

KEEP IT SAFE

BFFF QUARTERLY HEALTH & SAFETY NEWSLETTER

JULY 2016



SPONSORED BY:



British Frozen Food Federation

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FOREWORD

Welcome to the July edition of Keep It Safe

During this last quarter we have been busily collating the members' health and safety accident statistics and we are delighted that now 70 companies are taking part. It is also very encouraging to see the reductions in the RIDDOR rates for our industry. The detailed results are published within this newsletter and please do not hesitate to contact us if you would like more information.

We are also continuing to work on the guidance 'Preventing falls whilst working on mobile refrigeration units'. We have been continuing to work with the FSDF, HSE and our Primary Authority on the latest version and we hope to be able to provide the membership with more news on this guidance in the near future.

Our expert group continue to offer the service of providing feedback to the industry queries we receive. Last year we provided feedback on 48 queries for members relating to health & safety and fire safety matters. This service helps to shape our work on the health and safety side so please do not hesitate to contact us for support. More details on our Expert Group is provided on page 26.

During our last Expert group meeting, the group provided feedback on the latest initiatives from the Regulatory Delivery Department within Government which will shape the Primary Authority schemes and heads up the latest red tape challenge looking into local regulation. We also discussed the results of the benchmarking statistics and finalised the plans for this years' seminar.

Please feel free to contact joannahancock@bfff.co.uk for more information on our expert group's work or indeed any of our fire safety work, or if you wish to get involved in the new benchmarking statistics.

If you would like to get involved with our Primary Authority schemes contact crystalholmes@bfff.co.uk

In the meantime we hope that you enjoy this latest edition.

Please contact BFFF if you would like to receive additional / back copies of this newsletter

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



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BFFF HEALTH AND SAFETY INITIATIVES

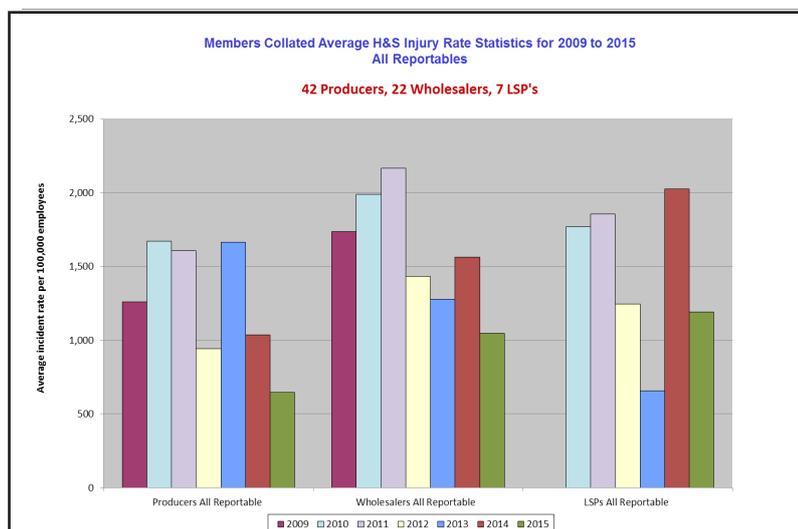
BFFF MEMBERS' COLLATED HEALTH & SAFETY INJURY STATISTICS 2015

We have pleasure in sharing with you the members' collated health and safety injury statistics for 2015. We had fantastic input from the membership with 41 Food Producers, 22 Wholesalers and 7 Logistics Service Providers (LSP's) all sharing their data with us. These 70 companies represented 52,000 employees, which is an increase of 17000 employees from last year, with new companies taking part. We are delighted that participation in this service continues to grow and we would like to thank all members that took part.

The chart below highlights the average injury rate per 100,000 employees from 2010 through to 2015. A detailed spreadsheet for each sector and copies of detailed graphs are available for all members that have contributed their data, so please contact Joanna Hancock if you would like to see a detailed comparison for your company.

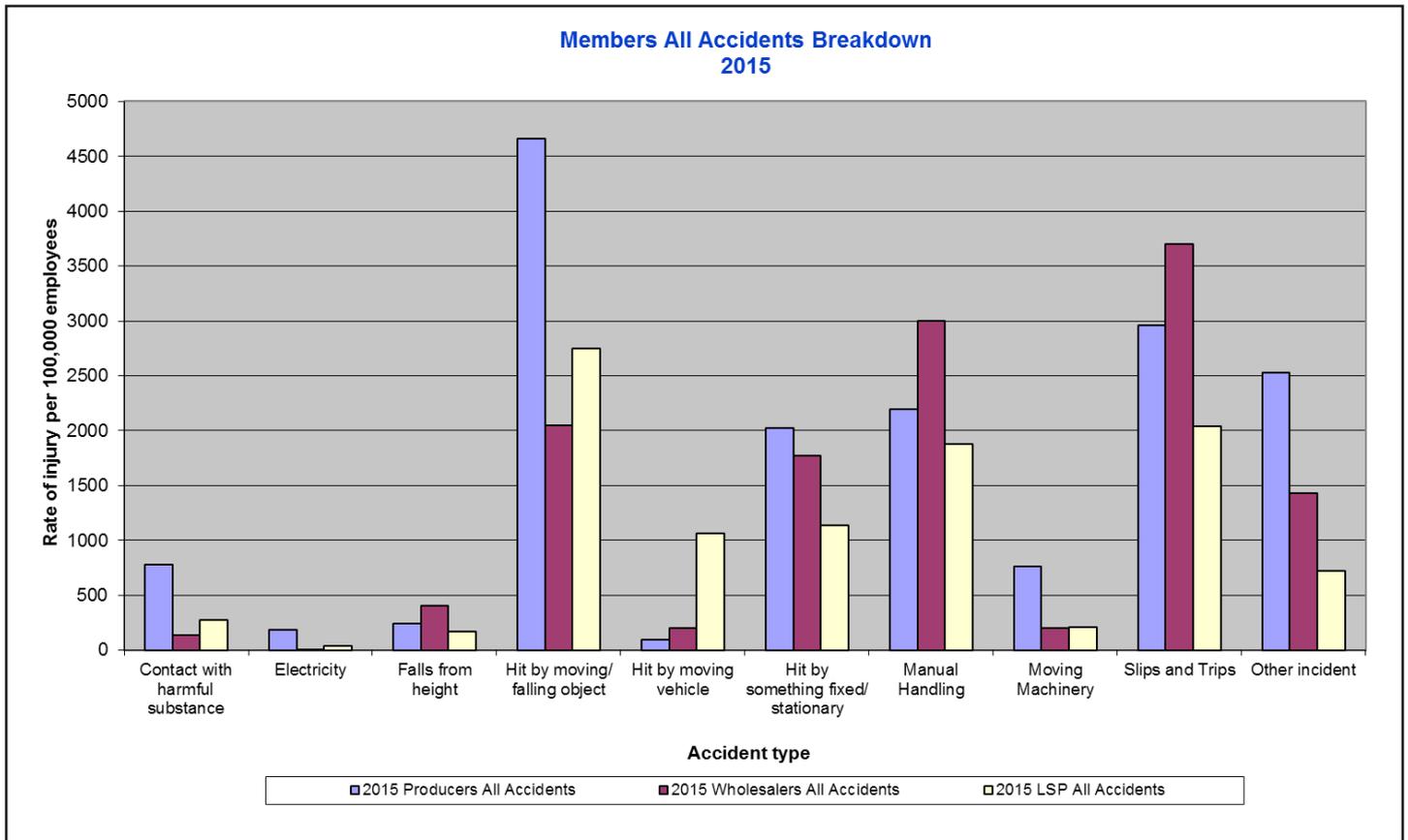
Sector Specific Information								
SECTOR	NO. OF RESPONSES RECEIVED	2010	2011	2012	2013	2014	2015	% CHANGE 2014-2015
		PRODUCERS All Accidents	41	20,828	17,953	18,909	17,189	20,670
PRODUCERS Reportable Only		1,673	1,609	942	1,663	1,035	647	-37.5%
WHOLESALEERS All Accidents	22	10,648	13,174	10,678	12,678	11,548	12,885	11.6%
WHOLESALEERS Reportable Only		1,990	2,168	1,433	1,280	1,564	1,046	-33.1%
LOGISTICS SERVICE PROVIDERS All Accidents	7	15,417	12,806	16,025	20,404	9,159	11,454	25.1%
LOGISTICS SERVICE PROVIDERS Reportable Only		1,768	1,855	1,244	656	2,025	1,191	-41.2%

The following chart shows the trend of the reportable accidents since 2009. Overall there has been a significant reduction in the reportable accident rates for all sectors of our industry. This reduction is a positive step forward for the industry, particularly in light of the increased financial implications with the new sentencing guidelines.



