



KEEP IT SAFE

BFFF QUARTERLY HEALTH & SAFETY NEWSLETTER

JULY 2019



British Frozen Food Federation

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FOREWORD FROM SIMON

Welcome to the July Edition of Keep It Safe

In this edition we have provided our collated membership accident statistics for 2018. This information is unique to BFFF members and provides an insight into the 3 sectors within our membership; Producers, Wholesalers and Logistic Service Providers.

Our statistics provide an excellent benchmarking tool to enable all members to compare their performance against other companies within these sectors. Thank you to our members who have submitted this valuable data, we encourage others to get involved.

For more information please contact simonbrentnall@bfff.co.uk.

Our safety focus deals with the liability of agency workers with an article supplied by NFUM, and outlines the pitfalls organisations can experience. It is important for companies to firm up crucial arrangements relating to training, health questionnaires etc.

Brakes have kindly let us share with you an employee initiative they have rolled out on mental health and wellbeing this has been embraced by the whole company.

The BFFF Health & Safety Expert group met on the 22nd May. Topics discussed were:

- Update from the food and drink manufacturers forum
- RIDDOR Determination guidance
- WAH Guidance
- 2020 Seminars with ideas on the future and road risk and workplace transport

The meeting also included a presentation by Russell Lynes of Zehnder on dust management and how they have resolved many dust problems within the food and drink industry. We were also joined by Josh Poolton of Comau who presented and demonstrated an overview of Exoskeleton technology in order to reduce musculoskeletal disorders.

In June BFFF delivered its annual specialist seminar, and based on previous delegate feedback the topic covered was Fire Safety and Composite panel management. On the day it turned out to be a full house and delegate feedback was off the scale. Read our full report on page 7.

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 accident statistics or primary authority schemes.

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

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



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FIRE SAFETY

EMERGENCY PROCEDURES

Articles 8 to 22 of the Regulatory Reform (Fire Safety) Order 2005 (RRO) cover the fire safety duties for the Responsible Person of a premises. The aim of the legislation is for people who know the premises best, to identify and control the risks within that premises and devise plans to ensure that all relevant people will be safe from fire.

Article 15 “Procedures for serious and imminent danger and for danger areas” covers the requirements for the premises to have a planned and practiced evacuation procedure. This must be developed with consideration for the significant findings of the Fire Risk Assessment (FRA) and have an appropriate number of trained persons to assist with the implementation of that procedure.

When developing an evacuation plan for warehousing or factory premises, you should include the following for it to be considered effective:

- How people will be warned if there is a fire
- What staff should do if there is a fire
- How the evacuation will be carried out
- How the Fire & Rescue Service (FRS) will be called
- Identification of a suitable assembly point
- Firefighting arrangements where appropriate
- Special arrangements for vulnerable people e.g. young persons, people with disabilities or lone workers
- Machines or processes that need to be safely isolated before evacuation
- Procedures for meeting the FRS upon their arrival
- What staff training will be required for all staff including, for example fire warden duties
- Accurately timed fire drills
- Review of emergency plan following a fire drill, fire incident or a change in working practices or the premises

Other actions that will improve an emergency plan are

- A plan of the premises, identifying the nearest escape routes to a place of safety
- Unannounced fire drills, this helps to give a clear understanding of the level of knowledge within the workforce
- Written record of the roll call / swept areas of the building, to give to the FRS
- Invitation to the local FRS to complete an incident exercise
- Training some frontline staff as Fire Safety Champions to help spot weaknesses in procedures
- Varying the times of year that the evacuation drill is conducted to prevent complacency
- Engagement with all staff on ways to improve the plan

Accurately timed fire drills are important because, only when an emergency plan has been tested and proved to work can it be considered effective. Government guidance suggests that a reasonable time for everyone to be in a place of safety is two and a half minutes, this should be easily achievable within warehouse and factory type premises. Time the fire drill from the moment the alarm is raised until such time as it is reasonable to assume that everyone has left the building. By monitoring a popular exit with a stop watch that includes a lap timer. Recording these timings and using them during any evacuation plan review will ensure that you have a robust process in place and ensure the safety of people using the building.

Where you find delays in people getting out of the building you should investigate and determine where the bottle necks are. Common problems are complacency and a lack of training.

- Complacency
 - Are you completing fire drills too often?
 - Are the fire drills always at around the same time of year?
 - Are there a high number of false alarms causing employees to consider all activations as if there is no fire?

If the answer is yes to any of the above then you should review your procedures or maintenance as appropriate.

- Lack of training
 - “I’m too busy to take part in fire drills, I don’t need to take part”
 - “I’ll just go and get my coat, it was cold this morning”
 - “I must get that telephone call, it might be an important customer”

It is important that everyone understands their individual responsibilities to keep themselves and others safe. Article 23 of the RRO covers “General Duties of Employees at work” and it is a criminal offence for employees to not follow the emergency procedures laid down by the employer. All employees should receive training so that they understand this responsibility to themselves and others and take part effectively during training and when the alarm is raised.



BFFF HEALTH AND SAFETY INITIATIVES

FIRE SAFETY & COMPOSITE PANEL SEMINAR UPDATE

This year's BFFF specialist event on fire safety and composite panels was a complete success with a full complement of delegates in attendance at both Branston Hall and the Waddington training facility in Lincolnshire. Delegate feedback was off the scale!

The theoretical sessions were well received with a keynote message from Neil Gibbins (QFSM FIFire) to start the day. Neil covered an array of topics including post Grenfell, Approved Document B and his work with Government relating to the declining standards of white goods.



Lincolnshire Fire and Rescue advised how companies can reduce the risk from composite panels by identifying, testing, managing and monitoring for damage. In addition, what steps can be taken in managing panels with a small, medium or large budget. Following this was an informative talk from Vulcan Inspection Services on Thermography, in terms of electrical safety; this showed how everything appears normal to the human eye, however thermal imaging equipment reveals another story. Kingspan provided a number of real-life fire case studies involving composite insulated panels (CIPS), together with technical information explaining various types and make up of CIPS. Hall & Kay Fire Engineering described the 21 things you didn't know about sprinkler systems and to end the morning session our sponsor NFUM gave us an insight into development planning advice, including a case study in which a company had relocated premises and completed significant work in fitting racking to their warehouse without seeking specialist advice. This resulted in the insurers recommending a sprinkler system to be fitted, which then become very difficult to retrofit once racking had been installed. NFUM also offered free guidance to both BFFF members and non-members on site development planning.

NFUM provide a risk management programme for composite panels which can be downloaded using the below link:

<https://www.nfumutual.co.uk/business/risk-management/loss-prevention-guidance-business/>

In the afternoon we transferred our delegates to the Lincolnshire Fire and Rescue training facility in Waddington to take part in the practical sessions, these involved:

- Vulcan Inspection Services allowing the delegates to use thermal imaging cameras to identify a mock electrical fault.
- Checkmate Fire and Lincolnshire Fire and Rescue showed how correctly fire stopping composite insulated panels can effectively prevent fire and smoke spread.
- Kingspan showed the flammability of various types of composite panel on their test rig including their latest Quad Core panel.
- Various types of fire extinguishing media were used to allow delegates to apply correct extinguishing media to correct class of fire and also how to apply good firefighting technique.



Fire Extinguishing - Once the is activated it keeps going



Checkmate - Demonstrating a burning panel with and without fire stopping products

If this was not enough, delegates then experienced a tour around the Urban Search & Rescue Centre to see how the rescue services are trained in various disciplines including trauma training, rail crash, earthquake site and crane rescue.



