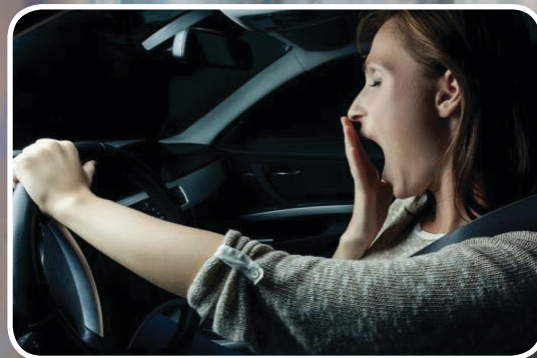


KEEP IT SAFE

BFFF QUARTERLY HEALTH & SAFETY NEWSLETTER

APRIL 2019



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FOREWORD FROM SIMON

In this edition, I have written a case study based on a previous investigation I carried out some years ago. An employee fell asleep at the wheel of a company car. I have tried to explain how this could have been prevented in the modern day with the successful implementation of ISO 45001 and senior stakeholder engagement.

Health & Safety Seminar Summary

Following on from previous seminars, this year's BFFF Health & Safety Seminar proved to be another massive success with a selection of speakers and topics derived from previous delegate feedback. Once again this was held at the Birmingham Hilton Metropole Hotel, giving delegates the opportunity to attend the people awards in the evening. Attendance was good this year and the room was full of eager delegates waiting to hear from our strong programme of speakers. Our chair for this year was Paul Duncalf from Sysco who opened the event and did a sterling job in providing meaningful links between the presentations. Our sponsor was NFU Mutual and covered the topic of 'when insurance becomes personal' with their large claim's manager Paul Emptage. Paul described how basic failure can lead to life changing injuries and large claims. Warren Pennington joined us from HSE and gave us an update both from a Helping Great Britain Work Well perspective and the work being carried out by the Food and Drink Manufacturers Forum. Warren mentioned the UK as one of the safest and healthiest places in the world to work, however the food and drink and transport sectors remain high risk with high rates of injury and ill-health.

Keoghs gave us an insight of 'accident investigation, what good looks like'. This covered the need to investigate at the earliest opportunity even if the reports are late, photographs of the process and work area are still the key to success. Clare Forshaw from Park Health & Safety gave us a meaningful presentation on noise. One of the key messages was the fact that companies spend vast amounts of money year on year which tells them the same story. Clare stressed the importance of spending the same money on doing something about the noise instead by following some simple step by step solutions.



The subject of 'electrical safety and safety isolation saves lives' was delivered by Louise Taggart. Louise tragically lost her brother in what was a preventable accident. Michael's story left the delegates with an unforgettable message on electrical safety, this was due to the very personal and detailed account by Louise in sharing her story with everyone. She spoke about the industry wide bad habits passed down through generations of trades people, resulting in short cuts being taken instead of following proper procedure or using the correct equipment. It became clear that isolation, lock out and test procedures were not always followed.

Steve Christie from Brakes give us a case study of the plethora of safety innovations the company had trialled and introduced with aim of preventing vehicle related accidents and incidents including: Tail lift P gates, CCTV, Start Inhibitors, Speed reduction inhibitors, Side sensors, Front & Rear sensors, Voice alarm, Handbrake warnings, Fresnel lenses, Step warnings, Seat belt inhibitors, Red seat belts, Side scan radar, Underslung fridges, Automatic reverse braking, Tail lift warning light, Left turn alarm and Blindspot cameras.

This year Arco Professional services joined us, Brian Grunes gave an outstanding presentation on confined spaces. Brian defined confined spaces of any space, including chamber, tank, vat, silo, pit, trench, pipe, sewer, flue, well, or other similar space in which, by virtue of its enclosed nature, there arises a reasonably foreseeable specified risk. Brian showed us a flowchart to help determine a confined space and the various classifications and emergency arrangements.

Our keynote speaker was Wayne Bagnall MBE. Wayne did an excellent job of covering the criteria we set him on Asbestos management and in a relatively short space of time managed to cover the following:

- The difference between the management and refurbishment/demolition type surveys
- The importance of contractor management in ensuring any surveys are communicated (when contractors arrive)
- The importance of training employees in asbestos awareness (the levels of training required)
- Places where you would not expect asbestos to be (wall covering and coatings, cisterns, rope seals in windows, stair edging, fuse boxes etc)
- Marking and managing

SAI Global's Senior Consultant shared with us his knowledge on the 'Boardroom Impact of ISO45001 Management Systems' David White explained how ISO45001 provides organisations with a systematic framework to enhance OHS performance, through the prevention of injury and ill-health at work and by the mitigation of organisational level risks and the elimination and reduction of OHS hazards and risks, this includes the management boardroom level risks and their impact on OHS hazards and risks. With ISO 45001 senior stakeholders are required to be engaged throughout management system, there is a misconception that stakeholders can simply sign off a section without any further involvement.

If that wasn't enough, our day was topped off by Peter J Kelly (Head of Psychology) HSE who covered the topic of wellbeing/workplace stress. Peter described how a tyre would react if too much pressure was applied and compared this to employees. He covered the Yerkes-Dodson Law 1908 and the relationship between performance and arousal. Increased arousal can help improve performance, but only up to a certain point. At the point when arousal becomes excessive, performance diminishes. Peter reiterated the HSE statistics on work related stress and depression & anxiety together with the HSE management standards.

Finally, our chair Paul Duncalf closed the event with an important message. He called on all delegates to go back to the workplace and continually challenge those responsible for their processes and procedures in place for the management of electrical safety and lock outs.

Our presentations are available on the BFFF website by following this link

<http://bfff.co.uk/health-safety/seminar/>

Please feel free to contact Simon 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 benchmarking statistics or primary authority schemes.

Also, don't forget that all of BFFF's guidance is available on our website here: <http://bfff.co.uk/health-safety/guidance/> along with cases studies here: <http://bfff.co.uk/health-safety/hs-case-studies/>

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



Simon Brentnall
Head of Health & Safety
simonbrentnall@bfff.co.uk



Carla Brown
Health & Safety Assistant
carlabrown@bfff.co.uk

FIRE SAFETY

FIRES FROM FORKLIFT BATTERY CHARGING – BY MATT PEACE, LINCOLNSHIRE FIRE AND RESCUE

During my research for this article I completed an Internet search for “forklift fires”. I was a little surprised by the number of incidents that were displayed. It became apparent that very few of them were caused by a fault within a battery powered forklift, even though many of the fires started within the electrical systems of the vehicles.