The following charts breakdown the 2015 figures in more detail for the sectors.

All Accidents 2015



Food Producers

Encouragingly the ‘all accident rate’ has decreased to the lowest figure since we started to collate our members’ statistics. Furthermore there has been a significant reduction in the accident rate for manual handling accidents from 3,567 to 2196 per 100,000 employees. As in previous years the top three accident category areas for 2015 are as follows:

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

Wholesalers

Although the ‘all accident rate’ has increased from last year, the rate is below the peak in 2011. Once again the top three accident categories mirror the 2013 and 2014 results being:

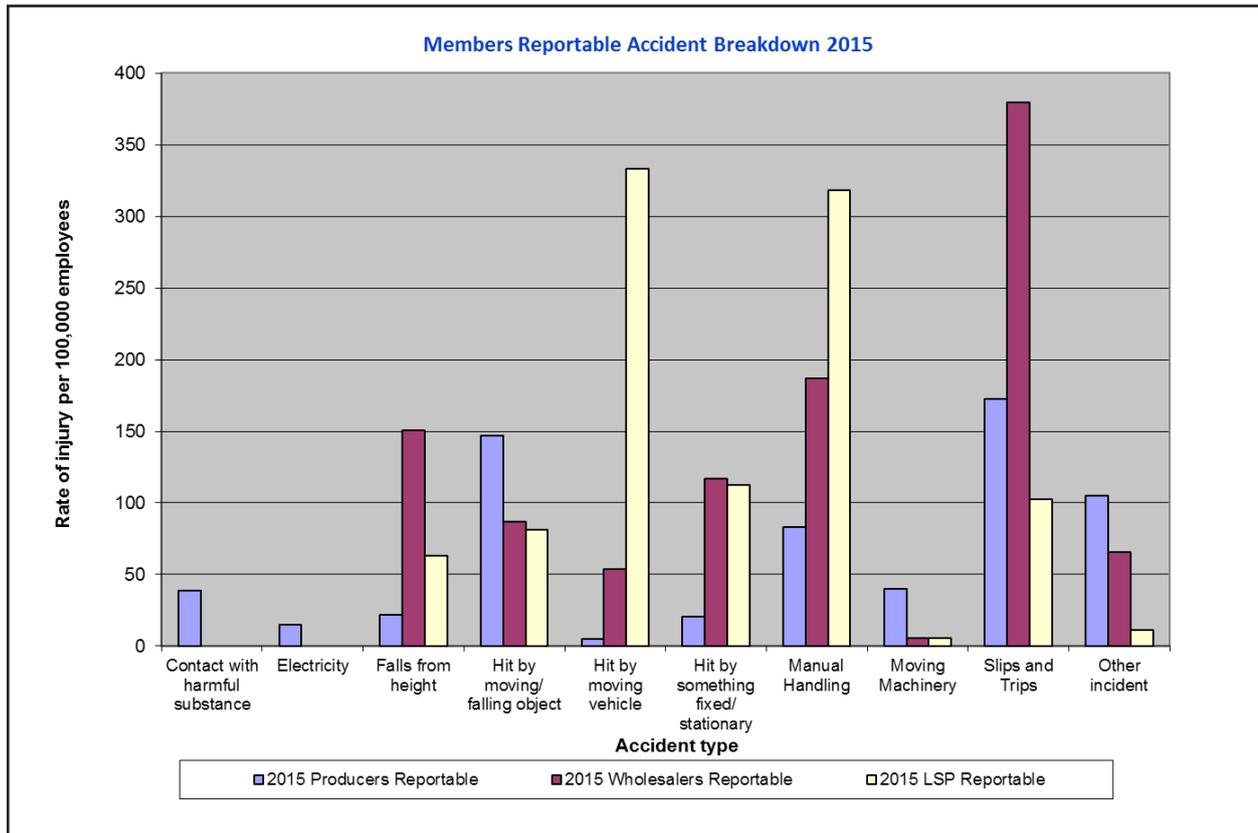
1. Slips and Trips
2. Manual Handling
3. Hit by moving/ falling object

Logistics Service Providers

Positively the ‘all accident rate’ has decreased since we started to collate our LSP members’ data. The top three accident categories are again very similar to our wholesale members’ data with manual handling incidents now featuring within the top three:

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

Reportable Accidents 2015



Food Producers

Encouragingly the reportable accident rate significantly reduced last year and is below the figures in 2012 when the new RIDDOR reporting regimes came into force. The top three accident categories are as shown below. Slips and Trips accidents continue to reduce again last year. Although Manual Handling accidents remain within the top three accident categories, they reduced by 21%.

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

Wholesalers

The reportable accident rates significantly decreased from last year and have been on a downward trend since 2012. The top three accident categories were as shown below. It is encouraging to see there is an overall downward trend for 'slips & trips' and 'manual handling' accidents:

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

Logistics Service Providers

It is positive to see the reportable accidents have decreased significantly from last year and have reduced from 2012 when the new RIDDOR reporting regimes came into force. Slips and Trip accidents have reduced by over 10% and are no longer within the top three accident categories as shown below:

1. Hit by moving vehicle
2. Manual Handling
3. Hit by something fixed/ stationary

2015 Summary and Next Steps

Our statistics provide a valuable confidential management tool to enable all members to benchmark their performance against other companies within the sector. With even more participation this year, the resulting statistics provide an even more comprehensive management tool representative of our sector.

New for 2016, BFFF now offers a more detailed benchmarking forum which collates accident statistics per month and compares them in detail once per quarter. Currently we have 6 members who have trialled this new service and have been delighted with the results. So please contact Joanna Hancock for more information.

2015 results show significant reductions across all sectors which is very positive for our industry. The reduction in specific accident categories, particularly the manual handling injury rates, is a welcome result. The success on the injury rate reduction is very promising and beneficial for the industry and we would invite all members to build on this success.

We continue to provide technical support for all members in the area of health and safety and fire safety. Throughout 2015, we answered 48 health and safety/ fire safety queries from members and increased our portfolio of industry guidance. Feel free to contact Joanna Hancock or Crystal Holmes for more information.

FOOD AND DRINK INDUSTRY COMMON STRATEGY 2016-2021

BFFF is part of the HSE Food and Drink Manufacture Safety Forum comprising of representatives from HSE's Food Section key food/drink trade associations and the main food industry trade unions.

One of the key areas of work for this forum in 2015 has been the revision of the common strategy for improving health and safety in the Food and Drink Manufacturing industries. It recognises and builds upon previous work by supporting organisations and aims to further improve the sector's health and safety performance.

The strategy comprises of 4 specific objectives which focus on the key causes of ill health and injury and promotes effective occupational health management. The four objectives include an injury rate reduction target, managing Musculoskeletal Disorders (MSD) including Manual Handling and Upper Limb disorders, Slips and Trips and Managing Occupational Health within organisations.

BFFF will be aligning our members' health and safety pledge to the revised common strategy for our sector and will provide details for members within the near future. In the meantime, these objectives are a clear steer on the priorities to reduce the incidence rate of occupational ill health and injury in the sector.

NEW BFFF MEMBER INTEREST GROUP - REFRIGERATION & COOLING

The BFFF Expert Groups are supported by a series of Member Interest Groups (MIGs) and these are available to all members to join. They consist of electronic information dissemination which may evolve into teleconferences over time, but currently does not involve attending meetings.

These e-MIGs offer members the opportunity to feedback on BFFF policy and proposed regulation consultations. Working closely with the relevant parts of the Expert Groups these e-MIGs currently cover Meat, Fish, Fruit and Vegetables and Biocides & Chlorates. As the food landscape increases in complexity we continue adding to the MIGs to ensure they represent member interests and they can be kept up to date on the issues that are most relevant to their business.

We are in the process of setting up a new MIG for Refrigeration and Cooling which we feel will be relevant to the Health & Safety contacts, and this new group will cover:

- Refrigerant Gases
- Refrigeration Systems
- Cold Storage
- ACRIB & IOR Updates

We are currently inviting any members with an interest in this area to contact crystalholmes@bfff.co.uk to get involved and get your name on the list for any information that we distribute.

FIRE SAFETY – FROM LINCOLNSHIRE FIRE & RESCUE

FIRE DOORS AND CONSIDERATIONS

Buildings are compartmented to delay the spread of fire from one area to another. These compartments are linked by fire doors to allow the flow of traffic around the building. Fire doors are one of the most overlooked parts of a buildings passive fire safety measures. Any fire door is considered a weak point in a fire compartment and as such it is vital to ensure that it is correctly maintained to protect the integrity of the compartment barrier. Fire doors fulfil two main functions. When closed they prevent the passage of heat and smoke thereby preventing fire spread, when open they act as a means of escape.