Rail crash rescue scenario



Mock earthquake at the Urban Search & Rescue Centre

'We would like to take this opportunity to thank all our delegates, speakers, exhibitors, Lincolnshire Fire and Rescue and our sponsor NFUM who made this possible' - Simon Brentnall Head of Health & Safety

BFFF has received some excellent feedback. This is what our delegates said:

'Excellent day from start to end'

'Excellent, thoroughly enjoyed it. Thank You'

'The practical aspect was very effective to reinforce and demonstrate the morning discussions'

'Can't beat seeing something with your own eyes. Very Good'

'Good informative demonstrations that actually highlight the actual effect of uncontrolled panel inspections'

'Found the demonstration of burning the composite panels interesting and how quick they burned'

'Practical thermography demonstration – Application of thermal camera in checking cables'



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MEMBERSHIP COLLATED ACCIDENT STATISTICS

We have the pleasure in sharing our members health & safety injury statistics for 2018; this is unique information for BFFF members. The 2018 statistics represents 20 Producers, 15 Wholesalers and 5 Logistic Service Providers (LSP's) all sharing their data with us anonymously. These 40 companies represent 33,257 employees. We would like to thank all our members who took part in this very important exercise.

A detailed spreadsheet for each sector (including graphs) is available for members that submitted their data. Our statistics provide an excellent benchmarking tool to enable all members to compare their performance against other companies within the sector.

Feel free to contact simonbrentnall@bfff.co.uk for more information.

The chart below highlights the average rate per 100,000 employees from 2011 through to 2018.

BFFF Members Collated Average Health & Safety Injury Rate Statistics 2011 to 2018

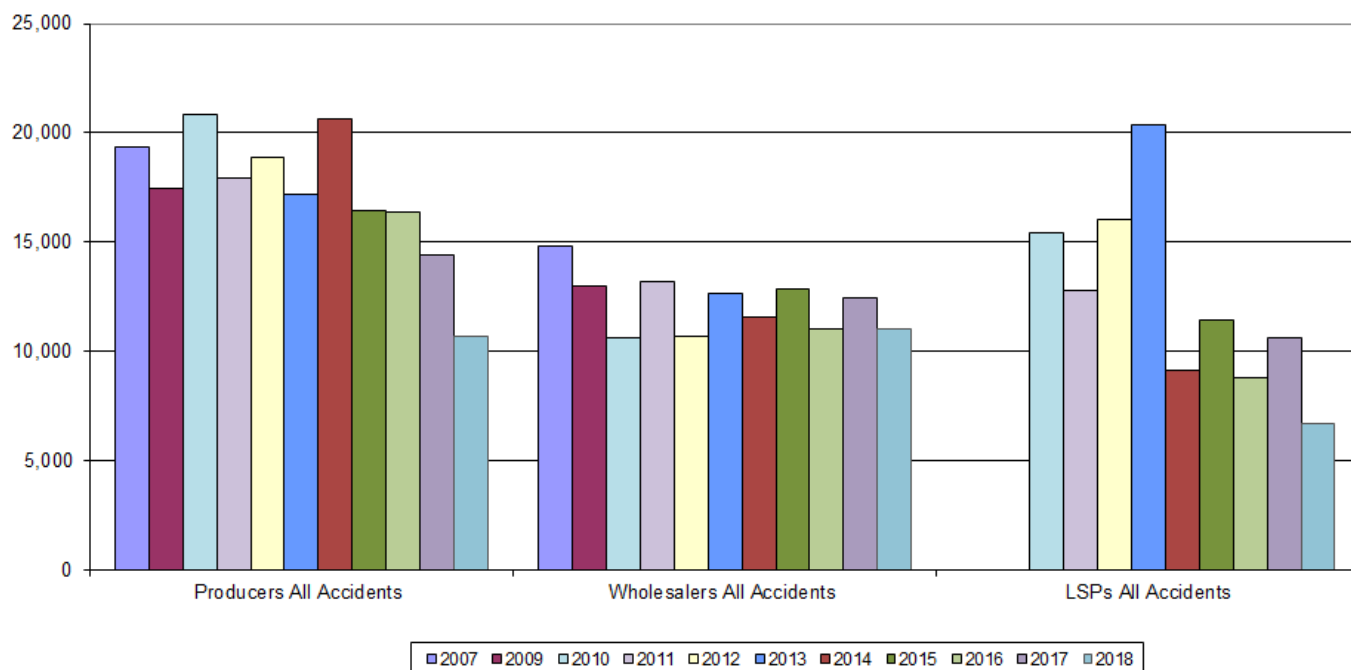
SECTOR SPECIFIC INFORMATION										
SECTOR	NO. OF RESPONSES RECEIVED									% CHANGE 2017-2018
		2011	2012	2013	2014	2015	2016	2017	2018	
PRODUCERS All Accidents	20	17,953	18,909	17,189	20,670	16,443	16,395	14,419	10,688	-35.0%
PRODUCERS Reportable only		1,609	942	1,663	1,035	647	1,100	734	795	8.3%
WHOLESALERS All Accidents	15	13,174	10,678	12,678	11,548	12,885	11,051	12,479	11,033	-13.0%
WHOLESALERS Reportable only		2,168	1,433	1,280	1,564	1,046	1,026	1,105	949	-9.6%
LOGISTICS SERVICE PROVIDERS All Accidents	5	12,806	16,025	20,404	9,159	11,454	8,797	10,602	6,715	-58.0%
LOGISTICS SERVICE PROVIDERS Reportable only		1,855	1,244	656	2,025	1,191	1,011	1,100	1,219	11.0%

All Accidents 2018

The following chart shows the trend of all accidents since 2009. In 2018 there was a significant reduction across all sectors. Unfortunately, in 2018 we have seen a reduction in producers submitting their data, this looks to be due to changes in the industry.