I also looked at Lincolnshire Fire & Rescues incident data and discovered 7 fires involving forklifts with 1 of those having the suspected cause as, a fault during the charging process. You may then ask if the risk is low why the need to focus on the subject?

From visits to many types of commercial premises, there are many different ways of managing the charging process of battery powered forklifts. More often than not the consideration or understanding about what the consequences would be if a forklift caught fire during charging has not been fully covered.

This is not about complying with the law on life safety in the case of fire. It is about business continuity and understanding the impact of a fire on business as usual. With fuel close enough a fire can quickly become self-sustaining even before the electrical safety systems cut the power. So, it is important that during a fire risk assessment, consideration of the impact of a fire is considered for your critical parts of the business.

So, what can be done to reduce the impact of a potential fires caused by charging batteries?

- Planned preventative maintenance, by servicing regularly and having a suitable fault reporting process in place, fires from faults will be minimised.
- Chose the location of a new charging area carefully. The best place of course (especially where there is a need to charge the batteries when the premises would be unoccupied) would be in a separate dedicated building away from the main premises. Keep the charging equipment away from combustible core insulated panels.
- If possible, charge the batteries when the building is occupied, to enable employees to deal with any problems during the early stages. Where this would not be practical, consider further protection measures as described below.
- What would be a safe distance to prevent a fire spreading? The RISC Authority recommends a 2m separation distance around the charging points or 60 minutes fire resisting construction to restrict a fire spreading. There is also a useful checklist of considerations within their document RC11. https://www.riscauthority.co.uk//index.cfm?originalUrl=free-document-library/RISCAuthority-Library_detail.rc11-recommendations-for-use-of-fork-lift-trucks.html
- Check daily the build-up of combustible materials near to charging areas and take action when the safe separation distances are encroached.
- Some types of battery produce Hydrogen gas which should also form part of your DSEAR risk assessment. Ventilation is required to manage the hydrogen gas, ensuring that it remains 25% below its Lower Explosive Limit (LEL 4% in air). ‘HSE using electrical storage batteries safely’ includes how to calculate safe ventilation. www.hse.gov.uk/pubns/guidance/sr18.pdf
- Train all staff who work in the area or use the charging equipment how to use a fire extinguisher and recognise when they should and should not attempt to tackle a fire.
- Prevent hot works from being conducted within charging areas, or closely manage any required hot works to be conducted when the batteries are not being charged.

- Installing automatic detection within the charging area will give an early warning to a fire. Where you have people trained to tackle small fires with extinguishers this could alert them early enough to make a difference.
- Lastly consider fire suppression systems, if you can only place a fork lift charging station in a critical area of your building, protect that area with a fire suppression system so that, should a fire occur it will not do any more damage than those items first ignited.

FIA GUIDE TO THE BUILDING (AMENDMENT) REGULATIONS 2018

The Fire Industry Association (FIA) has issued this guidance. It notes that the Building (Amendment) Regulations, which came into force in December 2018, introduce new restrictions on the combustibility of materials contained within external walls of “relevant buildings” in England. “Relevant buildings”, explains the document, includes residential and institutional buildings that are more than 18m high.



It is noted that Materials used within external walls of those buildings will need to be either Euro Class A2-s1,d0 or Euro Class A1. Other test standards, or the use of terms such as “non-combustible” or “limited combustibility” would not guarantee compliance with those standards. In practice, any materials which contain any significant amount of organic material (eg plastics or timber) are unlikely to achieve those standards, says the document. The new restrictions are very extensive and include all materials contained within the external wall (not just insulation and cladding). This would also include materials which pass through the wall, such as ducts and pipes. The restrictions also apply to certain types of “specified attachments” which includes balconies, solar shading and solar panels. The Amended Regulations includes a list of materials which are excluded from the restriction, which includes window frames, doors, seals, gaskets, electrical wiring and membranes. That list is very specific, and if a material is not in that list, then it will need to comply with the combustibility restrictions.

A key issue that is highlighted is that the Amendment has been introduced directly into the Building Regulations themselves, rather than just into guidance documents such as Approved Document B. As a result, the new restrictions will be enforced much more rigidly than is the case for other aspects of fire safety in buildings. Whilst it is possible for local authorities to permit Relaxations against the new restrictions, it would be entirely up to the local authority as to whether they would be willing to do this.

As a result, if it is discovered during construction that a non-compliant material has been used within the external wall (even in small quantities) it is very possible that the material will need to be removed, even if that requires the entire external wall to be dismantled to achieve it. This could clearly have a very severe impact on the project cost and programme.

This is a much stricter level of control than the majority of the construction industry is used to, says the FIA. As a result, FIA strongly suggest that when working on these types of buildings, the design team should include a competent fire engineer to produce and maintain a specific register of materials that they have checked as being compliant, and only materials that are on that register should be permitted within the external walls. Site staff should be trained and site inspections carried out to ensure that only materials that are on that list should be used.



Fire Safety and Composite Panel Event

Temperature Control is Key!

Temperature control is essential within our industry and composite insulated panels (CIPS) make this possible.

When it goes wrong

We have all seen the devastating effects if CIPS are not managed correctly. Failure to identify, mark and manage these panels can lead to disaster.

Programme

We have put together a fantastic programme, this being both theoretical and practical on identifying marking and managing composite panels. The program includes fire stopping, fire extinguishing methods and media. The day will outline practical ways to protect your people and your business.

Who should attend?

The seminar is aimed at facilities managers, warehouse managers, health & safety managers and those responsible for maintenance.

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Corporate Social Responsibility (CSR)

Training Workshop

To also include a session on the new
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Sessions from Collins McHugh and NFU Mutual

Context

CSR/Sustainability has become a large part of business development, business to business and business to customer partnerships over the last five years. It is no longer a 'nice to have' for any company wanting to maintain and exceed customer requirements, attract the best people, or simply meet environmental and social impact legislation. Excellence in CSR is also increasingly providing a competitive edge when it comes to winning work.

Yet well targeted, business focused CSR still remains one of the most underutilised business tools for reducing a company's costs, building partnerships with customers and suppliers, engaging with your employees and responsibly managing your environmental and social impacts.

Collins McHugh track record

We have helped shape a number of leading UK companies CSR activity over the last 15 years introducing industry leading innovations and getting our clients recognised for CSR excellence in a variety of ways. This includes a range of award wins with the National Business Awards, Business in the Community, Hire Association of Europe and Construction News, including Sustainable Company of the Year and also having one of our clients ranked 1st in the Observer's independent assessment of CSR in the country's top 350 businesses.

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"Collins McHugh has helped transform our business, our bid success rate and positive feedback from clients has soared."