Fire alarms, emergency lighting and fire extinguishers are fitted as fire safety measures and fulfil specific purposes. The problem with fire doors is that they are often fulfilling the role of every day doors. As such people become used to seeing and using them and often do not associate them with part of the buildings fire safety strategy. Fire doors are subject to the day to day wear and tear of opening and closing as people pass through them and can be affected by changes to the building and the surrounding environment.

A fire door consists of many components designed to work together to hold back the passage of smoke and flame for a set period, usually between 30 minutes and one hour to allow for the occupants to escape and the Fire Service to access the premises. A regular maintenance programme does not have to cost a great deal but a poorly maintained fire door could potentially result in the loss of a complete building, a life or a business. A fire door is not just the door leaf; it is the complete assembly comprising the frame, any glazing, the intumescent fire and smoke seals and all ironmongery such as hinges, closers, latches and locks. Other ironmongery may be fitted for specific purposes such as viewers, letter plates, hold open devices etc. These must also be correctly rated and installed in accordance with the door manufacturer's instructions.

In existing buildings the requirement to test and maintain fire doors is governed by The Regulatory Reform (Fire Safety) Order 2005 and will form part of your risk assessment. As with any other fire safety measure a fire door should be checked regularly to ensure it functions correctly and is ready to use. It should be part of your routine fire safety checks in exactly the same way as the fire alarm or fire extinguishers. Ideally they should be tested monthly or more frequently depending on the traffic using the door. Properly specified and installed fire doors should carry a label showing their conformity. If there is no label present can you guarantee that it is in fact a fire door and be able to hold back a fire for the specified period of time? If you are in any doubt the British Woodworking Federation (BWF) www.bwfcertifire.org.uk have a simple checklist which is free to download. Article 18 of the Fire Safety Order requires the responsible person to appoint one or more competent persons to assist in undertaking the preventive and protective measures. As with any fire safety measure no person should undertake any modifications or alterations to a fire door unless they are competent to do so. Both the BWF and the Fire Door Inspection Scheme (FDIS) www.fdis.co.uk can advise on competencies required to work on fire doors.

On a cost benefit basis fire doors are one of the most beneficial fire safety measures installed in a building but are one of the most overlooked. You should be able to satisfy yourself that in the event of a fire your doors will perform as designed. They will not only prevent fire spread but will significantly reduce your losses and minimise any down time before repairs can be undertaken and a building reoccupied.



This fire door (closed at the time of fire) has held back the passage of heat and smoke. The room to the right was the fire room and the door had been wedged open!



This fire door successfully held back a well developed fire until the Fire Service arrived

SAFETY FOCUS

MENTOR LAUNCH SPECIALIST WORK PLATFORM COURSE FOR COLD STORES

Developed for, and currently exclusive to BFFF members, this course covers the safe use of non-integrated work platforms on forklift trucks when businesses have selected this type of access equipment to fulfil their work at height requirements within a cold store.

It is important to note that members are faced with duties under the Work at Height Regulations 2005 to :

- AVOID work at height where they can;
- Use work equipment or other measures to PREVENT falls where they cannot avoid working at height; and
- Where the risk of a fall cannot be eliminated, use the work equipment or other measures to MINIMISE the distance or consequence of a fall should one occur.

Where work at height cannot be avoided duty holders also have a duty to ensure all work at height is:

- properly planned;
- appropriately supervised; and
- carried out in a manner where the risks are effectively managed so far as is reasonably practicable and that its planning includes the selection and use of appropriate access and work equipment, regardless of the duration of the task.

BFFF has produced guidance in this area 'Guidance on the Selection of Appropriate Work Equipment for Work at Height Activities Within a Cold Store Environment', available here: <http://bfff.co.uk/wp-content/uploads/2013/05/Work-at-height-equipment-guidance-for-coldstores-November-2015-Edition.pdf>. This guidance includes a 'hierarchy for selecting work at height equipment within a cold store environment' which is a guide to support members' decision on the appropriate equipment for their work at height activities.

The temperature of the cold store is relevant consideration in the selection of equipment and it is important the equipment is suitable for cold store use. A particular limitation in using purpose built access equipment such as MEWPS in the cold stores is the greatly reduced battery charge working period caused by the very low temperatures.

The use of working platforms is governed by PM28 Working Platforms (non integrated) on forklift trucks. There is, however, an exception for operators working in a cold store, published in the HSE's ACOP L117 Rider Operated Lift Trucks: Operator training and safe use, which states, 'stocktaking within cold stores is currently permitted using non- integrated work platforms, due to the lack of an effective alternative'. Therefore it is recognised that due to the environment within a cold store, equipment ordinarily used for work at height may unsuitable.

As a result, Mentor have developed a training course to cover this eventuality and provide operators the skills and knowledge required to work safely and efficiently at height. It covers both theory and practical elements, including legislation, safe systems of work, risk assessments specific to cold store environments, equipment specification and attachment selection as well as communication, safe mounting, dismounting and operation. Mentor provide materials handling and workplace transport training at customer premises nationwide for your convenience and to ensure maximum relevance to delegates' everyday tasks. For more information on work platform attachment training, please contact Pete Kerfoot on 01246 555222 or email info@mentortraining.co.uk.



LEGISLATION UPDATE

APPRENTICESHIP LEVY: HOW WILL IT WORK?

In April 2017 the way the government funds apprenticeships in England is changing. Some employers will be required to contribute to a new apprenticeship levy, and there will be changes to the funding for apprenticeship training for all employers.

The apprenticeship levy requires all employers operating in the UK, with a pay bill over £3 million each year, to make an investment in apprenticeships. You can benefit from this investment by training apprentices.

The government guidance provides information on how the apprenticeship levy will work, from when it is introduced on 6 April 2017. It also explains the principles that apprenticeship funding and the levy will operate on from April 2017, whether you pay the levy or not.

You can find out more about the benefits apprenticeships can bring to your organisation and about the ways apprenticeships are being reformed, in the 'vision for apprenticeships'. The reforms include giving employers the opportunity to add to the new apprenticeship standards already available by developing standards that meet their precise needs.

The government has produced guidance which covers all aspects of the levy, and it is being updated in line with review of consultations that are still on-going. They are expecting to produce more guidance for employers in June 2016 (not available when Keep It Safe went to print) and October 2016.

The current guidance covers:

- Paying the Apprenticeship Levy
- Accessing Money Paid Under the Apprenticeship Levy
- Buying Apprenticeship Training
- What You Can Spend Apprenticeship Funding On – All Employers
- Eligibility for Training
- When Further Information Will Be Available
- How to Get in Touch

The current guidance can be accessed here, along with all of the relevant links: <http://tinyurl.com/jglfzyj>

HOW TO PREPARE FOR THE INSURANCE ACT 2015

Information Provided by JLT Speciality

The Insurance Act 2015 ("the Act") is the most significant reform of UK insurance contract law since the Marine Insurance Act 1906. It was enacted by Parliament on 12 February 2015, and will come into force on 12 August 2016. All business contracts of insurance, reinsurance and retrocession governed by the law of either England & Wales, Scotland or Northern Ireland, as well as variations to existing contracts made after that date, will be governed by the Act. Many insurance contracts are governed by English law and therefore the Act will impact beyond just UK buyers of insurance.



The Act makes important changes to the law regarding the insured's pre-contractual duty to the insurer (duty of fair presentation), introduces proportionate remedies for a breach of that duty, makes adjustments as to how non-compliance with policy terms will operate and provides remedies for fraudulent claims.

BFFF members, JLT Speciality, have produced a very comprehensive guide to the Act and how businesses will be affected, and what they should be doing ahead of the change. Their document can be accessed here: https://www.jltspecialty.com/~media/files/sites/specialty/insights-claims/jlt_sp_claims_technical_and_legal_bulletin1.pdf?la=en-gb

NEW PPE REGULATION

British industry and standards bodies are currently working to prepare for the new European Personal Protective Equipment (PPE) Regulation 2016/425, ahead of full enforcement of the new requirements in April 2018.

The new PPE Regulation was listed in the European Commission Official Journal on 21 April 2016, starting the two-year transition period to prepare for the introduction of the new legislation.

The Regulation is mandatory and will affect anyone working in the PPE industry, carrying new and wider responsibilities for commercial operators.

In a White Paper recently published on the subject, the UK standards organisation, the BSI Group, noted that the original PPE Directive (89/686/EEC) was adopted by the European Council in 1989 and after more than 20 years, during which time it has largely remained unchanged, it is in need of updating to reflect current technologies and processes.

The key changes of the new standard are summarised as follows.

- The PPE Directive will be replaced by a Regulation.
- A number of types of protection will move from category II (intermediate) to category III (complex).
- There will be a requirement to supply a declaration of conformity with every item of PPE that is placed on the market.
- A five-year certificate of validity is being suggested to bring the regulation in line with similar European requirements such as the Medical Devices Directive.