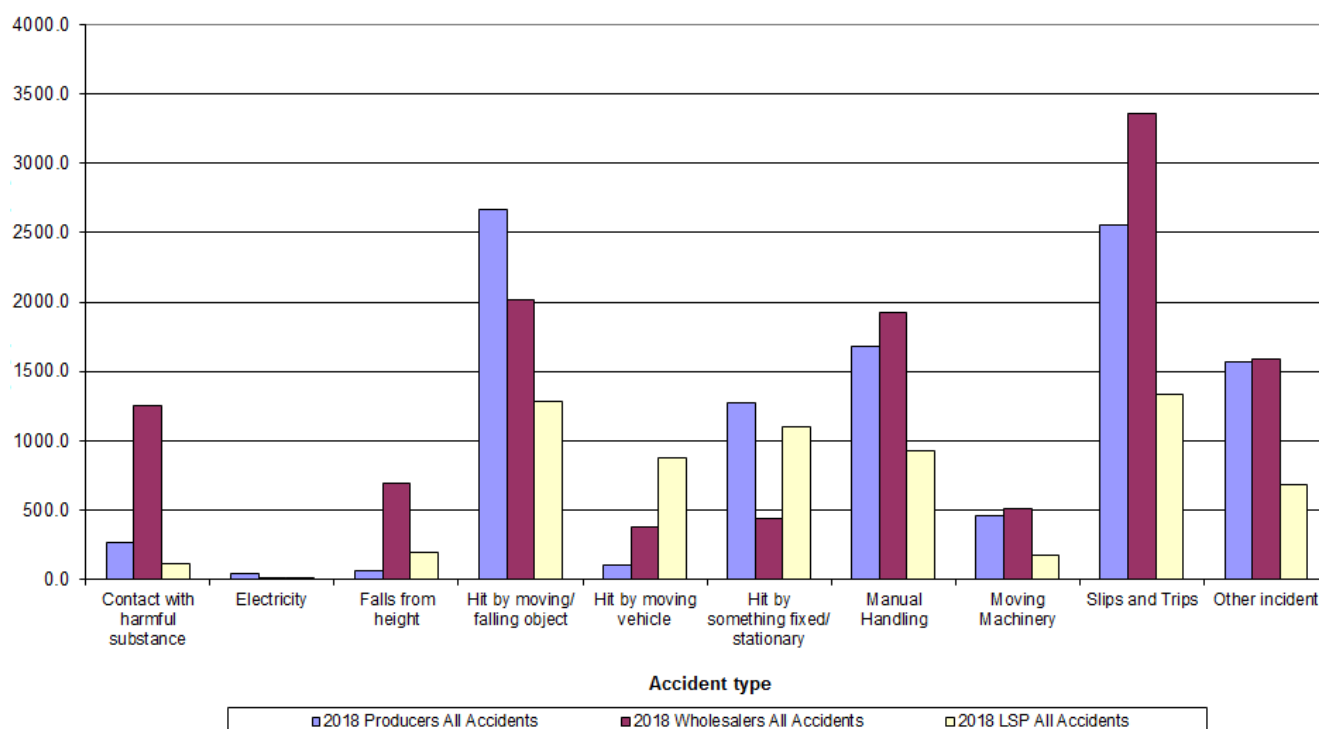
Member Collated Average – All Accidents Breakdown by Sector 2009 - 2018

20 Producers, 15 Wholesalers, 5 LSP's



Member Collated Average - All Accident Breakdown by Type 2018

20 Producers, 15 Wholesalers, 5 LSP's



Food Producers – All Accidents

From the data submitted for 2018 it shows the food producers 'all accident frequency rate' has decreased by 35% from the previous year. The positive news is that there has been a significant reduction in the average rate of accidents in all areas such as Contact with Harmful Substances, Electricity, Falls from Heights, Hit by Moving/Falling Object and other incidents. Unfortunately Slips, Trips and Falls have increased by 5.9% and Hit by Moving Vehicle has increased by 19.2%. In terms of reducing Slips and Trips, the initiatives rolled out by the Food and Drink Manufacturers Forum (FDMF) of which BFFF contribute, aim to reduce this figure. Information on this common strategy is available from BFFF or from <http://www.hse.gov.uk/food/forum.htm>

In trying to address the membership statistics on 'Hit by Moving Vehicles' BFFF CEO Richard Harrow has recently accepted plans from Head of Health & Safety, Simon Brentnall to deliver a Road Risk and Workplace Transport Seminar in 2020. Further information on transport road risk is available from <http://www.hse.gov.uk/workplacetransport/index.htm>

Food Producers – Reportable Accidents

For reportable accidents in this sector we have seen an increase of 8.3%. Reductions can be seen in Hit by Moving/Falling Object, Hit by Moving Vehicle, Hit by Something Fixed/Stationary compared with those of 2017, however noticeable increases seen in Slips and Trips having increased from an average injury rate of 223.4 to 1430.

Wholesalers – All Accidents

From the data submitted for 2018 it shows the wholesalers 'all accident frequency rate' has decreased by 13% from the previous year. Reductions have also been seen in areas such as Manual Handling, Slips and Trips, Hit by something Fixed/Stationary and Hit by Falling/Moving Object. Increases can be seen in Falls from Height and Contact with Harmful Substances. BFFF are still working on improving falls whilst working on refrigerated vehicles with the wholesalers and refrigeration companies with an aim of reducing the risk of falling from vehicles.

Wholesalers – Reportable

For reportable accidents in this sector we have seen decrease of 9.6%. Slight reductions can be seen in Slips and Trips, Manual Handling, Moving Machinery, Hit by Moving/Falling Object. Slight increases can be seen in Falls from Height, Hit by Moving Vehicle and Hit by something Fixed/Stationary.

Logistic Service Providers – All Accidents

From the data submitted for 2018 it shows the logistic service providers 'all accident frequency rate' has decreased by a massive 58% from the previous year. Reductions have been seen in areas such as Manual Handling, Slips and Trips, Hit by Moving Vehicle and Other Incidents. Slight increases can be seen in falls from height, moving machinery and hit by moving/falling object.

Logistic Service Providers – Reportable

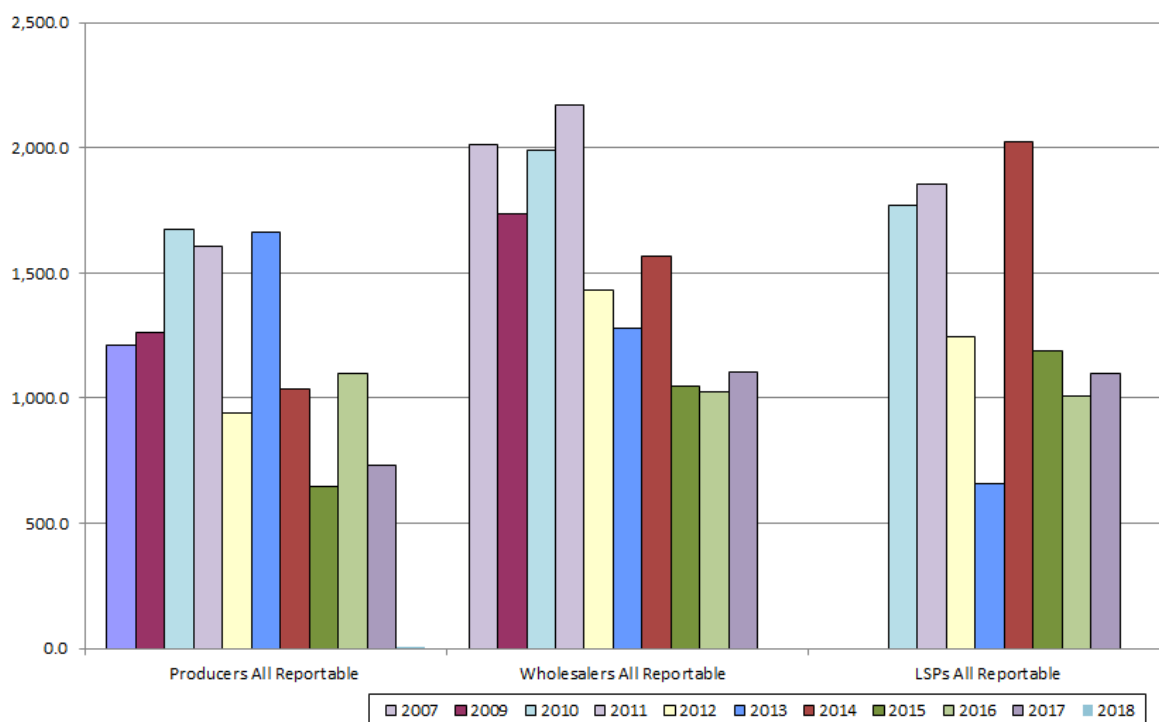
For reportable accidents in this sector we have seen an increase of 11%. Slight reductions can be seen in Slips and Trips, Manual Handling and Hit by Moving Vehicle. Increases can be seen in Hit by something Fixed/Stationary.