Zubair Aziz, FD, Verve People

"Collins McHugh have been invaluable in helping to shape and support our industry leading CSR activity with their in-depth knowledge and breadth of experience. Underpinned with creativity and a flair for communication, they are integral to our CSR agenda."

Steve Giblin, Director of HSSEQ, Speedy

What the training will deliver?

- A full explanation of what CSR covers
- Examples of good and less impressive approaches to CSR
- How to link CSR to the core of your business
- What to measure and how to measure it
- How to engage your people
- Best practice in reporting on CSR performance



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HEALTH & SAFETY FOCUS

NOISE

BFFF are proud to support the UK Hearing Conservation Association launched on the 1st March 2019. The UKHCA aims to;



- Be a credible, independent source of information, knowledge and advice providing practical advice and solutions to common workplace and public health noise problems
- Be a force for influencing key stakeholders to shift attitudes and actions around noise and hearing loss by raising awareness and education
- Provide leadership in hearing conservation and influence others to take notice and make positive changes to 'buy quiet' 'turn it down' and 'conserve hearing'
- provide evidence and identify gaps in understanding to steer future research and innovation.
- Provide a forum for like-minded professionals to share ideas, collaborate and press for change.
- To serve as an independent reputable forum for review and debate of emerging guidance, standards and regulation in this field.

In line with World hearing day last month (3rd March), we have some interesting facts for you.

We can't insure the problem away

250% increase in Noise Induced Hearing Loss claims (NIHL) at an estimated cost of over £400 million

56% increase between 2010 and 2014 in claims settled for non-nil, indicating a large number of claims without merit that are required to be processed by insurers.

The estimated overall cost of NIHL claims to insurers has risen from just under £83 million in 2010 to over £360 million in 2014.

According to data from the Compensation Recovery Unit (CRU), the number of NIHL claims made against a Government body rose from 1,096 in 2011/12 to 2,371 in 2013/14; an increase of 116%.

ABI data shows that only 6% of settled claims have a NIHL element of over 28dB

In 2013 the average compensation payment for a NIHL claim was £3,100, while average claimant legal costs were £10,400. This means that for every £1 paid to the claimant over £3 was paid to their lawyer.

The industry average claims failure rate i.e. the number of claims that do not result in payment to the claimant for a range of reasons, was 65% in 2013. This rate is now on the increase, with one insurer reporting a claims failure rate of 85% in 2014. Source: ABI, Tackling the Compensation Culture – Noise Induced Hearing Loss Claims (2014)



It makes sense to turn down the sound

The noise control industry is dominated by manufacturers of products such as enclosures, silencers, barriers. Whilst these can be very effective, for many noise sources there are simpler and much lower cost engineering source alternatives available.

Based on numerous project case studies (including HSE's 'Sound Solutions'), replacing secondary solution products with simple primary engineering noise control solutions typically reduces costs by 50% - 80%.

In many cases, using best practice can reduce both costs and noise levels sufficiently to make the projects self-financing as they can eliminate the requirements (and costs) for PPE.



Use Hearing Protection Correctly

HSE research paper RR720 (2009) found that, in the workplace: 40% of PPE users got no protection whatsoever; the performance of much of the remaining 60% was inadequate; even with generally effective PPE use, 14% of personnel did not wear them.

The evidence reaffirms that real-world protection is considerably lower than that quoted by the manufacturers (HSE 2009)

90% of NIHL is preventable with correct wear of hearing protection –INVC and HSE wear rate calculator (max protection in region of 9 dB(A)) (INVC 2009)

Whilst the legal level at which employers need to take action is set at an 85dB(A) dose, there is evidence that damage can begin to occur at 75dB(A) (WHO, EPA, ISO documents)

Evidence from HSE research (2008) found that in a sample of 19 organisations surveyed the range of compliance with the Noise at Work Regulations ranged from 50% to 100%. Common shortcomings were noise surveys that did not allow individual exposures to be estimated, insufficient awareness raising and training of workers to recognise risks of noise and protect themselves properly any plans for continuous improvement.

It Makes Financial Sense

By 2035 it is estimated that 21% (15.6 million) of the UK population will suffer from hearing loss (Action on Hearing Loss 2015)

1 in 10 adults aged 40 to 69 have substantial hearing loss (Dawes 2014)

WHO analysis shows that 16% of hearing loss worldwide is caused by exposure to excessive noise in the workplace. (WHO, 2002)

Industries with traditionally high levels of noise such as construction, the military, manufacturing are particularly at risk. The US military have undertaken some research which estimated that a typical exposure of 93 dB(A) for 6 years yielded a total expected lifetime cost of US \$13,472 per sailor, with plausible lower and upper bounds of US \$2,500 and US \$26,000. A decrease of 50% in exposure for the level or duration of exposure could yield cost savings of approximately 23% and 19% respectively. (Tufts JB, Weathersby PK, Rodriguez FA. 2010)

One study found that a majority of staff (70%) in music venues were exposed to noise levels above the daily recommended limit. Worryingly, 70% reported that they never used hearing protection, and only 15% reported using hearing protection regularly. (Barlow and Castilla-Sanchez, 2012)

Around 90% of total NIHL (virtually 100% of work related NIHL) is considered preventable via correct PPE use and noise control.

An estimated 30% of people of working age with severe hearing loss are unemployed.

To learn more about the UK Hearing Conservation Association please go to their website www.hearingconservation.org.uk

CASE STUDY

“IT COULD HAVE BEEN MUCH, MUCH WORSE...”



In this real-life case study, Simon Brentnall demonstrates the danger that high-pressure workplace culture can put on your staff, the public and business reputation.

This case study brings together the need for ISO 45001 to be an active management system within any large business to protect against Occupational Health and Safety Risks.

The story goes back to 2010 when I was working as a Health & Safety Manager for a national company. It had been rare that I needed to investigate a road traffic accident as an OH&S incident. However, in this case I was called out to one involving a dynamic young employee, who I'll refer to as 'Rachael'. The cause of the accident has stuck with me.

Early morning in a busy part of Leeds, her car had been seen swerving across the road, eventually colliding head on with a stationary vehicle on the other side. Bystanders naturally assumed that the driver, Rachael, was drunk. However, when the emergency services arrived, they discovered that she had been asleep at the wheel.

By uncanny coincidence, the stationary driver she collided with was a fellow employee in a company commercial vehicle (from a completely different region), this other company vehicle acted as a safety net and both drivers escaped without major injury.

Given the highly pedestrianised nature of the location, with numerous schools on route together with retail and leisure nearby, it's clear that this could have been so much, much worse. I knew there had to be more to this story, so I started my investigation.