It is important that PPE manufacturers and suppliers fully understand how and if they are affected before the end of the transition period in April 2018.

The change will also make it easier for buyers of PPE to identify reputable suppliers and have confidence that the equipment they are purchasing meets necessary standards.



CONSULTATION ON WOMEN'S PPE

A new survey has been carried out on the provision and use of personal protective equipment (PPE) for women at work.

The survey was undertaken jointly by the trade union Prospect, as well as the Women's Engineering Society (WES), the WISE (a campaign group to promote women in science, technology and engineering), the Trades Union Congress (TUC) and the Institution of Mechanical Engineers Support Network.

The aim of the research is to explore women's experience of wearing PPE, such as safety helmets, gloves, eye protection, high-visibility clothing, safety footwear and safety harnesses, in the workplace.

An introduction to the survey pointed out that employers have duties concerning the provision and use of PPE at work and that such equipment is one of the last lines of defence for workers against injuries.

However, the organisers of the survey are concerned that PPE cannot protect a worker from hazards if it does not fit — and one size does not fit all. The survey aims to discover:

- whether the provision of PPE for women has improved in recent years
- areas of good practice
- continuing areas of concern.

The results of the survey will be published in June 2016 (not available at the time of print), along with any recommendations for further action.

Q. Can we legally use drones to help with maintenance checks?

A. With the national press currently full of stories about drones falling out of the sky and injuring people, at the moment the drone - or Unmanned Aerial Vehicle (UAV) industry is in its gold rush stage with little or no regulation. A recent House of Lords EU Committee has called for compulsory registration of UAVs, but until this legislation makes it into the statute books, facilities managers (FMs) and their organisations can use UAVs for any application.



There are however, certain rules that must be adhered to: FMs must not fly their UAV within 150m of a congested area, or 50m above a person or vehicle. The basic advice is that UAVs must not be flown in public places where injury could occur.

Within the confines of an FM's estate, the UAV can be used to check the condition of roofs or chimneys for instance. As long as the pilot of the UAV has sight of the aircraft it is legal to fly, but if the UAV will need to go above 400 feet, permission is needed from the Civil Aviation Authority (CAA). Pilots are required to be aware of the Air Navigation Order 2009 and the Rules of the Air Regulations.

Operators of unmanned aircraft must comply with EC Regulation 785/2004 (Article 2) on Insurance Requirements for Air Carriers and Aircraft Operators. Operators of small unmanned aircraft and small unmanned surveillance aircraft are advised to consult the regulation to determine the minimum level of insurance required.

Clearly, the use of an UAV has many advantages that FMs can benefit from. Companies have sprung up to offer inspections services where using traditional systems such as ladders, scaffolding or abseiling have a level of danger that FMs would rather avoid. UAVs with thermographic cameras are now available to test a building's heat retention for instance.

UAVs with cameras do need to be handled carefully. The extension of the Data Protection Act to include CCTV footage and images means that FMs contemplating using UAVs need to pay attention to these new rules. The Information Commissioner's Office states: "A business may purchase an Unmanned Aerial System (UAS) to monitor inaccessible areas, such as a roof to check for damage. Its use should be limited to that specific function and recording should not occur when flying over other areas that may capture images of individuals."

The use of UAVs must then be carefully planned and their use always fall within highly defined parameters. In most cases, FMs will outsource this work to a third party. Checking their credentials and placing the use of the UAV within the overall risk assessment is critical.



VALIDITY OF FIRST-AID CERTIFICATE

Q. Following an audit of first-aid arrangements, it has been identified that a member of staff who completed a first-aid at work course no longer holds a valid certificate as it expired three months ago. Can this person still act as a first aider and can they still requalify?

A. Under the Health and Safety (First Aid) Regulations 1981 the employer is required to ensure that appropriately trained personnel are provided in sufficient numbers and at appropriate locations to enable first aid to be administered without delay should the occasion arise in accordance with any needs assessment.

All first-aid training certificates, whether they are First Aid at Work or Emergency First Aid at Work or some other appropriate training, are valid for three years. Guidance to the Regulations in the form of L74 states that “employers should keep a record of first-aiders and certification dates to help with the timely arrangement of further training”.

The delivery of first aid to those who need it requires the individual first-aider to be competent. Such competency is demonstrated by the individual holding a valid certificate from an appropriate training provider.

Guidance in L74 clearly states that “if the first-aider does not retrain or requalify before the expiry date on their current certificate they are no longer considered competent to act as a first-aider in the workplace”.

To allow this individual to carry on administering first aid when required could place the organisation in a vicarious liability situation should any treatment cause the patient harm.

As such, they should be removed from the list of first-aid trained staff (including any notices) until such time they are suitably requalified.

The organisation should also review its procedures for the keeping of records and expiry dates (as recommended by the L74 guidance) to ensure that an appropriate person monitors future expiry dates and ensures training is provided in a timely manner.

It is also advisable to remind all first-aid trained staff that they should keep themselves aware of the expiry date on the certificate issued to them so that they can approach their employer to arrange requalification training.

Guidance now states that the individual in question can requalify at any time after the expiry date by undertaking the two-day requalification course but continues by stating that “it may be prudent to complete the three-day First Aid at Work course, especially where a considerable period (i.e. in excess of one month) has elapsed since the First Aid at Work certificate expired”.



GUIDANCE

FSDF PUBLISH SAFE MANAGEMENT OF AMMONIA REFRIGERATION SYSTEMS

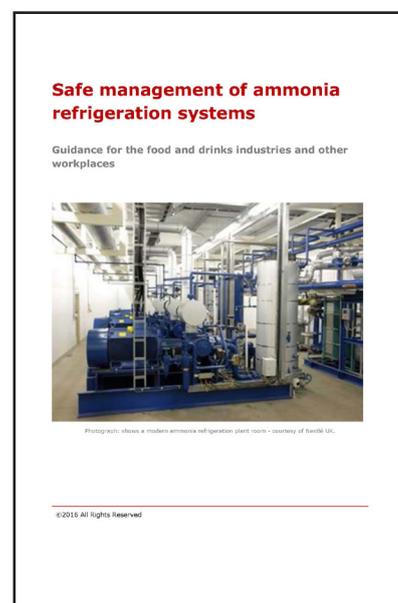
FSDF have published guidance on the Safe Management of Ammonia Refrigeration Systems. This guidance has been developed by industry, following the withdrawal of HSE's publication PM81, to give clear current cross-sector guidance on the safe management of ammonia refrigeration systems. This guidance may go further than the minimum needed to comply with the law.

The guidance was written by the Food Storage and Distribution Federation's Technical and Safety Committee, British Engineering Services, Institute of Refrigeration and other stakeholders, of which BFFF was a part, with support from the Health and Safety Executive.

The guidance should be read in conjunction with:

- Safety of pressure systems, the Approved Code of Practice and guidance for the Pressure Systems Regulations 2000 (PSSR).
- Dangerous substances and explosive atmospheres, the Approved Code of Practice and guidance for the Dangerous Substances and Explosive Atmospheres Regulations 2002 (DSEAR).
- The HSE webpages on pressure systems, fire and explosion and DSEAR.

To obtain a copy of the guidance, go to: <http://www.fsd.org.uk/health-safety/safe-management-ammonia-refrigeration-systems/> and fill in the form. A pdf copy of the guidance will then be emailed to you, and you will also receive any relevant updates.



HSE AIMS TO MAINTAIN REGULATORY SERVICES DESPITE FUNDING CUTS

The HSE says it will maintain its core regulation activities despite further government cuts of 12.5% by 2019/2020, but admits it will “simplify” some of its regulatory controls.

Following the November spending review, the money the HSE receives from the Department for Work and Pensions will decrease year-on-year throughout the current parliament, falling to just £123.4 million by 2019/2020, and representing a 46% fall in income from the £231 million it received in 2009/2010.

In the current year, 2016/2017, the HSE will receive £141 million from the Government and generate £94 million in income, which includes fees and licensing, such as Fee for Intervention. The business plan says that, “in responding to this financial challenge, the HSE will seek to maintain current levels of its core regulatory activities including permissions, inspection, investigation and enforcement.”

The business plan lists five areas in which the HSE is looking to make simplifications, including regulations governing the use of chemicals, including the Control of Substances Hazardous to Health Regulations and the Dangerous Substances and Explosive Atmospheres Regulations. HSE intends to make further savings through sharing government facilities and moving to cheaper offices.

The HSE plans to place less emphasis on risk assessment paperwork and more on risk control and says it will review the benefits and costs of legislation governing plant and equipment inspection. Work to simplify and streamline legislation and guidance will continue over the coming year, with the HSE making a “significant contribution” to government plans to reduce the cost of regulatory compliance by £10 billion by the end of the parliament.