Reportable Accidents 2018

The following charts show the trend of reportable accidents since 2009. In 2018 there was a significant reduction for producers but in this year slight increases are seen for wholesalers and logistic service providers.

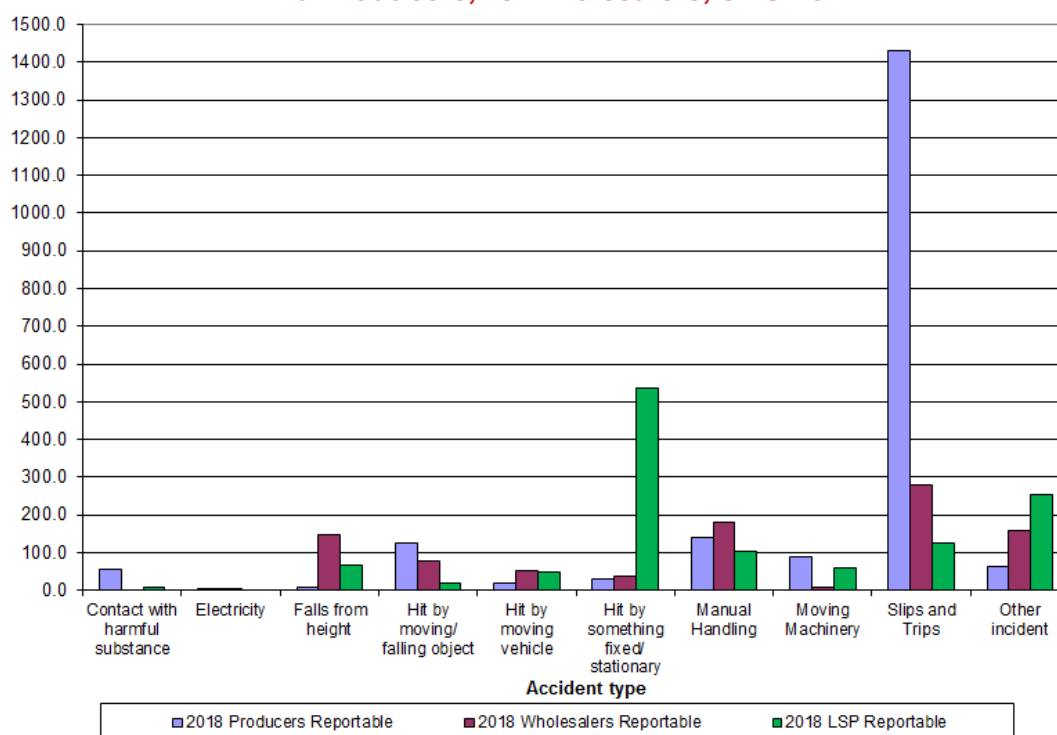
Member Collated Average - Reportable Breakdown by Sector 2009 - 2018

20 Producers, 15 Wholesalers, 5 LSP's



Member Collated Average - Reportable Breakdown by Type 2009 - 2018

20 Producers, 15 Wholesalers, 5 LSP's





Corporate Social Responsibility Training Workshop

In this training workshop hosted by ColinsMcHugh we will cover the following:

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Good approaches to CSR
Less impressive approaches to CSR
Linking CSR to your business
What to measure
How to measure
How to engage your people

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Accommodation package available

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In this edition we look at agency workers, these falling into a very Grey area for companies in terms of employer liability. Many companies need to firm up their arrangements with agencies; it is often the case that companies believe the agency provided essential training and in addition make enquiries relating to medical conditions, to later find out this is not the case. It is always best policy to treat your agency workers as your own employees; putting them through the same process as a new employee. NFU Mutual has recently published a technical article which we would like to share.

Employers' Liability And Agency Workers

A review by Richard Turnell, Large Loss Claims Specialist, NFU Mutual Corporate Insurance. The number of agency workers employed in Great Britain is set to number 1 million by 2020 according to research by Resolution Foundation. That is a rise of 150,000 from numbers in 2017.

There are undoubtedly a great number of benefits to companies in the UK employing agency workers. While I don't pretend that I can assume the role of HR Director or Financial Director, the speed with which agency workers can be taken on; the ability to fill positions as production demands increase; the flexibility of hiring seasonal workers without the need to offer permanent contracts; these would all be cited as positive reasons for employing agency workers.

However, there are also some balancing factors that need consideration, particularly when it comes to matters of employers' liability. What do companies need to be wary of when taking on short-term agency workers? I hope to set out some considerations and observations from the perspective of a Technical Claims Handler at NFU Mutual who deals frequently with a caseload of employers' liability claims involving agency workers.

The Legal Status Of Agency Workers

Agency workers are supplied by an agency to a business. They do not have a contract of employment with the company or with the agency and are not, strictly, employees of either.

The Legal Position Under The Enterprise And Regulatory Reform Act 2013 (ERRA)

Before any discussion can take place concerning the considerations that employers have to take from a health and safety perspective in employing agency workers, it is worth restating the position for the employer now that The Enterprise and Regulatory Reform Act 2013 (the ERRA) is firmly entrenched in law in England and Wales. The aim of ERRA was an attempt to level the claims playing field. It has done so by reversing the presumption in section 47 of the Health and Safety at Work Act 1974 that a breach of statutory duty (as imposed on employers by the host of health and safety regulations colloquially referred to as the "6-pack") could give rise to civil liability.

The ERRA does away with the "strict liability" imposed on employers for breach of certain regulations (for example, Regulation 5 of the Provision and Use of Work Equipment Regulations) and means that employees and agency workers now have to prove negligence on the part of the employer. Has the employer taken all reasonable steps to ensure that the agency worker is kept safe at work? If they have then they will not be liable to compensate the agency worker for any personal injury suffered.

Those regulations still apply to employers however, and breach of them will invariably be cited as evidence that the employer was negligent.

In most cases, so far as employers' liability claims are concerned (and the exceptions will not be discussed here), the employer and not the agency supplying the worker will be deemed to have control over the worker and therefore be deemed to be the employer for the purposes of health and safety obligations. So, when the agency worker arrives for his first shift, what considerations need to be made by the employer, and what does the employer really need to be certain of? What will the Technical Claims Handler be looking for evidence of, when a claim is commenced?

Training

Can an employer be certain that the agency worker has been given adequate training by the agency?

The rule must be, do not assume to the affirmative. Think about the job that the agency worker will be required to do:

- Does it involve lifting crates or other such heavy and bulky objects?
- Are you relying on a piece of paper from the agency stating the agency worker has had manual handling
- Training going to be sufficient to satisfy the tasks to be undertaken and the requirements of the manual handling operations regulations?
- Has the risk involved really been reduced to the lowest practicable level?
- If, when a claim is presented, it cannot be demonstrated that the agency worker has received suitable or adequate training, manual handling or otherwise, then can the Technical Claims Handler realistically say that you the employer have done all that is reasonably asked of you?



Personal Protective Equipment

The agency worker arrives on the first day wearing trainers and a pair of gloves:

- Is this footwear appropriate for the job to be done?
- If they are lifting heavy and sharp objects or working with cutting objects are the gloves going to protect them?

Do not just assume that an agency worker will come equipped or safely equipped. It is your duty to check. Make sure too that the Personal Protective Equipment (PPE) fits. Remember that under the Personal Protective Equipment (PPE) Regulations, all PPE must be appropriate to the risks involved and if the agency worker is going to be staying for a number of months, remember that the employer is under a duty to maintain and repair or replace PPE.