The context

Turn the clock back several months. The business as a whole was under a lot of stress, with targets consistently being missed. The Sales Director had walked out of a Board meeting, never to return and was quickly replaced.

It seemed initially that the new Sales Director was just what the company was looking for: a tough operator who knew how to get the staff working harder to drive new business. And it seemed to be working. However, behind the gradually improving sales numbers, there was an uncompromising culture of high demand and low support.

Rachael was on the sales team and, despite the pressure, seemed to be performing well. She was seen as a reliable employee who was prepared to put in the extra hours to get what the company needed.

The night before the incident

One evening Rachael left the office, aware that she still had a key client presentation to prepare for the next morning in Leeds, she often completed work after hours. As she arrived home, she checked her phone only to find that the Sales Director had called her team to a mandatory meeting the following afternoon in Manchester. Each of them would have 20 minutes to present on their current work and strategy to achieve sales targets, and given the company's situation, it was clear that her presentation had to be on the money.

When Rachael sat down to start her evening's work, she found that her internet was down, and she couldn't connect her laptop to the company network. Typical. It was already late in the day, so she set out to find a fast food restaurant that offered a Wi-Fi connection for her to get both her presentations done.

It's unclear whether Rachael slept that night, having finished her two last-minute pieces of work. What we do know is that a prolonged period of extended work hours, where it was the expectation to take work home and be answering emails late at night was brought to a head by this particular bout of late-night work. With the prospect of several long-distance journeys ahead of her that she'd been unable to prepare for, she left her home in Droitwich to make the first journey to Leeds. She hadn't quite reached her first destination when fell so deeply asleep that even the impact didn't wake her.

Change needed

As you would imagine, this sent shockwaves through the company. The directors were devastated that such an event could happen, particularly considering how much worse the accident could have been, both for the employee concerned and the general public.

Cultural change began immediately. An outright ban on emails being sent out of hours without management authorisation was set in place, telematics was later brought in to monitor employee driving behaviours, and the necessary balance was established to ensure that staff health and safety were protected in a more holistic way.

ISO 45001: 2018 - driving a culture and system to reduce OH&S risks

Prior to 2018, when ISO 45001 was brought in as a management system, OHSAS 18001 was the key standard. While there were many benefits that this brought about in reducing workplace accidents and illness through better workplace safety and conditions, there were several key areas of shortcoming especially relating to stakeholder decisions.

In my opinion, foremost among these differences is the leadership and management commitment that the new standard brings. Clause 5.1 in particular places strong emphasis on the top tier of management within a company to proactively engage and take accountability for the effectiveness of the OH&S management system.

The Standard mandates that senior management takes an active role in mitigating organisational level risks, ensuring that the company's strategy, structure and systems remain balanced: it avoids 'robbing Peter to pay Paul'. In Rachael's story, the OH&S outcomes of the business were being sacrificed for the sales performance, and this would have been mitigated with ISO 45001 principles being well-established in a company.

Reducing your company's risks

By giving the due consideration to workplace conditions at all levels – including physical safety and the expectations placed upon staff – employees are more likely to be engaged and sustainably productive. Naturally, this is a positive outcome for both the individuals' wellbeing as well as company performance. With £15.4 million lost in Great Britain due to work-related stress, depression or anxiety in 2017/18, workplace culture is a consideration that businesses can little afford to ignore.

It was pure luck that the example in the case study didn't end up in a reputational nightmare, either with an employee or public fatality. But this story demonstrates that taking OH&S matters seriously is more than just about managing the numbers: it is about protecting the people who make up your valuable workforce. Failure to do so can have ripple effects that shatter on families, workplaces and communities.

LEGISLATIVE UPDATE

SIGNIFICANT CHANGES TO EMPLOYMENT LAW

This April, new employment laws will force businesses to alter how they work. With increases to the National Living and Minimum Wage, significant changes to payslip rules, and larger pension contributions due to take effect, businesses must prepare now to be ready in time.

1st April: National Living Wage Increases

The National Living Wage and National Minimum Wage go up by 4.9% for all age groups.

- £8.21 per hour for workers aged 25 and over (up from £7.83).
- £7.70 per hour for workers aged 21 to 24 (up from £7.38).
- £6.15 per hour for workers aged 18 to 20 (up from £5.90).
- £4.35 per hour for workers aged under 18 (up from £4.20).
- £3.90 per hour for apprentices (up from £3.70).

Last year, the government named and shamed 419 businesses guilty of paying below the National Minimum Wage and forced them to pay out £2.54 million.

To avoid an unwelcome letter from HMRC and a potentially tainted reputation, you should take the time to update your payroll well in advance of April's changes. Remember to check that any pay deductions for uniforms or equipment don't tip your staff below the National Minimum Wage.

4th April: Businesses must Publish Gender Pay Gap Reports

2018 introduced the first round of gender pay gap reporting. As employers consider how to adjust their approach for the second year of reporting, two main dates must be observed.

Public sector organisations should publish their gender pay gaps by 31st March 2019. For private sector businesses with 250+ staff, findings need to be published by 4th April 2019.

Last year, it was found that businesses paid women on average 8.6% less than men. This year, many hope to see this pay gap reduce. Having said that, the common issues driving current pay gaps may require a longer term view.

To understand your reporting requirements, or for assistance in putting a report together, call our member support line.

5th April: Consultation closes on Redundancy Protection for Pregnant Employees

The practical application of this proposed change will have a significant impact on all businesses should it come into force.

Under the proposed change, a woman would get protection from redundancy from the point that she informs her employer she is pregnant until six months after her maternity leave. It may also apply to adoptive and other parental leave.

6th April: Statutory Sick Pay (SSP) goes up

Currently, the minimum sick pay rate per week is £92.05. As of early April, this will increase to £94.25.

You must pay your worker sick pay if they have been too ill to work for four days or more, and you need to pay it for up to 28 weeks.

6th April: Pension Contributions increase to 8%

The minimum contributions you and your staff pay into your automatic enrolment workplace pension scheme will increase from 6 April 2019.

As of this date, your employee needs to put at least 5% of their pre-tax salary into their pension, and you have to put in 3%.

6th April: Changes to Payslips

Previously, only your staff classed as employees needed to get written itemised payslips. You didn't need to itemise payslips for any staff classed as 'workers'.

Now the law has changed. As of April 2019, you'll need to give itemised payslips to your employees and your workers. If you don't, you'll be breaking the law.

7th April: Statutory Pay for Maternity, Paternity, Adoption and Shared Parental Leave Increases

The minimum pay you need to give staff on maternity, paternity, adoption or shared parental leave increases from £145.18 to £148.68 per week.