The business plan does not mention the income that the HSE expects to generate by the end of the parliament to close the budget shortfall, but targets in its earlier business plan said it aims to double its commercial revenue by 2020, particularly through its overseas advisory services.

CABINET OFFICE PUBLISH GUIDANCE ON EMERGENCY PLANNING

The Cabinet Office has published guidance on how to prepare for emergencies. The guidance is aimed at helping people, businesses and communities to identify and prepare for hazards and threats that could disrupt their lives.

The guidance contains information on:

- What risks should you plan for?
- Prepare yourself for emergencies
- Prepare your business for emergencies
- Prepare your community for emergencies
- Further information

The business section provides information for basic, quick and easy preparation, more advanced preparation and also more advanced preparation for flooding. It also has a plethora of links to resources that businesses can access and use in creating emergency plans.

The guidance can be found here: <http://tinyurl.com/gn5usl2>

ISO 45001 DELAYED

The Institution of Occupational Safety and Health (IOSH) has announced that publication of the long-awaited new international standard for occupational health and safety is likely to be delayed after participating members of the International Organization for Standardization (ISO) committee “disapproved” its first draft.

ISO 45001 Occupational Health and Safety Management Systems is currently being prepared by the ISO, in a process led by the British Standards Institution (BSI).

However, IOSH has confirmed that participating members, i.e. the national standards bodies elected to work on the development of the draft international standard (DIS), were balloted between 12 February and 12 May 2016 on whether to approve it. A total of 71% voted in favour, with 28% against (and 1% abstaining).

For a DIS to pass, two-thirds have to be in favour with less than a quarter against, taking into account abstentions.

Members of the ISO 45001 work group, a worldwide collaboration of organisations involved in occupational health and safety, including IOSH, were notified over the weekend that the DIS had failed to gain approval. Regardless of the outcome, IOSH has pointed out that the consultation that took place during the period of the ballot resulted in more than 3000 comments — a scale of feedback likely to delay publication of the standard anyway, until February 2017, while the feedback is considered.

Commenting on the standard, Richard Jones, Head of Policy and Public Affairs at IOSH, said, “While we cannot go into detail, there are a variety of reasons why participating members have voted against this, and these will need to be resolved at a meeting next month. Once concerns about the standard have been addressed, a revised version (DIS2) will be produced for further consultation and ballot.”

LAUNCH OF REGULATORY DELIVERY

Government has launched a new directorate to simplify regulation for UK business. The launch of Regulatory Delivery has combined policy expertise and practical experience to ensure that regulation is effectively delivered in ways that reduce burdens on business, save public money and properly protect citizens and communities.

This new BIS directorate brings together the Better Regulation Delivery Office (BRDO) and the National Measurement and Regulation Office (NMRO) to focus on regulation and enforcement. Regulatory Delivery will work to ensure that the way regulation is enforced is proportionate and risk-based, delivering existing functions such as Primary Authority, legal metrology and hallmarking policy, technical regulation and enforcement work.

SWAP SHOP AT THE HSE

Martin Temple CBE has been is now the new Chair of the Health and Safety Executive (HSE), following the departure of the safety watchdog's previous leader, Dame Judith Hackitt in May.

In an interestingly symmetrical move, Judith Hackitt commenced her new role as Chair of the engineering and manufacturers' organisation, the EEF, replacing Martin Temple who had held the position of Director General and then Chairman of the EEF for more than 17 years.

Martin Temple is already well known within the health and safety profession, having led the independent triennial review of the HSE in 2014. The review process itself was controversial, in that the Government was accused by trade unions of "questioning the very existence of the HSE".

Despite this, the publication of the review was largely greeted with approval by health and safety professionals, with the Institution of Occupational Safety and Health (IOSH) welcoming Martin Temple's "nearly universal praise" for the regulator.

Martin Temple has more than 30 years of experience in private and public sector roles, including his previous role at the EEF, as well as senior positions at the Sheffield Hospital Trust and the 600 Group, a diversified engineering company.

Commenting on his new position, Mr. Temple said, "I am delighted to be appointed as HSE Chair. I hold a long-standing interest in Health and Safety and look forward to working with HSE and the board to build on its success as a world-leading workplace health and safety regulator and I look forward to this challenge and the opportunities ahead."

NEW AND EXPECTANT MOTHERS' GUIDANCE

The Health and Safety Executive (HSE) has confirmed that it is to review its guidance for employers and employees relating to new and expectant mothers following concerns about the health and safety rights of new and expectant mothers.

Concerns were raised in April 2016 with the publication of a report by the Equality and Human Rights Commission (EHRC) which revealed that 4% of mothers said they left their job as a result of unresolved workplace health and safety risks.

The EHRC warned that if scaled up to the general population, this could mean as many as 21,000 mothers a year were affected.

The report also noted that these women were more likely to work in the hotels and restaurants (8%) or health and social work (6%) sectors.

Young mothers, under 25, were more likely to have left their job as a result of unresolved health and safety risks (10% rather than the 4% average).

As the EHRC launched its new #PowertotheBump digital campaign to fight against pregnancy and maternity discrimination at work, the HSE confirmed it will be undertaking a review of its current guidance for both employers and employees relating to new and expectant mothers to ensure that legal obligations are understood and to further encourage ongoing communication between both parties.

The HSE said that in the case of the worst sectors, it intends to work through existing partnership networks to share good practice and encourage improvements that will ensure a safe working environment for pregnant workers and mothers returning to work.

The source added that the HSE will also work with other organisations to further raise awareness of existing guidance available for new and expectant mothers in the workplace.

The EHRC has pledged to use its new #PowertotheBump campaign to "help young expectant and new mothers know their rights at work and have the confidence to stand up for them".



E-CIGARETTES AT WORK - LOOK AT THE EVIDENCE

The Royal Society for Public Health (RSPH) has suggested an evidence-based approach to workplace policies on electronic cigarettes and pointed employers to its guidance on the subject to avoid any confusion.

The RSPH offered the advice following a recent panel discussion, held in April 2016, on the subject of e-cigarettes.

In an introduction to the panel discussion, Shirley Cramer CBE, Chief Executive of RSPH, highlighted the growing popularity of the e-cigarette, but said there remained areas of confusion around the devices. Some people, the Chief Executive said, believe them to be as harmful as cigarettes, whereas current evidence indicates that they are 95% less harmful.

Nevertheless, she noted, it was important to consider the role of workplaces in encouraging healthy behaviours and how e-cigarette use fits within this.

The RSPH says it promotes an evidence-based approach to workplace policies and recommends that employers consult its guidance on e-cigarettes, developed in partnership with the charity Action on Smoking and Health (ASH) and a number of other organisations, entitled *Will You Permit or Prohibit Electronic Cigarette Use on Your Premises? Five Questions to Ask Before You Decide*.

The guidance notes that throughout the UK, smoking is prohibited by law in virtually all enclosed workplaces and public places. However, the smoke-free legislation is only concerned with smoking tobacco and other “lit” materials and so it is not an offence to use an e-cigarette.

Nevertheless, the guidance notes that there are many other issues to consider, for example, the company’s image and questions of etiquette or annoyance. Therefore, some businesses, such as the BBC, have decided to limit the use of e-cigarettes not for health and safety reasons, but because of concerns that customers or employees will be annoyed by their use.

Whatever the policy, the guidance advises, it should be clear and good for health.

HSE SAYS NO TO CDM ACOP

Last year, the HSE decided to seek the views of members of the Construction Industry Advisory Committee (CONIAC) on the need and content of a Construction (Design and Management) (CDM) Approved Code of Practice (ACOP).

This would cover the CDM Regulations 2015 which came into force on 6 April 2015, replacing CDM 2007 and which apply to the whole construction process on all construction projects, from concept to completion. CONIAC members were reminded that the original intent of the ACOP in the Health and Safety at Work Act 1974 was to provide practical guidance on the standards needed to achieve compliance with a goal-setting approach, thus bridging the gap between such law and the former more prescriptive requirements. They were also asked to take an account of the HSE review of ACOPs following Professor Löfsted’s review of health and safety regulations.

The HSE Board had said, in August 2014, that should a new ACOP be developed, it must be shown to add value, be considerably shorter and be “signposting” in nature. The majority of views put forward were not in favour of producing a new ACOP, given that the CDM Regulations are generally well established and an ACOP is not seen as necessary or adding any particular value.

Construction Industry Training Board (CITB) industry guidance and CDM Wizard App and HSE’s own busy builder leaflets have been developed with the needs of small and medium-sized enterprises (SMEs) in mind and are much more accessible and likely to be used by them, a CONIAC report made clear.