- Has the agency worker been told what to do if their gloves get holes or the grip on their boots/shoes wears out?
- Is PPE being monitored?

If, when a claim is presented, it cannot be proved by reference to clear documentation that suitable PPE was provided, that failure will be considered negligent by the court. If the agency worker is able to prove that the injury would not have been sustained had suitable PPE been provided, the employer will be liable.

Provision And Use Of Work Equipment Regulations

If the employer is going to require the agency worker to use equipment that carries a specific risk e.g. band saws, forklift trucks, T20s etc., use should be restricted only to workers with specific training.

- As an employer, are you confident that the documents provided by the agency demonstrate sufficiently that the agency worker has received the requisite training in order to safely operate your equipment?
- Will they need a specific induction and specific site training before you are satisfied?
- Will the agency worker need a period of supervision after their training?
- Does the agency worker know where the emergency stops are and what to do in an emergency?

If, when a claim is presented, the employer cannot demonstrate specific evidence of training on a particular piece of equipment that required specific safety training and instruction, is the Technical Claims Handler going to be able to deny liability knowing that training had not been provided?

Workplace (Health, Safety And Welfare) Regulations

The temptation on the first day is to accompany the agency worker to their workstation and to allow them to get on with their job.

- Has the agency worker been shown where is safe to walk on site and where not to walk on site?
- Have they been told to use handrails on staircases?
- If a chair is being used at a workstation, is it

safe and suitable for the worker?

If the answer any of these is no, do not just make do.

It is far easier, as a Technical Claims Handler, to defend a claim – for example where somebody has fallen on a stairway or been struck by a moving vehicle whilst in an unauthorised area – if clear and specific evidence can be produced to show a detailed induction. A quick tick box sheet is highly unlikely to suffice. Give details or be prepared to provide evidence that shows a detailed induction has been undertaken, pointing out prohibited areas and specific hazards and highlighting how to behave “safely” on site.

The problem that is frequently encountered when looking at documentary evidence is that a tick sheet confirming a site induction does not give details as to what it entails. This in turn limits the document as a piece of evidence.

Display Screen Equipment (DSE) Regulations

If the agency worker is going to be using a computer or display screen all day, consider the following before they start work at such stations.

- Has the routine been planned and explained to that worker?
- Are you going to monitor breaks?
- Has the agency worker been trained on the associated risks?
- Has information on measures to control those risks been given?

It goes without saying that any claim made for problems associated with Display Screen Equipment will most likely have evidence of issues taking place over a medium to long period of time, and it may not be easy to prove causation as a short-term agency worker in such scenarios. Nonetheless it would be complacent and risky to not consider this area when taking on an agency worker.

Other Important Considerations



The Accident Report

In the event of a claim, the first thing that the Technical Claims Handler will need to see is the contemporaneous accident report. This is after all the first record of what happened.

It is amazing just how many claims there are involving agency workers where the employer does not have an accident report filled out and signed by an appropriate company officer. It is sometimes left to the agency to fill out a report, offsite and after the event, or other times left for the agency worker to fill out the form themselves. The danger in this is that a claim-minded agency worker who has sustained an injury whilst at your work may be likely to give details only that assist his potential claim. Their evidence cannot be challenged nor easily corroborated.

If an agency worker has an accident on site, you need to get the report completed, signed by the claimant and countersigned by an appropriate officer of the company **BEFORE** that agency worker leaves site.

If this simply is not possible, the agency needs to be chased without fail to provide the report as soon as possible and then upon receipt, this document needs to be challenged and verified as part of the accident investigation.

Do not leave things to chance: the accident report is a crucial document, and too many employers of agency workers overlook this.

Wage Details and Ongoing Absence

Under normal circumstances when a full-time employee has an accident, the company will know what the employee's ongoing loss of earnings and future capacity for work is. They will have an HR department and may also have an Occupational Health Department in constant contact with the employee while they are absent from work. It is easier for a Technical Claims Handler to consider the appropriate reserve and to manage the claim, because there are many known quantities.

Is this the case with an agency worker? Invariably not. Picture this scenario: an agency worker falls from a ladder, lands on their shoulder and head and leaves work in an ambulance. As a Technical Claims Handler, this is potentially a serious injury with possible long-term consequences, especially when considering the setting of the reserve for the claim.

How can the Technical Claims Handler know when the injured agency worker is back fit for work?

Frequently employers fail to utilise the agency and ascertain a present and ongoing position from them. There are no sick notes obtained, and there is no knowledge of whether the agency worker is doing work for a new employer. The only hint, and they are only hints, as to the ongoing condition of the injured party that can be gained are from the Compensation Recovery Unit and whether ongoing benefits are being claimed; albeit not every long-term injured party will necessarily claim benefits.

The Technical Claims Handler benefits from certainty and complete information. So, if you have an agency worker who has an injury, use the agency. Make sure they are keeping you apprised and updated on the injured party. You need to know as much as you can, because if you don't then this invariably has consequences for you in terms of the potential reserve to be held and the management of that particular claim.

Will an agency worker claim?

The answer has to be most likely, yes. An agency worker is not a full-time employee and therefore does not have the ties of loyalty to the employer that a full-time employee might. Neither does an agency worker have the benefit of company sick pay that most full-time employees have, so time off work starts to hurt financially from the date of the accident.

It is therefore of paramount importance that the employer, in the event of an accident, adopt the attitude that the accident will result in a claim right from the start, and needs to be investigated and prepared accordingly. This means, again, maximum utilisation of the agency to assist with this.

Conclusion

While economics dictate that there are many positive benefits to employers for the intake of agency workers, there are risks and pitfalls from a claims management and claims defensibility perspective in integrating agency workers swiftly into the workplace without giving due thought and attention to the risks involved.

An employer who wishes to utilise agency workers must therefore make sure that:

- they have not assumed the agency have prepared that worker for safely working at, and for, that employer
- training records are not taken for granted, but are considered and examined prior to the commencement of work
- full consideration has been given to the relevant health and safety legislation, and whether everything has been done that could be reasonably asked of them
- in the event of an accident and/or claim, the agency is utilised and made to provide as much information about their worker to you in order that the claim may be managed most effectively.

NFU Mutual are experts in the corporate insurance market and provide specialist advice and guidance to our members on a range of specialist subjects.

Please remember that this bulletin contains general information and that you should take advice on your individual circumstances.

The Next Step

For more information on how NFU Mutual can help your business, please call 01789 412 569 or email corporate_enquiries@nfumutual.co.uk.

We're here to listen.

If you'd like this document in large print, braille or audio, just contact us.

CASE STUDY – CURRY AND CHAAT



We recently met with Brakes who shared with us an initiative to tackle mental health.