The average earnings that an employee has to make to receive these payments also increases from £116 to £118 per week.

GUIDANCE



BREXIT

Health and safety protection, and your duties to protect the health and safety of people, will not change with Brexit. The HSE has made minor amendments to regulations in removing EU references but the legal requirements, and the protections these provide, will be the same as they are now. After Brexit you should continue to manage your business and employees in a proportionate way to reduce risk and to protect people and the environment. Your obligations to protect people's health and safety will not change with Brexit.

In the event of a no deal Brexit, guidance is available on the HSE website.

<https://tinyurl.com/yxmms7j5>

MILD STEEL WELDING FUMES

Although this topic does not relate directly to the BFFF membership, we do feel that there could be occasions where this type of hot work could take place.

There is new scientific evidence from the International Agency for Research on Cancer that exposure to mild steel welding fume can cause lung cancer and possibly kidney cancer in humans. The Workplace Health Expert Committee has endorsed the reclassification of mild steel welding fume as a human carcinogen. With immediate effect, there is a strengthening of HSE's enforcement expectation for all welding fume, including mild steel welding; because general ventilation does not achieve the necessary control. Control of the cancer risk will require suitable engineering controls for all welding activities indoors e.g. Local Exhaust Ventilation (LEV). Extraction will also control exposure to manganese, which is present in mild steel welding fume, which can cause neurological effects similar to Parkinson's disease. Where LEV alone does not adequately control exposure, it should be supplemented by adequate and suitable respiratory protective equipment (RPE) to protect against the residual fume. Appropriate RPE should be provided for welding outdoors. You should ensure welders are suitably instructed and trained in the use of these controls. Regardless of duration, HSE will no longer accept any welding undertaken without any suitable exposure control measures in place, as there is no known level of safe exposure. Risk assessments should reflect the change in the expected control measures. The following actions are required:

1. Make sure exposure to any welding fume released is adequately controlled using engineering controls (typically LEV).

2. Make sure suitable controls are provided for all welding activities, irrelevant of duration. This includes welding outdoors.
3. Where engineering controls alone cannot control exposure, then adequate and suitable RPE should be provided to control risk from any residual fume.
4. Make sure all engineering controls are correctly used, suitably maintained and are subject to thorough examination and test where required.
5. To have an effective RPE programme you need to:
 - Correctly select RPE.
 - Train for correct use.
 - Ensure correct use (including supervision).
 - Check to ensure RPE is working correctly before each use.
 - Maintain RPE in accordance with manufacturer's instructions and law.
 - Keep records as required by law.
 - Correctly store RPE.
 - Correctly dispose of RPE.

Please note, any shortcomings in one of the steps in the programme could result in wearers not receiving adequate protection.

BEFORE YOU AUTHORISE ANYONE TO USE FORKLIFTS ON SITE PROVIDED BY MENTOR TRAINING LTD

As a manager in charge of operations, you'd naturally want new staff to be ready to work as soon as possible. Time is money, after all. You're bringing in someone to do a job because they're needed, and time they spend not doing that job can feel like time being wasted.

But in their haste to get all hands on deck, many managers rush new forklift operators through the induction process (or skip it entirely), allowing them access to MHE before they are fully trained to use it safely.

As a good manager, you know that this increases the risk of an accident, not just for your new operator but for everyone working around them. Accidents involving forklift trucks often have serious consequences for those involved and even when no-one is injured, the damage, delays and disruption caused can be detrimental to your productivity and, ultimately, your bottom line.

So, to reduce the risk, what needs to be done before anyone is allowed to operate a forklift truck on your premises?

1. Assess suitability and previous experience

The best way to confirm operator competence is to check any previous certification or proof of operation and supplement this with an assessment of their current operational skills.

Remember, in the UK, there's **no such thing as a forklift licence**. Any operator undergoing formal training should receive a certificate demonstrating that they have successfully completed basic training on the specified category of truck.

And when checking documentation, beware - not all certificates are as valuable as others. Any training provider can issue a certificate but to ensure the training carried out meets the standards set by the HSE you should look for courses accredited by the organisations that make up the Accrediting Bodies Association (ABA), such as AITT or RTITB. If they've been trained to this standard but don't have a copy of their certificate, you can confirm this with the relevant accrediting body.

The next stage is to assess current operational skills. This will help gauge the standard of the operator and determine what training is required before they can safely begin using forklift trucks on your site. This can be carried out by external provider or in-house by a qualified, competent person.

Finally, Approved Code of Practice (L117) advises some additional considerations for selecting potential operators, including minimum age, attitude and fitness to operate. For details, see L117, paragraphs 49 to 54.

2. The Three Elements of Training

It may seem obvious, but you must make sure new operators are fully trained before operating MHE on your premises. It's not about providing the minimum training required to get them out there working - this 'shortcut' can soon lead to delays and disruptions, or worse, when they start work without the appropriate skill level required. Rather, it's about ensuring that all 3 essential elements of forklift training have been completed, as outlined by the HSE in L117:

"Operator training should always include three stages:

- Basic training - the basic skills and knowledge required to operate a lift truck safely and efficiently
- Specific job training - knowledge and understanding of the operating principles and controls of the lift truck to be used and how it will be used in their workplace
- Familiarisation training - applying what has been learnt, under normal working conditions, on the job

Basic and specific job training, which can be combined, should take place off the job (i.e. away from production and other pressures). Familiarisation training needs to be done on the job, under close supervision."

3. Written authorisation

The final part that's needed before anyone can operate forklift trucks on your site is written authorisation from the employer. Only after all relevant training has been delivered and completed should written authorisation ever be given. It should state the operator's name, the date of authorisation, the types and/or categories of truck and any special considerations — for example, lifting height restrictions. Written authorisation needs to be specific to task to ensure everything stays controlled and within the scope of what was covered during training. No-one without authorisation should be allowed access to forklift trucks on your site.

Once you've confirmed via certification, assessment and training, that your new operators are safe to start using MHE, then - and only then - should you give them authorisation to operate forklift trucks on your site.

Next time you're keen to put a new forklift operator to work, remember, safe workers are not only less likely to cause accidents, they are also proven to be more productive, so once they do join their colleagues, they'll be able to make a far greater contribution to your operations.

EVALUATING EVIDENCE ON HEALTH RISKS ASSOCIATED WITH OCCUPATIONAL EXPOSURES

The Industrial Injuries Advisory Council (IIAC) has set out guidance on how it evaluates evidence on health risks associated with occupational exposures.

