been sentenced in February after pleading guilty in court following an incident in 2011 where a man died as a result of falling through a roof.

On 25 October 2011 emergency services were called to West Cumberland Farmers LTD in Ulverston following a report that a man had fallen through a roof. The man was a 42-year-old employee of Peter Mawson Ltd, a building firm. While working on the roof he had fallen through the skylight from a height of approximately 7.6 meters onto a concrete floor. He was taken to a nearby hospital but died shortly after.

The owner of the company pleaded guilty to a breach of the Health and Safety at Work Act (HASAWA) and was sentenced to eight months in prison (suspended for two years) and 200 hours unpaid work.

The company pleaded guilty to 'corporate manslaughter' and a breach of the Health and Safety at Work Act (HASAWA) for their failure to ensure the safety of the worker. The firm was fined £200,000 for the corporate manslaughter offence, and £20,000 for the breach of HASAWA.

In addition the court imposed a publicity order requiring the building firm to advertise what happened on the company's website for a set period of time and to take out a half-page spread in the local newspaper.

## RECYCLING FIRM SENTENCED OVER FORKLIFT DEATH

A recycling company has been fined £180,000 after a worker was killed on his first day at work when the forklift truck he was driving overturned.

The worker, from Ellesmere Port, was using the forklift at Recresco Ltd's glass recycling plant in Ellesmere Port, on 26 April 2010 when the vehicle overturned, crushing him to death.

Liverpool Crown Court heard that the worker had been hired on a temporary four-day contract and was just a few hours into his first day when the incident happened.

Recresco Ltd was prosecuted by the Health and Safety Executive (HSE) after an investigation found that forklift truck drivers regularly had to work in an area that was often covered in waste materials. This prevented them from turning the vehicles safely.

The court was told that the worker was not wearing a seatbelt and there was no company policy in place to ensure seatbelts were worn.

HSE's investigation also found that the forklift trucks in use at the plant were not suitable for operation on uneven surfaces or over loose material such as that found on the site. Alternative vehicles, such as four-wheel-drive, all terrain shovel loaders, could have been used and were already in use elsewhere on the site. Since the incident, the company now uses these vehicles to move all the waste material on the site and it is now company policy for seatbelts to be worn at all times in all vehicles.

Recresco Ltd was fined £180,000 and ordered to pay £38,693 in prosecution costs after pleading guilty to a breach of the Health and Safety at Work etc Act 1974 on 17 December 2014.



## FIRM FINED FOR MULTIPLE FAILINGS AT WASTE SITE

A waste and recycling site in Carmarthen was in such a dangerous condition that visiting health and safety inspectors had to issue eight notices to immediately halt a range of work activities, a court has heard.

The site was subject to a routine inspection by Health and Safety Executive (HSE) inspectors on 20 May 2013 when a number of serious safety issues were discovered, including access to unguarded dangerous machinery, exposure to risk of electrocution and areas contaminated by asbestos containing materials.

The court was told the site had a catalogue of dangerous points.

Among these was a "man basket" on a forklift truck to allow workers to carry out work at height. This basket was not secured to the forks of the truck and there was no cage behind the basket to stop workers becoming trapped with the fork lift truck mast.

There were no suitable guards to prevent workers getting caught in the moving machine parts of a granulator, two compactors, a shredder and a paint mixing drum, and electrical cables were found trailing through liquid, leading to a risk of electrocution.

In addition, exposed and damaged pipe lagging, which included asbestos containing materials, was in a poor state and exposed workers at the site to the risk of contamination. This was allowed to continue by the firm despite an earlier report by a specialist that had identified the presence of asbestos in the area and recommended its urgent removal.

The company pleaded guilty to a breach of health and safety regulations, a single breach of control of asbestos regulations and a breach of work equipment regulations and was fined a total of £35,000 and ordered to pay £20,000 in costs.

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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