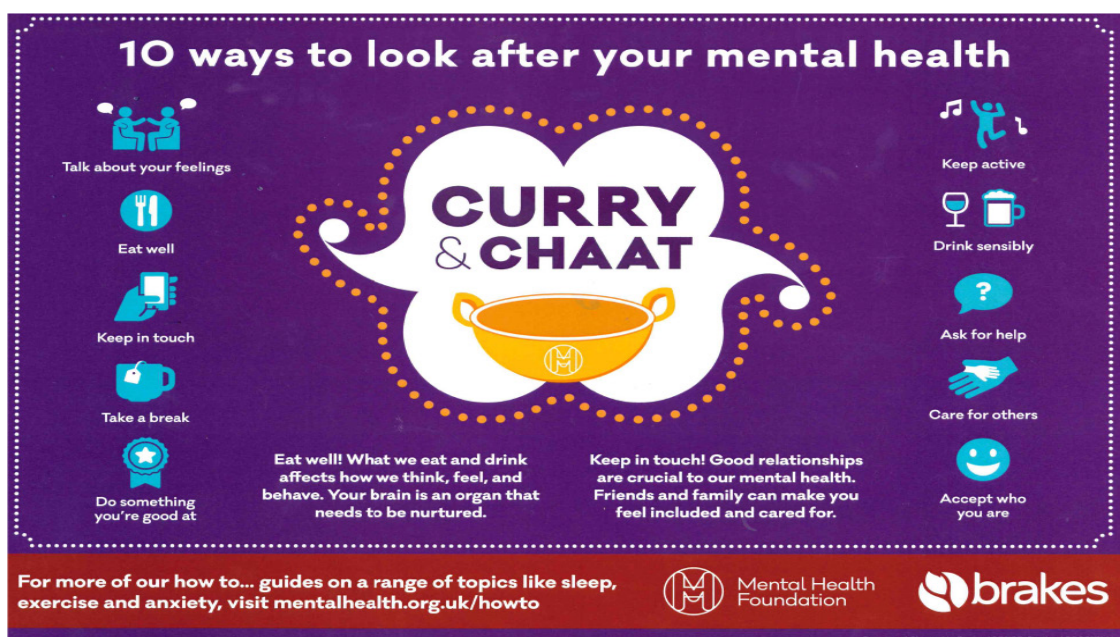
With nearly 65% of people saying they have at some point experienced mental health problems and 5695 people taking their own life in 2016, many companies are tackling mental health as part of a holistic approach to employee wellbeing. Head of Employee Relations, Pip Kilgannon and Communications Director Victoria Hickson, have produced an initiative in partnership with the Mental Health Foundation for their colleagues, as part of the mental health wellbeing plan, this has been rolled out by the senior leadership team, HR and Communications Champions.

'Curry & Chaat' aims to encourage dialogue between colleagues to open up about their feelings through 1-2-1 chats using a series of prompt cards.



'The issue with mental health is that the only person that knows there's a problem is the person that's suffering, therefore this campaign aims to help our people to recognise a colleague in distress'

Part of the initiative looks at 10 ways to look after your mental health



Brakes have also set up their own Facebook page, the comments made demonstrates just how well received this has been. For more on how to guides on this topic visit <https://www.mentalhealth.org.uk/your-mental-health/looking-after-your-mental-health>

LEGISLATIVE UPDATE

HSE COST INCREASE IN FEE FOR INTERVENTION (FFI)

From 6 April 2019, HSE increased its rates for fee-for-intervention (FFI) and COMAH. The increase, approved by HSE's former minister Sarah Newton MP, has happened because the rates haven't kept pace with inflation since their introduction in 2012. Cost recovery accounts for about 35% of HSE's budget, which is roughly £80 million pounds a year. It's a hugely important part of HSE's funding. It's not about chasing money; it's about recovering the costs of HSE's regulatory work proportionately. Government policy is for departments to recover costs associated with regulatory activity, wherever possible FFI will increase from £129 an hour to £154 an hour; COMAH will increase from £161 an hour to £180 an hour.

REDUCTION IN THE USE OF HFCs

Although we have covered this topic before in Keep it Safe, we feel it is something to keep revisiting.

HFCs are powerful greenhouse gases that contribute to climate change. The UK and EU have Regulations that will phase down the use of HFCs by 79% by 2030. These Regulations will make some refrigerants harder to obtain and more expensive. If you use one of the systems described below, you are very likely to use a refrigerant covered by the Regulation.

F-GAS, 2020 BAN ON REFRIGERATION AND FREEZER EQUIPMENT: CHANGES TO REFRIGERANT GASES THAT CAN BE USED

Under UK and EU legislation, a ban is coming into force on 1 January 2020 that will ban refrigerants with a global warming potential (GWP) greater than 2500 being used to service or refill your refrigeration or freezer system. This ban affects refrigeration systems containing hydrofluorocarbons (HFCs) equivalent to over 40 tonnes of carbon dioxide. This equates to around 10kg of R404A, a common refrigerant in medium sized systems. Smaller and hermetically sealed systems should be unaffected by this ban. Commonly used refrigerants that will be subject to this ban include but are not limited to R404A and R507A. Operators who do not comply with the service ban are breaking the law and are liable for enforcement action.

As of April 2018, the new Fluorinated Greenhouse Gases Enforcement Regulation in Great Britain (<http://www.legislation.gov.uk/ukxi/2018/98/made>) enables regulators in England and Scotland to issue civil penalties up to £200,000 to operators breaching the requirements of the Regulation. Enforcement notices and possible fines can also be applied by enforcing authorities in Northern Ireland and Wales for breaches of F-gas provisions.

Who this guidance is for?

This guidance is for any business that has refrigeration or freezer units using HFC refrigerants in the following categories:

- Small hermetically sealed systems: Examples include ice-cream freezers, bottle coolers, stand-alone retail displays that typically contain between 0.1 and 0.5kg of refrigerant.

- Condensing units: Examples include commercial display cabinets, blast chillers and freezers used in small shops, convenience stores and food service. These are medium sized systems with one or two refrigerated display units cooled by a condensing unit typically containing between 2 and 10kg of refrigerant.
- Central pack systems: used in supermarkets and other large stores. They typically contain more than 100kg of refrigerant.

You can check which category your system falls into and which refrigerant it uses with your refrigeration manufacturer or certified maintenance technician.

What will I need to do?

1. Calculate the carbon dioxide equivalent of your refrigerant by using this online tool: <https://www.gov.uk/guidance/calculate-the-carbon-dioxide-equivalent-quantity-of-an-f-gas>. Alternatively, ask your refrigeration manufacturer or certified maintenance technician.
2. Ask your refrigeration service provider or maintenance technician for advice on what steps you can take to manage the impacts of the F-gas Regulation. The requirements will continue to apply after the UK leaves the EU.

What about looking into switching to an alternative refrigeration system?

Steps you could take include:

- Using reclaimed HFC refrigerants, which are exempt from the servicing ban until 2030;
- Using recycled HFC refrigerants that have been recycled either from your own equipment, or by the company servicing your equipment, as these are exempt from the servicing ban until 2030;
- Switching to low GWP refrigerants that are not covered by the 2020 service ban. This will usually involve replacing or retrofitting your existing system.

The Enhanced Capital Allowance (ECA) Scheme may help with the cost of replacing your refrigeration system with more energy efficient and environmentally friendly alternatives.

The ECA scheme allows businesses to write off the whole cost of the equipment against taxable profits in the year of purchase, if the equipment purchased is specified on the Energy Technology List (ETL): <https://www.gov.uk/guidance/energy-technology-list>.

The Scottish Government SME Loan Scheme is available for the installation of energy efficient measures including refrigeration. For more information, and to determine if you are eligible, visit Resource Efficient Scotland: <https://www.resourceefficientscotland.com/SMELoan>.

Further advice

For more information about the other requirements of the F-gas Regulation, such as operators' responsibility to ensure that HFC refrigerants are properly managed recovered or destroyed by qualified technicians at the end of their service life, read the following guidance: <https://www.gov.uk/government/collections/eu-f-gas-regulation-guidance-for-users-producers-and-traders>

Consult your refrigeration manufacturer or BFFF for further guidance.