These guidelines have been produced for internal use by the Industrial Injuries Advisory Council and are based on a larger document on systematic reviews, produced for the 3 UK committees:

- committee on carcinogenicity
- committee on mutagenicity
- committee on toxicity

Informal guidance is given on reviewing and reporting of published literature, particularly epidemiological studies, to provide evidence for potential prescription for Industrial Injuries Disablement Benefit.

It is noted that, in order to prescribe a disease and occupational exposure or circumstance for compensation, the council requires:

- an evidence-based definition of the disease or condition
- evidence that there is a recognised risk to workers from the occupational exposure or circumstance
- estimation of the magnitude of the risk relating to the occupation such that the link between disease and occupation can be established or reasonably presumed in individual cases, such as if there is a doubling of risk
- assessment of the exposures necessary for the development and severity of the disease.

Epidemiological studies can provide important evidence for this purpose says the report.

At the start of each evaluation carried out by the council there should be a clear statement of the purpose and aims of the evaluation. The following points could be considered:

- Why is a review of epidemiological evidence needed?
- What is the importance of the issue and consequences of council advice?

Given these two points, the committee also needs to consider if a formal systematic review is required, says the report.

The following points could be considered:

- Is speedy advice needed? If so a limited literature search could be carried out and/or use of an existing review.
- Is qualitative information sufficient to identify health risk, for example by job title, industry, or does the health risk need to be quantified?
- Is there another recent review (narrative or systematic) available in the literature or by a reputable body, such as the International Agency for Research on Cancer, World Health Organization, European Food Safety Authority?
- If yes, can this be used?
- Does the review only need updating or does it need to be redone?
- Is the review missing older literature that could be valuable?
- Is there an existing meta-analysis?

- If yes, should an update be carried out to include more recent literature?
- If no, should the council carry out a formal meta-analysis (bearing in mind that this can be a lengthy process).

REPORT CONSIDERS LINK MUSCULOSKELETAL AND MENTAL HEALTH ISSUES

A report has come from the HSE Workplace Health Expert Committee (WHEC), which was formed to provide HSE with independent expert advice on:

- new and emerging workplace health issues
- new and emerging evidence relating to existing workplace health issues
- the quality and relevance of the evidence base on workplace health issues.

The HSE asked WHEC to consider whether preventive policies should give consideration to tackling musculoskeletal problems and mental ill health jointly rather than separately.

This report summarises information on the matter identified by the WHEC, together with the invited comments of eight international experts in musculoskeletal research, some with a special interest in the psychosocial aspects of musculoskeletal ill-health.

Evidence was found that these common and sometimes disabling conditions co-exist more often than expected simply by chance and that they can predict one another. In principle, interventions to solve one problem might be expected to help the other, and in the therapeutic context there is trial evidence for this – treatment of one of the two conditions can help relieve symptoms of the other.

However, says the report, in the occupational context, there appears to be little or no empirical evidence that workplace interventions targeted at one condition will benefit the other. Various recommendations are made regarding research needs, awareness, and information gathering.

To read the full report: <https://tinyurl.com/y3cvxoj>

Department for Transport figures show that more than a quarter of all road traffic incidents may involve somebody who is driving as part of their work at the time. Health and safety law applies to work activities on the road in the same way as it does to all work activities and you need to manage the risks to drivers as part of your health and safety arrangements.

Effective management of work-related road safety helps reduce risk, no matter what size your organisation is. It could also result in, for example:

- fewer injuries to drivers;
- reduced risk of work-related ill health;
- reduced stress and improved morale.



Department for Transport

How many of your drivers know they'd face a four week suspension for using a mobile phone while driving a commercial vehicle?

Or that they'd be suspended for six weeks for a second speeding offence?

Some possibly don't even know the Traffic Commissioner can take action against their professional driving licences.

The Traffic Commissioner's vocational driver guidance has 26 different examples of how traffic commissioners deal with driver conduct.

The case studies cover a range of circumstances, including:

- mobile phone offending
- drink driving bans
- using a magnet to interfere with the tachograph
- using another driver's digicard
- failing to respond to the directions of a DVSA stopping officer

The guidance also lists the starting points which traffic commissioners consider for different offences.

You can use these starting points and the case examples to educate your drivers about the consequences of poor conduct.

<https://www.gov.uk/government/publications/traffic-commissioners-vocational-driver-conduct-january-2016>

Health and safety law does not apply to people commuting (ie travelling between their home and their usual place of work), unless they are travelling from their home to somewhere which is not their usual place of work.

Employers have duties under health and safety law for on-the-road work activities. The Health and Safety at Work etc Act 1974 (HSW Act) states you must ensure, so far as reasonably practicable, the health and safety of all employees while at work. You must also ensure that others are not put at risk by your work-related driving activities. The self-employed have similar responsibilities.

You also have duties under road traffic law, eg the Road Traffic Act and the Road Vehicles (Construction and Use) Regulations, which are administered by the police, and other agencies such as the Driver and Vehicle Standards Agency (DVSA).

In most cases, the police will continue to take the lead on investigating road traffic incidents on public roads. HSE will usually only take enforcement action where the police identify that serious management failures have been a significant contributory factor to the incident.

If one of your employees is killed, for example while driving for work, and there is evidence that serious management failures resulted in a 'gross breach of a relevant duty of care', your company or organisation could be at risk of being prosecuted under the Corporate Manslaughter and Corporate Homicide Act 2007.

HOW TO MANAGE WORK-RELATED ROAD SAFETY

Organisations have a legal duty to put in place suitable arrangements to manage health and safety. This is a wide-ranging requirement, so a common-sense and practical approach is best practice. It should be part of the everyday process of running an organisation and part of good management generally.

Plan – Describe how you manage health and safety in your organisation and plan to make it happen in practice

- Assess the risks from work-related road safety in your organisation.
- Produce a health and safety policy.
- Make sure there is top-level commitment to work-related road safety.

Do – Prioritise and control your risks, consult your employees and provide training and information

- Make sure departments with different responsibilities co-operate with each other.
- Have adequate systems to allow you to manage work-related road safety effectively.
- Ensure vehicles are regularly inspected and serviced according to manufacturers' recommendations
- Involve your workers or their representatives in decisions.
- Provide training and instruction where necessary.

Check – Measure how you are doing

- Monitor performance to ensure your work-related road safety policy is effective and has been implemented.
- Encourage your employees to report all work-related road incidents or near misses.

Act – Review your performance and learn from your experience

- Collect information to make informed decisions about the effectiveness of your existing policy and the need for change
- Regularly revisit your health and safety policy to see if it needs updating.