Having received this, and similar feedback, the HSE Board met recently and decided not to produce an ACOP at this stage while further discussions between HSE and industry are held to explore how the existing suite of guidance might be better communicated to achieve the objectives of CDM 2015. This decision will be reviewed after 12 months.

The Government estimates that there are currently 140 million working days lost per year in Great Britain due to sickness absence. Many organisations already invest in occupational health services to facilitate their absent employees in returning to work and to reduce unnecessary time off for sickness absence.

However, a new free scheme has been rolled out across England and Wales to assist all employers in this area, Melanie Parsons, Regional Employment Consultant, looks at how it works.



What is it?

The “Fit for Work” scheme aims to work with employers to try to help them cut back on problematic employee sick leave, increasing the productivity and workload of the entire company. It is predicted that use of the new scheme may cut the cost of sick pay by between £80m and £165m per year.

If an employee has been or is likely to be off work for a period of more than four weeks, he or she can be referred for health advice and an Occupational Health Assessment under the scheme. Employees must have given consent before a referral to the fit for work service is made through their GP or their employer.

A referred employee will be assigned a Case Manager, who will assess the employee and devise a return to work plan that can be shared with their employer (with the employee’s prior consent). The plan will provide the employer with advice and information relating to the employees return to work. For example, this could include a timeline for their return and anything that the employer may be able to do to help them to speed up their recovery, including recommending certain treatments. A fit for work service plan has the same status as a fit note and should be accepted for SSP purposes.

Who is Eligible?

- Employees only (not self-employed).
- Individuals who have been absent from work or are likely to be absent for at least four weeks.
- The employee should have a likelihood of being able to return to work within three months and have not used the service in the previous 12 months.

What are the Benefits to Employers?

It is not compulsory for employers to use the scheme when tackling long-term absence; however there are some benefits for doing it;

- The service is free.
- Tax breaks for employers who pay for treatments recommended by Fit for Work are available up to £500 per employee per tax year.
- Recommendations contained in the return to work plan are not legally binding for employers.
- Lowering the cost of absences.

Using the Scheme

The Fit for Work scheme is available to all businesses and employers regardless of size in England and Wales. Fit for Work Scotland is accepting employer referral by phone, but its online referral system is yet to be launched.

Practical Suggestions

The guidance recommends that employers consider whether to update their sickness absence policies and procedures to reflect the availability of the Fit for Work service.

For employers who already have effective absence policy in place, there is no need to take advantage of the entire scheme. It is possible to use a mixture of your own occupational health provider as well as the Fit for Work scheme; or use a two-phase approach, using the scheme first then if absence does not improve, using your own provider.

STUDY FINDS HAND-FREE MOBILES AS HAZARDOUS AS HANDSET USE

New research has been published supporting the argument that talking on a hands-free phone while driving can be as distracting as talking on a handheld mobile.

The research, published in the Transportation Research Journal, says that drivers who are engaged in conversation are less likely to spot and react to hazards.

The study, carried out by researchers at the University of Sussex, involved three groups of 20 volunteers watching films shot from the point of view of a road driver and tasked with spotting road hazards such as pedestrians stepping into the road or other vehicles pulling out. The first group was undistracted during the task and the second group was distracted by requests to agree or disagree with statements that required them to use mental imagery and the third group was tested with statements that did not require visualisation. The group members all had a minimum of ten years driving experience and were not aware of the purpose of the exercise.

Hazard detection and response times were best among the undistracted group and worst among those who were asked to answer questions that required visualisation. Eye tracking showed that those in the group that had to visualize were most prone to restricting their gaze to a small section of the road in front of them, reducing their hazard spotting capacity.

“Telephone conversations may interfere with driving performance because the two tasks compete for similar processing resources, due to the imagery-evoking aspects of phone use,” say the authors.

In 2006, research by the National Highway Traffic Safety Administration estimated that up to 22% of crashes could be caused by driver distraction, and drivers who perform a secondary task at the wheel are to three more times likely to have a crash.

The road charity Brake, which has previously called for the ban of hands-free mobile phones while driving, has renewed its call for the government to restrict use of hands-free mobiles.

Lucy Amos, research adviser for the charity said: This new study is only the latest of many which adds weight to extending the existing legislation to cover all mobile phone use within a vehicle, not just the use of hand-held mobile devices. We call on the government to take action and remove the clear and present danger of mobile phones on our roads.”

IOSH FOOD AND DRINK MANUFACTURING HEALTH & SAFETY CONFERENCE 2016

The national food and drink manufacturing health and safety conference returns for another year, and, together with the Food and Drink Manufacture Forum, the IOSH Food and Drink industries Group have developed a programme to explore fresh ways to address the most pressing health and safety issues that affect the industry, providing sector and legal updates whilst offering practical implementation sessions and tips to take away.

The conference sessions provide ideas and guidance to help you deliver sensible, pragmatic and effective health and safety in your organisation, reduce the number of accidents and, in turn, improve performance.

Confirmed topics include;

- Sentencing guidelines
- Management initiatives to help encourage, protect and promote the safety and health of older workers
- Shift work
- Musculoskeletal Disorders



Join the conference at the Forest Pines Hotel and Resort, Broughton, DN20 0AQ on 4th and 5th of October 2016.

For further information about the conference, and to book your place online, please visit the event listing on the IOSH website, here: <http://www.iosh.co.uk/Key-IOSH-events/The-national-food-and-drink-manufacturing-conference.aspx>. Alternatively, please contact the IOSH bookings team via bookings@iosh.co.uk or call +44 (0) 116 2573197.

This year's World Health Day on 7 April 2016 focused on diabetes, as awareness of the condition continues to grow with its increasing prevalence worldwide. Here we examine diabetes in the context of the workplace, considering how managers can best support the health of workers with diabetes and the relevant work and safety related issues.

What is diabetes?

Diabetes is a chronic condition where the body is unable to regulate its glucose levels. According to the charity Diabetes UK, this can be the result of the pancreas failing to produce insulin, or not enough insulin to help glucose enter the body's cells. Alternatively, the insulin that is produced does not work properly (known as insulin resistance (IR)). These are the two main types of diabetes.

1. Type 1 is a less common condition, usually developing in children and young adults. With this type of diabetes, the body is unable to produce insulin to manage glucose levels in the blood.
2. Type 2 diabetes is far more common and mainly appears in adulthood (although there has been a recent surge in children, possibly connected to the global rise in obesity). In this type of diabetes, the body does not produce enough insulin or the body's cells do not react to insulin.

Genetics certainly increase the chances of getting both type 1 and type 2 diabetes, but it is accepted that certain factors, particularly overeating and a sedentary lifestyle increase the risk of type 2 diabetes. Other factors include age, being overweight or obese, body fat distribution, family history and ethnicity. Diabetes can lead to heart disease, stroke, kidney disease, vision problems and lower limb amputation if it is not properly controlled.

Why is diabetes increasing?

The World Health Organization (WHO) warns that the prevalence of diabetes is growing around the world and that diabetes will be the 7th leading cause of death by 2030.

According to the charity Diabetes UK, around 700 people a day are diagnosed with diabetes in the UK, equating to 1 person every 2 minutes. The charity says that as there are 3.9 million people living with diabetes in the UK, it is likely that many people work alongside someone with diabetes. Other workers may also be at risk of developing type 2 diabetes in the future.

The UK is facing a huge increase in the number of people with diabetes. By 2025, it is estimated that 5 million people will have the condition. Most of these cases will be type 2 diabetes, with the increase attributed by Diabetes UK to an ageing population and rapidly rising numbers of overweight and obese people.

Diabetes and Safety in the Workplace

Concerns about workplace safety in relation to diabetes tend to be associated with the development of hypoglycaemia — a state of low blood glucose. Symptoms of hypoglycaemia can include hunger and dizziness as well as confusion and unconsciousness. Hypoglycaemia is commonly perceived as a concern for people with type 1, rather than type 2, diabetes although hypoglycaemia is a potential risk for anyone using insulin and many people with type 2 diabetes are insulin-dependent.

In contrast, hyperglycaemia occurs when blood glucose is high because the body has too little insulin or is improperly using insulin, resulting in symptoms such as hunger, thirst and frequent urination. Left untreated, hyperglycaemia can lead to diabetic coma. However, the symptoms of hyperglycaemia generally develop over hours or days and do not occur suddenly. Therefore, hyperglycaemia does not pose an immediate risk of sudden incapacitation.

The Institution of Occupational Safety and Health (IOSH) points out that diabetes is a very common lifelong health condition that does not hinder people's ability to get a job or to keep one. The law requires that people with diabetes be assessed on their individual ability to do a job and not to be discriminated against simply because they have the condition. However, some safety critical jobs will have legitimate health requirements that may exclude people with certain medical conditions. There are some key areas of employment, such as driving long goods vehicles or those carrying passengers, where there are restrictions on people with insulin-dependent diabetes.