UK BUSINESSES FACING NEW DUST INSPECTIONS

In previous editions we mentioned the HSE's announcement of a new round of dust control inspections, which are taking place over the next few weeks. HSE inspectors will concentrate on industries such as construction, woodworking and food manufacturing where occupational lung diseases, including in some cases occupational cancers, are more common.

Inspectors will look to see what measures employers have been put in place to protect workers' lungs from the likes of asbestos, silica, wood and flour dust. Businesses will need to show that they have worked with employees to highlight the risks, plan work properly and put in place the right controls. Where necessary, the HSE says it will use enforcement to make sure employees are protected.

"Exposure to asbestos, silica, wood, flour and other dust can have life-changing consequences," said Professor David Fishwick, HSE's chief medical officer.

"Each year work-related lung diseases linked to past exposures are estimated to kill 12,000 workers across Great Britain. In many cases these diseases take a long time to develop after exposure, so the damage done may not be immediately obvious. Others, such as occupational asthma and acute silicosis, can occur more quickly."

Fishwick added: "These conditions can and do have a significant impact on both the individuals affected and those closest to them, so it is imperative that workers take the necessary precautions to protect their lungs."

Sarah Jardine, HSE's chief inspector of construction, said: "We are carrying out this series of inspections to ensure businesses are fulfilling their legal duties to protect workers from harm. This includes controlling the levels of dust in workplaces."

"We want to ensure employers and their workers are aware of the risks associated with any task that produces dust. Such work needs to be properly planned and use the right controls, such as water suppression, extraction and masks."



ZOMBIE NATION: NFU MUTUAL WARNS OF BRITAIN'S OVERTIME CULTURE PUTTING LIVES AT RISK AT THE WHEEL

- New survey shows Britain's overtime culture is causing fatigue while driving, putting safety at risk
- More than a quarter of UK road traffic incidents involve someone who is driving for work
- One in twenty drivers have responded to work emails at the wheel
- Download the Motor Safety edition of NFU Mutual's Business Bulletin for guidance on addressing the challenge in your business: <https://www.nfumutual.co.uk/business-motor-safety>

A new survey of British workers has exposed how the UK's overtime culture is putting drivers at risk at the wheel, owing to poor sleep, pressure to respond quickly and stress and distraction.

The research¹ by business insurer NFU Mutual found that more than a third of people who work full or part time in the UK are expected to work outside of their contracted hours (35%). It also found that 30% are expected to respond to calls and emails out of hours, and sometimes slog away late into the night (46%). Nearly one in ten who also drive for work have actually fallen asleep or nearly fallen asleep at the wheel as a direct result of work pressure (8%), while a quarter have driven tired specifically due to out-of-hours work demands. Some even combine the two and work while driving - 16% admitted to being on a work call or conference call while driving and one in twenty people (5%) have actually responded to work emails while at the wheel. More than a quarter of all UK road traffic incidents involve someone who is driving as part of their work, according the Health and Safety Executive (HSE)². Recent figures from Eurostat, the EU's statistics arm, also showed Britons work more hours than anyone else in Europe – an average of 42 hours a week³. Rebecca Richards, Business Insurance Specialist at insurer NFU Mutual said, "Brits work longer hours than any other European country. If businesses focus on increasing productivity and reducing costs, staff could feel the need to put extra hours in to climb the ladder or even keep their job. This can cause fatigue which is one of the biggest killers on UK roads."⁴

"In a digital world, bosses should be aware that employees might also feel pressure to respond immediately - it's alarming that some people even respond to emails while driving. Motorists should always follow the law and park up in a safe, legal place if making a call, using hands-free technology. Companies can help look after their staff on the road by making sure their culture is distraction-free, excusing them from calls if they are travelling. "While specific regulations exist for those driving LGVs and passenger-carrying vehicles, some core principles extend from these to also include smaller commercial vehicles, company cars or even personal vehicles that are used on business.

"If one of your employees is killed while driving for work and the Police investigation uncovers evidence that 'gross breach of a relevant duty of care' has occurred through management failure, both the organisation and relevant directors or other senior management could be prosecuted under the Corporate Manslaughter and Corporate Homicide Act 2007", said Rebecca. "Imagine the situation where an employee causes a crash while driving for work and it is found that they were making a business phone call at the time. If the investigation uncovered a culture where staff are expected to make and receive calls while on the road, and that senior management are aware of the practice, this could constitute a 'gross breach'. "Rebecca also explained how 28% of workers who drive had been asked by bosses to get to a location at the last minute. For 27%, work pressures have directly caused them stress and distraction behind the wheel. One anonymous company had a stark wakeup call when a high-performing young employee suffered a near-fatal

crash. She fell asleep at the wheel during a 280 mile-round trip to a presentation after working through the night. The impact didn't even wake her. This sent shockwaves through the company and cultural change began immediately. An outright ban on emails being sent out of hours without management authorisation was set in place, telematics were brought in to monitor employee driving behaviours, and work-life balance was established to keep staff safe and protected. In the research by NFU Mutual, only 38% of respondents agreed that their employer has a suitable culture to help workers drive safely. Rebecca concluded, "Positive workplaces mean more engaged and productive employees. Companies which introduce safe driving policies and encourage a culture where employees can speak up about workloads, might just save a life."

The full report is available to download from: <https://www.nfumutual.co.uk/business-motor-safety>

Research:

- 1) NFU Mutual research was conducted by Populus between 26th-28th April 2019. It surveyed 1,175 UK respondents who work full or part time across public, private and voluntary sectors. Of these respondents, 785 (67%) drive during their working day (either to and/or from work as part of their commute, during their working day i.e. to and from meetings, or as part of their job).
- 2) Health and Safety Executive (HSE) Driving at work: Managing work-related road safety, 2014: www.hse.gov.uk/pubns/indg382.htm
- 3) Eurostat figures, published at independent.co.uk, April 2019 www.independent.co.uk/news/business/news/british-workers-hours-put-in-longest-hours-in-eu-study-finds-a8872971.html
- 4) RoSPA research shows that driver fatigue may be a contributory factor in up to 20% of road accidents, and up to one quarter of fatal and serious accidents, 2017 <https://www.rospa.com/road-safety/advice/drivers/fatigue/road-accidents/>
- 5) NFU Mutual Motor Safety Bulletin, May 2019 link

Further safe driving advice for employers can be found in the RoSPA factsheet, 'Driving for Work' www.rospa.com/rospaweb/docs/advice-services/road-safety/drivers/work-safe-journey.pdf

LOGISTICS WORKER SHORTAGE REACHING CRISIS POINT

The logistics industry is the lifeblood of the UK economy, employing more than 2.5 million people and contributing £121 billion to the nation's GVA (gross value added). Yet it is facing a ticking time bomb: the ever-increasing shortage of skilled workers; there are currently 52,000 vacancies for HGVs drivers alone. And with the prospect of losing access to vital EU workers, the shortage could reach catastrophic levels. From HGV drivers to warehouse staff, the UK economy simply cannot operate without the logistics workforce – businesses would come grinding to a halt and Britain would cease trading.

Since April 2017 businesses with annual payrolls of more than £3m must pay 0.5% of their wage bill to the Apprentice Levy which is effectively an additional tax. Businesses can then use their levy funds for apprenticeship training. However, vital logistics apprenticeships are either still to be approved after over two years in development or are in desperate need of amending to make them fit for purpose.