Assessing risks on the road

An employer is responsible for assessing the risks to health and safety in your business. Risk assessment for any work-related driving activity should follow the same principles as for any other work activity. You can delegate the task, but you will need to make sure it is carried out by someone who:

- is competent to do so (has the right skills, knowledge and experience);
- involves your workers in the process;
- understands when specialist help may be needed.

Risk assessment is about identifying and taking sensible measures to control the risks in your workplace, not about creating huge amounts of paperwork. You may already be taking steps to protect your employees, but your risk assessment will help you decide whether you should be doing more. The aim is to make the risk of someone being injured or killed as low as possible.

A **hazard** is something in your business that can cause harm. A **risk** is the chance, however large or small, that a hazard could cause harm.

Identify the hazards

Look for hazards that may result in harm when driving on public roads.

Ask your employees, or their representatives, what they think.

Take views from those who drive extensively as well as those who only use the roads occasionally.

Think about are the driver, the vehicle and the journey.

Who might be harmed?

Decide who might be harmed and how. (driver, passengers, other road users and/or pedestrians).

Are any groups particularly at risk, i.e those new to the job, those driving long distances and working long hours.

Evaluate the risks

Decide how likely it is that harm will occur.

Make sure you know about the main risks and how to manage them responsibly.

Record your findings

Record your significant findings – make it simple and focus on controls.

If you have five or more employees, you are required by law to write it down.

Regularly review your risk assessment

review your risk assessment on a regular basis.

You need to know about any road incidents, your drivers and vehicle history. Changing circumstances may also prompt a review, if anything significant changes, check your risk assessment and update it.

Safe driver

Are your drivers competent and capable?

Have you specified what levels of skill and expertise are required to do the job safely?

Do you check the validity of driving licences on recruitment and periodically afterwards?

Are you making sure your drivers are aware of company policy on work-related road safety?

Explore the use of written instructions and guidance, training sessions or group meetings

Other points to consider

Are your drivers properly trained?

Do drivers have clear instructions about how to keep themselves safe while on the road?

Are your drivers sufficiently fit and healthy to drive safely and not put themselves or others at risk?

Do you know your duties under health and safety law when employing contractors and subcontractors?

Are vehicles fit for the purpose for which they are used?

Are vehicles maintained in a safe and fit condition?

Are you sure that drivers' health, and possibly safety, is not being put at risk?

Are work schedules realistic?

Do you allow enough time to complete journeys safely?

Do you consider poor weather conditions, such as snow or high winds, when planning journeys?

POLICE WARN MOTORISTS NOT TO WEAR LANYARDS WHILE DRIVING

Police warn motorists not to wear lanyards while driving in case of a crash. Wearing a lanyard while driving can make car crash injuries much worse, police have warned. Following reports of serious injuries involving people behind the wheel wearing lanyards, a police force has spoken out on the issue and detailed some of the accidents encountered.

A spokesperson from Dorset Police said, “This type of accident, fortunately, is unlikely. “One driver was involved in a minor car accident and was wearing their company lanyard and pass. “The car airbag was deployed on impact and the force of the airbag caused the lanyard and pass to be pushed into the driver’s chest, causing a lung to collapse. “Had the person not been wearing their lanyard and pass at the time, they would have most likely walked away relatively unscathed. “In another accident, a NHS worker stored a lot of keys on her lanyard for medicine cabinets and lockers. “She got into her car and was driving home but did not remove her lanyard. Unfortunately, she also had a crash that triggered the airbag. “The force of the airbag caused the keys to perforate her bowel – she was in hospital for more than six weeks and she has been off work now for six months.”

Read more at: <https://inews.co.uk/essentials/lifestyle/cars/car-news/police-warn-motorists-lanyards-increase-chance-injury/>

GREY FLEET MANAGEMENT

It is paramount for every company to manage their fleet but many companies offering their employees the option of using their own car for business can raise some complex issues.

‘Grey fleet’ is simply the term used to describe any vehicles that do not belong to the company, but which are used for business travel. This might include a privately rented vehicle or a vehicle privately owned by an employee and driven on company business, often in return for a cash allowance or fuel expense. The Health and Safety at Work etc Act 1974 requires employers to ensure, so far as is reasonably practicable, the health and safety of all employees while at work. Employers and employees also have a responsibility to ensure that others are not put at risk during any work-related driving activities. In practice, this means you have the same legal duty of care for grey fleet drivers as you would for those in a work-supplied vehicle. Because grey fleet vehicles do not belong to the company, they face a complicated set of issues when it comes to managing the safety of their fleet. For instance, employees using their own car may be outside of the established insurance and servicing policies, meaning their vehicles are not covered for company travel. Another issue is attempting to keep track of the status of grey fleet vehicles to ensure they meet legal road requirements, including:

- Driving license validity
- Insurance details including business use
- MOT certification
- Road Tax validity

In addition to this, you will also need to consider the suitability of the vehicle for work purposes such as the age and condition, or whether the vehicle is equipped with features such as ABS, ESP, air conditioning, and whether or not it is suitable for the journey requirements. Road safety charity Brake has published guidance for fleet managers and HR professionals to help reduce their grey fleet risk. Read the full article here: <https://tinyurl.com/y5bljq8>

1.7M DRIVERS ADMIT TO SPEEDING

More than 1.7 million drivers exceed the speed limit on every car journey they make, equating to around 5% of all motorists, according to new research from HPI.

The study also revealed that two thirds (68%) of Brits admit to speeding on at least some of their car journeys and a quarter (28%) speed on at least half.

The findings also highlighted that there are some major knowledge gaps when it comes to speed limit awareness. Almost three-quarters (72%) of UK drivers don't know the speed limit of a single carriageway road.

Fernando Garcia, consumer marketing director at HPI Check, said: "With so many drivers on the road in 2019, it's hard to believe how many are not abiding by the law when it comes to speed. Speed limits should always be treated as a matter of paramount importance and ignoring them could risk safety on the roads.

"What stood out to us the most, was the shocking stat that a large majority of drivers do not know the correct speed limit for single carriageway roads. It's important to remember that safety is vital on the roads, and we would recommend that all drivers brush up on their speed limit knowledge where needed."

Department for Transport data revealed that between 4am-5am is most likely hour for drivers to speed, whereas 4pm-5pm was found to be the least likely hour.

Drivers were also more likely to speed during morning rush hour (50.1%) than evening rush hour (46.7%) – which was the least likely time overall.

HPI conducted a further study and found that the most common place for drivers to speed is in 20mph limits. On faster roads the instance of speeders was less common.

The study found that the majority (65%) of speeders do get caught, with a temporary camera being most common way.





LOGISTICS COMPANY FINED AFTER DRIVER SUFFERS SERIOUS INJURIES

A Slough-based logistics company has been fined after a driver was struck by a reversing vehicle when he was carrying out a pre-use check on his vehicle.