Supporting the Health of Workers with Diabetes

One key consideration in relation to worker's health and diabetes is shift work. According to Diabetes UK, people with diabetes used to be discouraged from doing shift work but improvements in blood glucose testing and more flexible insulin regimes mean that diabetes is less likely to get in the way.

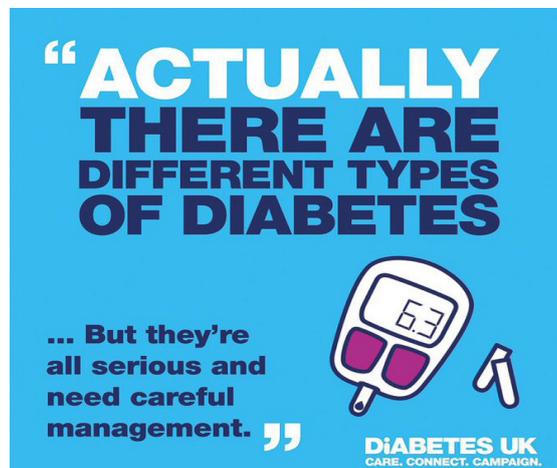
The HSE has published a case study on a 55-year-old bakery worker whose job as a production operative involved rotational night shifts. Statutory health surveillance includes a health check for night workers and during this process, the employee was diagnosed with type 2 diabetes.

Symptoms of type 2 diabetes include an increased production of urine, unusual thirst, tiredness, loss of weight, increased appetite, feeling sick, blurred vision, increased infections and symptoms of feeling generally unwell, some of which the employee had been experiencing.

In view of the diagnosis, the bakery worker's occupational health rehabilitation plan was updated and his line manager was informed that the employee needed to avoid rotational day and night shifts for a further three months, to allow his blood sugar levels to be better controlled.

Arrangements were also made for the employee to take regular breaks, increasing in regularity during spells of hot weather. In addition, first aiders were informed of his condition and he was included in the company's flu vaccination programme since diabetics are at greater risk of contracting infections. After three months, the employee was stabilised by diet and oral medication. The man's GP stated he would be able to enjoy a normal life, including a normal working life that involved physical work with rotational day and night shifts.

Another interesting aspect to the night shift question is the conclusion of a recent large international research study which suggested that type 2 diabetes is more common in people who work shifts. Commenting on the research, Dr Alasdair Rankin of Diabetes UK was quoted by the BBC as saying, "These findings suggest that shift workers need to be aware of their personal risk of developing type 2 diabetes. They can do this by taking a type 2 diabetes risk assessment, either online or in their local pharmacy. The best way to reduce your risk of type 2 is to maintain a healthy weight through regular physical activity and by eating a healthy balanced diet."



Diabetes Awareness at Work

It is estimated that around half a million people in the UK have diabetes but are unaware that they have it, as in the case of the bakery worker featured in the HSE case study. Given that many of us may also be at risk of developing type 2 diabetes in the future, Diabetes UK says, that holding a diabetes awareness day could make a big difference to the health and wellbeing of staff (see Diabetes UK website: <https://www.diabetes.org.uk/> for information in this regard).

Employers could of course also use their existing wellbeing programmes to raise awareness about the condition, including information about the value of keeping active, eating healthily and maintaining a healthy weight.

A source at Diabetes UK said, "Type 2 diabetes isn't inevitable. Up to 80% of cases of Type 2 diabetes can be delayed or prevented. So it's important that everyone understands their risk, so they can reduce their chances of ever developing the condition."



The Central Registry for business transparency statements is now in operation and can be found at www.tiscreport.org.

The Central Registry will provide consumers, the public and investors with one central point to access transparency statements and understand the steps businesses are taking to prevent modern slavery in their supply chains and own organisation.

Businesses are encouraged to file their statement on the central registry to increase their transparency and support the UK's efforts in tackling modern slavery. Businesses will be charged an initial authentication fee of £20+vat providing assurance and security that the statement is genuine and from the business concerned. Once authenticated, businesses can access the portal's tools and information to help them build and submit a transparency statement.

To submit a statement businesses need to pay a mandatory filing fee (minimum of £200+vat). The filing fee will be split 50/50 to 1) support the ongoing development and maintenance of the registry and 2) the running of the modern slavery helpline. Additional charitable donations may also be made towards the helpline and the vital work that Unseen does to support and safeguard survivors.

The registry not only allows businesses to file their statement but will have additional functionality to support businesses in developing their statement through a 'statement builder' and logging actions as they are undertaken to help build future statements. Subscribing will also allow businesses to link to those organisations in their supply chain thus demonstrating increased transparency through the supply chain as well as through their own organisation.

Businesses subscribing to the registry (and those providing an additional charitable donation) can reference the fact that they have done so in their statement, thereby supporting wider efforts to tackle modern slavery in the UK. The Modern Slavery Act also requires businesses to publish their statement on their own website, if they have one, and place a link in a prominent place on the home page.

SIX CONSECUTIVE ROSPA GOLD AWARDS FOR CHALCROFT



Chalcroft has once again been awarded the RoSPA Gold Medal for Health & Safety, having achieved Gold Awards for six years running.



This internationally-recognised accolade has rewarded organisations in all sectors that have demonstrated a clear commitment to the prevention of accidents and ill health, and is the longest running scheme of its kind, celebrating 60 years in 2016.

Commenting on this milestone achievement, QEHS Director, Todd Hallam, explained: "Our robust health and safety policies and procedures are continually reviewed and refined to ensure we exceed the standards set by relevant legislation, and this culture of safety is embedded in all levels of the company. To receive independent verification of our achievements from RoSPA is extremely gratifying and everyone involved should be very proud."

ENFORCEMENT

FIRM FINED £160K FOR 'NEAR MISS'

A business in Kent has been fined £160,000 and ordered to pay costs of £5,767 after it was prosecuted following a near miss in which an employee nearly fell through an asbestos roof.

He was working on the roof of his employers' premises with two other employees to remove a roof fan when his foot broke through the fragile asbestos roof some three and a half metres above the ground, sufficient distance to cause life threatening injuries.

Instead of a work platform being used, the work was being carried out using crawl boards with no edges and without safety harnesses. HSE Inspector Guy Widdowson stated "They used a MEWP to get up there and then used one or two crawling boards, but these were basically just a plank of wood and had no edge protection."

Workers located in a nearby workshop complained about potential exposure to asbestos fibres that may have been released when the panel broke. The employer reported the incident as a dangerous occurrence under RIDDOR which prompted HSE's subsequent investigation.

Judge Adele Williams utilised the Sentencing Council's guidelines which came into effect in February, which reminds courts that "the offence is in creating a risk of harm". Judge Williams decided that the seriousness of harm risked fell into level A while the likelihood of harm was medium, which put the offence into harm category 2.

In a statement after the hearing, Guy Widdowson said "This incident had the potential to cause significant, life threatening injuries to the employee who was affected."

The sentence handed down in this case demonstrates that courts are now utilising the enhanced Sentencing Guidelines for England and Wales and applying larger penalties based on the risks associated with the case rather than the actual outcome.

ASBESTOS CASE RAISES QUESTIONS ON SENTENCING GUIDELINES

A shoe chain has been fined £45,000 after staff at a Liverpool branch were exposed to asbestos in a store room, in a case which has raised questions about the treatment of breaches of prohibition notices under the new sentencing guidelines.

On 21 November 2012, an Environmental Health Officer from Liverpool City Council attended the shoe shop to investigate two complaints relating to the exposure of staff to asbestos. During the inspection, the officer went into the basement which was used for general storage and saw notices stating "Danger Asbestos" and "Do Not Enter" on doors to two additional store rooms in the basement.

There were numerous shoe boxes and shop equipment stored in these two rooms, where pipework was lagged with damaged insulation and ceiling tiles were in a defective condition. The officer served a health and safety prohibition notice which prohibited access into both stock rooms.

However, later in 2013, information was obtained by the Council that the stock rooms subject to the prohibition notice had been accessed by the store manager, on the instruction of stores' head office, without any information, training or protective equipment given to the manager.

Subsequently, the shoe chain pleaded guilty to one offence under s.33(1)(g) of the Health and Safety at Work, etc. Act 1974, which makes it an offence for a person to contravene a prohibition notice. The company was fined £45,000, with costs of £12,180.66 awarded to Liverpool City Council. They were also ordered to pay a victim surcharge of £120.

The case, and the relatively low fine of £45,000, raised questions about the size of fines for breaches of prohibition notices under the latest Sentencing Guidelines, however it should be noted that s.33(1)(g) is not currently covered by the new sentencing guidelines.