Reading Crown Court heard how, on 15 December 2015, an employee of PCL Transport 24/7 Limited was injured at a dairy in Aylesbury. The injured person was struck by a reversing vehicle while he was carrying out a pre-use check on his lorry.

An investigation by the Health and Safety Executive (HSE) found that safety controls, principally the use of an allocated pre-use vehicle check area, were not being followed by the company's lorry drivers.

PCL Transport 24/7 Limited of Leigh Road, Slough pleaded guilty to breaching Regulation 17 of Workplace (Health, Safety & Welfare) Regulations and has been fined £150,000 and ordered to pay costs of £17,649.27 and a victim surcharge of £120.

Speaking after the hearing, HSE inspector Stephen Faulkner said: "Being struck by vehicles is still one of the highest causes of workplace fatal accidents.

"Employers should ensure that where vehicles and pedestrians use the same areas, there is sufficient separation between them."

<http://www.hse.gov.uk/press/2019/january/logistics-company-fined-after-driver-suffers-serious-injuries.html>

FOOD MANUFACTURER FINED AFTER TWO WORKERS INJURED

A food manufacturer has today been sentenced following two separate incidents where workers became trapped in moving machinery.

Colchester Magistrates' Court heard how, on 26 March 2016, whilst working for 2 Sisters Food Group Ltd at its poultry site in Flixton, Norfolk, Mr Romas Ciurlionis trapped his thumb in a moving shackle shortly after being shown how to remove chicken intestines. As the line was running, he was pulled away from the emergency stop cord and when it moved past a fixed gate his thumb was severed.

The Court also heard how, on 23 August 2016, Mr Darren Hamilton entered an area of the factory that should have had the power isolated before cleaning activities commenced. The safe system of work was not being followed and the shackle line was still running when his finger became trapped. As he could not reach the emergency stop his finger was severed.

The investigations carried out by the Health and Safety Executive (HSE) found that 2 Sisters Food Group Ltd had failed to ensure that measures were in place to mitigate the consequences of a worker becoming entrapped in a shackle in the first instance and that they failed to ensure safe isolation procedures were followed in the second.

2 Sisters Food Group Ltd of Grange Road, Flixton, Bungay pleaded guilty to breaching Regulation 11(1) of the Provision and Use of Works Equipment Regulations 1998 in relation to the first incident and has been fined £200,000 and ordered to pay costs of £4,031.83.

In respect of the second incident, 2 Sisters Food Group Ltd pleaded guilty to breaching Section 2(1) of the Health and Safety At Work Act 1974 and has been fined £74,000 and ordered to pay costs of £4,386.52.

After the hearing, HSE inspector Saffron Turnell said: "These incidents could so easily have been avoided had appropriate controls been in place.

"Companies should be aware that HSE will not hesitate to take enforcement action against those that fall below the required standards."

WORK AT HEIGHT: £150K FINE FOR FIRM THAT GOT IT WRONG

A repair and maintenance company has been fined after an employee fell from two metres while working on a roof.

The roofer was working with a colleague to repair a leaky roof in Seaton Avenue, Felixstowe on 7 September 2016. There was no edge protection around the roof and access to the roof was via an unsecured ladder. As the roofer accessed the ladder it slipped, causing him to fall from a height of approximately two metres. The worker sustained contusion and bruising to his head along with hearing damage.

The HSE's investigation found the assessment of the work prior to the arrival of the roofers on site was inadequate. There was neither a system for checking the correct equipment for work at height was being used, nor for supervision of the work on site.

RFT Repairs Limited of King Street, Norwich pleaded guilty to breaching Regulation 4(1) of Work at Height Regulations 2005 and was fined £150,000 with costs of £5,391.76.

HSE inspector Prentiss Clarke-Jones, speaking after the sentencing said: "Roof work requires a high level of planning, and supervision should be in place to ensure it is carried out safely.

"This incident so easily could have been fatal; work at height is a well-documented, well-regulated risk and there is no excuse for getting it wrong".

EAST YORKSHIRE COMPANY FINED AFTER WORKERS EXPOSED TO FLOUR DUST

A bakery company was fined for safety breaches after employees suffered long term exposure to flour dust, a respiratory sensitiser.

Leeds Magistrates' Court heard that between April 2002 and April 2016 employees were consistently exposed to risks to their health, with some being medically diagnosed as suffering from occupational asthma.

An investigation by the Health and Safety Executive (HSE) found there was no effective method of control to prevent the dust becoming airborne and employees being exposed to breathing in the dust.

Coopland & Son (Scarborough) Ltd. of Caxton Way, Pindar Business Park, Eastfield, Scarborough pleaded guilty to breaching Section 2(1) of the Health & Safety at Work etc. Act 1974 and has been fined £159,080 and ordered to pay £4,594 in costs

After the hearing, HSE inspector Geoff Fletcher commented: "Exposure to flour dust in an industrial setting can cause serious and debilitating health effects.

"Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards"

<http://www.hse.gov.uk/press/2018/december/east-yorkshire-company-fined-after-workers-exposed-to-flour-dust.htm>

FIRM FINED £30K AFTER WORKER'S LEGS CRUSHED

An Alness-based company has been fined after an operative was severely injured after falling 2-3 metres into a compactor chamber and a ram crushed his legs.

On 12 November 2018, an employee was attempting to clear a blockage in a infeed hopper by use of a wooden bar, while the machine was in automatic mode at Beechwood Waste Transfer Station. The blockage was too large to dislodge so the worker got into the hopper and, while holding onto the edge, jumped up and down on the blockage in an attempt to free it. As this was ineffective, a colleague then climbed up the outside of the infeed hopper and jumped inside. The blockage then gave way and the worker fell some 2-3 metres into the compaction chamber. A ram activated and commenced compressing the material, the operative attempted to climb out but before he could do so the ram crushed his legs.

The HSE's investigation found that blockages occurred because large cardboard boxes would catch on a lip between the wooden superstructure and the metal structure of the hopper. Workers cleared blockages by climbing up the outside of the baler, and the absence of guarding meant operatives were able to access the infeed hopper. No safe system to isolate the machine from the power was in operation in order to deal with blockages safely.

William Munro Construction (Highland) Limited, Riverside Drive, Teaninich Industrial Estate, Alness pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974 and was fined £30,000.

Speaking after the hearing, HSE inspector Norman Schouten said: "This incident could so easily have been avoided by simply carrying out correct control measures and safe working practices and communicating them to the employees in their own language.

"Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards."

For further information or to download a copy
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