TELECOMMUNICATIONS COMPANY FINED £600,000 AFTER WORKERS FALLS FROM HEIGHT

A telecommunications company has been fined after two of its employees were seriously injured in falls from height.

Teesside Crown Court heard how two engineers had been given a job at an Automatic Telephone Exchange.

One of the engineers was installing a cable through a hole on the first floor along a ceiling level cable tray to the Main Distribution Frame (MDF) on the ground floor. In order to carry out this work he was working on a stepladder in amongst the lighting system. He felt a pain in his right arm and fell from the step ladder. He was taken to hospital with head and back injuries.

The accident was not properly investigated and later that day the work was allowed to continue. The second engineer continued with the work himself, from a different ladder. However he too fell to the ground and was taken to hospital with serious skull and back injuries.

A year after the accident, the first engineer returned to work. However he had lost his sense of smell and taste and required physiotherapy for a number of years. The second engineer received serious multiple fractures of the skull and spine, his sense of smell and taste had been affected, he was blinded in one eye, and has long term memory problems.

An investigation by the Health and Safety Executive (HSE) into both incidents, which occurred on 1st April 2010, found that the work had not been properly assessed or planned, despite workers being exposed to such serious risks as working at height close to an electrical system.

Serious failings were also found within the electrical lighting system in that area, where workers were exposed to live metal parts, some at 240 volts. The system was poorly constructed and had not been properly maintained or tested. It is most likely that both engineers received electric shocks which threw them from the ladders.

The company pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974, and was fined £600,000 and ordered to pay costs of £60,000.

HSE inspector Laura Lyons said after the hearing: "Work at height and working close to electrical systems needs to be properly assessed and planned so that adequate controls can be put in place. This duty rests firmly with the employer. These life changing incidents could have been avoided if [the company] had provided safe systems of work and ensured that the electrical systems were properly constructed, maintained and tested. "



FIRM FINED £1 MILLION AFTER YOUNG WORKER KILLED BY EXPLODING TYRE

A Kent tyre company has been sentenced for safety failings after a 21-year-old employee, from Canterbury was killed when a tyre exploded.

Canterbury Crown Court heard how the worker was repairing a puncture to the tyre of a 'dresser loading shovel' when it exploded.

An investigation by the Health and Safety Executive (HSE) found that the employee was working on his own with inadequate work equipment which was not properly maintained. He was not trained or competent to undertake the work he was told to complete.

After the hearing, HSE Principal Inspector Mike Walters said: "Employees need to be provided with properly maintained equipment and the correct equipment to undertake tasks whilst out on site. Employees also need to be trained and competent in the tasks they were asked to undertake."

The tyre company pleaded guilty, at a previous hearing on 29 January 2016, to breaches of Section 2(1) and 3(1) of the Health and Safety at Work etc. Act 1974 have been fined £1 million and ordered to pay costs of £99,485.

FIRM FINED AFTER FORKLIFT OPERATOR KILLED

A large steel fabrication company based in North Yorkshire, has been fined after a forklift truck (FLT) operator was killed when the truck he was operating overturned. However, the offence to which the company pleaded guilty was not a significant cause of the fatal accident.

Teesside Crown Court heard how the 27-year-old operator was reversing the forklift truck when it struck some steps causing it to overturn. The operator was not wearing a seatbelt and suffered crush injuries which proved fatal.

An investigation by the Health and Safety Executive (HSE) into the incident which occurred on 13 March 2013 found that the business failed to manage forklift truck driving operations. They did not enforce the wearing of seat-belts or control the speed at which some FLT operators drove their trucks.

The business pleaded guilty to a non-causative breach of Regulation 5(1) of the Management of Health and Safety at Work Regulations 1999, and was fined £135,000 and ordered to pay costs of £46,020.

HSE inspector David Welsh said after the hearing: "A company has a legal duty for the health and safety of people working on its site, whether they are employees or not. They are required to assess risks, eliminate them where possible and enforce proper control measures, such as seat belt wear, by checking that safe driving practices are being followed to deal with the risks that remain.

"Sadly, in this case, the prosecution shows that the company's management of FLT driving operations and risk control measures failed which exposed employees to danger."



COMPANY FINED £250,000 FOR FAILING TO EXAMINE LIFTING EQUIPMENT

A coach company in Wrexham has been fined £250,000 after it repeatedly failed to comply with legal notices to get its lifting equipment examined.

Wrexham Magistrates' Court heard that, between 4 April 2014 and 28 August 2015, the business failed to have its lifting equipment thoroughly examined within the required timescales to ensure that health and safety conditions were maintained and that any deterioration could be detected and remedied in good time.

In 2015, an inspection revealed overdue Lifting Operations and Lifting Equipment Regulations (LOLER) examinations on at least 14 items. An improvement notice was served, and extended twice, and still resulted in a failure to comply.



An investigation by the Health and Safety Executive (HSE) found that a previous improvement notice was served in 2011.

The coach firm pleaded guilty to breaching Regulation 9(3)(a)(ii) of the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER), and failing to comply with an Improvement Notice, and was fined a total of £250,000 and ordered to pay costs of £3,068.



MEET THE HEALTH & SAFETY EXPERT GROUP

The H&S Expert group consists of safety professionals representing all sectors of the frozen food supply chain and BFFF membership. The group meets three times per year and provides a confidential health & Safety and fire safety forum to focus on issues relevant to the industry, enabling the dissemination of pertinent H&S information to members. The Expert group informs and advises the BFFF board to assist with determining Federation policy in health & safety and fire safety legislative areas.

If you are interested in becoming more involved, or would like to confidentially raise an issue for discussion at the meetings please contact Joanna Hancock on 01400 283096 or joannahancock@bfff.co.uk

Members of the Group

Mark Lovett - Apetito Ltd.
Jim Everest - Ardo UK Ltd.
Matt Bown - Asda Stores Ltd.
Kate Taylor - Bidvest Foodservice
Paul Duncalf - Brakes
Bryan Atkinson - Cargill Meats Europe
Todd Hallam - Chalcroft Construction
Chris Moore - Compass Group UK & Ireland
Paul Rhodes - Greggs Plc
Neil Walker - Heron Foods Ltd.
Stephen Dean - Iceland Foods Ltd.
Graham Jeffrey - Kent Frozen Foods Ltd.
Gary Weatherhead - Palmer & Harvey Ltd.
Angela Lee - The Authentic Food Company Ltd.
Michelle Walker - Three Oceans Fish Co. Ltd.
Paul Nowell - Total Foodservice Solutions Ltd.
Adrian Cooper - XPO Logistics
Paul Fenner - Young's Seafood Ltd.



Cargill Meats Europe



XPO Logistics



Always Fresh. Always Tasty.™





MEMBER BENEFIT

Primary Authority Scheme

BFFF is delighted to be able to offer Primary Authority Schemes exclusively for members

Introducing Primary Authority

BFFF now offers agreed industry advice for members under the Primary Authority Scheme. The advice is 'assured' which means it is legally backed. If the advice is followed, another Local Authority cannot ask you to do anything different.

BFFF has partnered with the Wakefield to offer Health & Safety advice and the Trading Standards and Environmental Health team in Cambridgeshire to deliver advice covering all aspects of Food Safety, Food Standards, Metrology and Fair Trading. Both of these Local Authorities specialise in Primary Authority and have expertise in the frozen food industry.

The scheme is free to join and will help support members to stay on the right side of regulation.

BFFF have also launched a Fire Safety Primary Authority Scheme in partnership with Lincolnshire Fire & Rescue. This innovative scheme allows members to join to receive industry level advice on all aspects of Fire Safety, but also have a dedicated fire safety contact to provide bespoke advice to businesses. The fire scheme has flexible membership options.

To take part Members can choose to sign up to any combination of the regulatory categories below:

Fair Trading

Food Safety

Health and Safety

Fire Safety

Food Standards (Labelling & Composition)

Metrology (Weights and Measures)

Key benefits for signed up members include:

- Advice and guidance has Regulatory backing, if you follow it, you cannot be asked to do something different.
- Access to the advice of dedicated Environmental Health and Trading Standards Professionals who are experts in the Frozen Food Sector and know how enforcement works!
- It is free to join the scheme and the key benefits of assured advice and guidance with legal backing are also free. Support through any enforcement action or business specific queries do attract a modest 'at cost' charge.



If you have any queries about the scheme please contact:



Martin Forsyth
Tel: 01400 283094
Email: martinforsyth@bfff.co.uk
Food Safety
Food Standards
Metrology
Fair Trading



Crystal Holmes
Tel: 01400 283090
Email: crystalholmes@bfff.co.uk
General Enquiries



Joanna Hancock
Tel: 01400 283096
Email: joannahancock@bfff.co.uk
Health and Safety
Fire Safety

For further information or to download a copy of this newsletter, please visit www.bfff.co.uk.

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