It has been immensely frustrating for some organisations to secure funded training for the logistics sector. These apprenticeships would assist in promoting logistics professions and yet, over two years in, the industry feel no closer to gaining the standards they desperately need across the industry. Our members would love to use their levy funds and bring young people into the sector, but this is being thwarted by the Institute for Apprenticeships. The levy also ignores the other quality vocational training that could be utilised by businesses but can't as all their training budgets are now taken up by paying the levy. Rather than forcing employers to try and make apprenticeships work for all training needs why not recognise that there is no one size fits all and amend this to a Training Levy? Alternatively, the money could be used as an emergency fund to assist employers facing extreme skills shortages due to the government's restriction on EU workers. Without the reallocation of funds, the UK could not cope with the loss of European workers post-Brexit."

Efficient logistics is vital to keep Britain trading, directly having an impact on more than seven million people employed in the making, selling and moving of goods. With Brexit, new technology and other disruptive forces driving change in the way goods move across borders and through the supply chain, logistics has never been more important to UK plc. A champion and challenger, FTA speaks to Government with one voice on behalf of the whole sector, with members from the road, rail, sea and air industries, as well as the buyers of freight services such as retailers and manufacturers.



SILENT ELECTRIC VEHICLES MUST MAKE ENGINE NOISE TO PROTECT PEDESTRIANS



Manufacturers of electric vehicles inside the European Union must now fit sound generators to alert other road users and vulnerable pedestrians, under an EU regulation that came into force today (1 July).

It is hoped the new law will improve safety for other road users and visually or audibly impaired pedestrians should they not hear the quiet vehicles approaching.

The acoustic vehicle alert system (AVAS) emits a similar sound to that made by a conventional combustion engine.

The noise must be generated when the vehicle is reversing or travelling at less than 20 km/h. However, the driver can deactivate the system temporarily.

Electric and hybrid vehicles such as the Toyota Prius, which is often used by taxi firms and Uber drivers, make little noise.

According to research from the charity Guide Dogs, pedestrians in the UK are 40% more likely to be hit by a hybrid or electric car than by one with a petrol or diesel engine.

Road minister Michael Ellis said: “The government wants the benefits of green transport to be felt by everyone and understands the concerns of the visually impaired about the possible hazards posed by quiet electric vehicles.

“This new requirement will give pedestrians added confidence when crossing the road.”

Although Hugh Huddy, policy manager at the Royal National Institute of Blind People (RNIB), welcomed the new regulations “after years of campaigning on this issue”, he had reservations. He said: “It will take time for the new AVAS to apply to electric cars everywhere and we remain concerned that existing cars on the roads won’t be fitted with this essential safety feature for years – creating a discrepancy in safety standards on Britain’s roads until 2021.”

BUSINESSES WRONG TO EXPECT TECHNOLOGY ALONE TO MAKE THEIR STAFF DRIVE BETTER SAYS ROAD SAFETY CHARITY

IAM RoadSmart believes that many businesses are missing out on opportunities to improve road safety for their drivers, by relying on technology alone to solve the problem for them.

That is one of the conclusions reached in the latest white paper issued by IAM RoadSmart entitled *Driver Education – What More Can Be Learned?*

Whilst legislation around the need for driver risk management is very clear and already in place, application has proven difficult. This has resulted in a lack of clarity around the minimum standards required to be compliant.

The charity stated that many companies “check that their drivers have the appropriate licences and feel that their responsibility ends there. In some cases they may employ technology to monitor driver behaviour, but typically this is used more as a way of maximising operational efficiency as opposed to improving safety.”

Some businesses may argue that with 90-95% of collisions caused by human error they are absolved from any responsibility for poor driving, pushing the blame down to the driver as an individual.

The report also advocated that training should not be restricted to a one-off session – but to be a life-long continuous process.

Tony Greenidge, IAM RoadSmart business development director, added: “Perhaps we should require people to retake their test after a certain number of years? There is a growing belief that we should.

“I cannot think of another single task as difficult, complex, important or as dangerous as driving on business, where quite literally, you can perform well for just an hour of your life - during the driving test - and that’s all that’s required for the next 60 years or more. Given the rapid changes in technology, legislation and congestion this just does not seem logical.”

The report said: “It is well known that the standard driving test is designed to check whether a driver’s skill meets a minimum standard, but this does not necessarily prepare drivers for real-world scenarios.”

The report continued: “Indeed, the effectiveness of any training given to pass a driving test will vary depending on the age, profession and experience of the student. Furthermore, for most drivers, the driving test is the very last time their abilities are ever formally assessed.”

The report also explores the immense cost to businesses in terms of inefficient driving which can lead to vehicle damage, poor fuel consumption, lost productivity, uninsured liabilities and medical expenses – as well as impacting on road safety.

“There is no doubt that the biggest influencer in fuel consumption is the driver’s right foot. Using an example of a driver doing 20,000 business miles per annum in a diesel vehicle, a 5mpg improvement in fuel consumption is worth around £330 a year,” it said. “Based on this simple example it is clear that small improvements in driving style and behaviour can make a big impact on cost as well as safety.”

The report also considers the dangers of relying purely on technology, as in many cases the driving issues identified are not followed up with an appropriate and proactive driver training intervention.

It said: “Technology is often relied upon to provide a solution to poor driving. In itself however, it rarely influences driver behaviour or attitudes.”

Tony said: “While technology can tell you ‘how’ it cannot determine the ‘why,’ and it is this piece of the jigsaw that many businesses leave unanswered.”

He stressed the importance of improving the skills and increasingly the behaviours of business drivers, particularly given the ever-present challenge of smartphones.

Tony said in the report: “There is still nothing to replace the direct educational feedback delivered by a professionally qualified trainer who is actually experiencing what is going on around them. They help change the way you think by linking their advice to a real and live example.”

He said that many companies cite cost as the reason to not pursue a driver education programme for its employees. He said in the report: “Companies will spend £400 a month on leasing a car and they’ll factor in road tax, insurance, maintenance and fuel.”

Tony said: “Building the business case and securing the budget for driver training can involve a very long sign-off process. This seems odd when the cost of implementing a comprehensive risk management programme can be as little as just £5 per month, per driver.”

The report concludes that the benefits to improving the performance of those who drive on business can deliver massive cost savings for a very small level of investment.

Tony concluded: “For the price of a large coffee per driver per month it is possible to put a comprehensive, fully auditable and compliant driver risk management programme in place and deliver substantial savings.”

To find out more about IAM RoadSmart’s range of driver products for businesses and to download a copy of the report visit www.iamcommercial.co.uk.

ENFORCEMENT

FALL FROM HEIGHT RESULTS IN £1.8M FINE

A food manufacturer has been sentenced after two workers were seriously injured when they fell over four metres through a rooflight.

Leeds Magistrates’ Court was told how, on 13 April 2016, the two employees of Karro Foods Ltd were investigating a leak from the roof at the Malton site, which the workers did not realise contained several rooflights. The workers were walking closely together and both stood on the same roof light which consequently fell through due to the weight.

One worker suffered four fractured ribs, a punctured lung, and muscular contusions to his outer right thigh. The other suffered a fractured skull, muscular injuries to his right leg and injuries inside his ear which cause ongoing problems with his balance, memory and mental health.

The HSE’s investigation found the roof was made of asbestos cement and had several rooflights situated along it but they were not visible due to the build-up of moss and dirt which had accumulated over the years. Employees had also not been made aware of them.

Karro Foods Ltd of Hugden Way, Norton Grove Industrial Estate, Malton, Yorkshire pleaded guilty to breaching Section 2 (1) of the Health and Safety at Work etc Act 1974. The company was fined £1,866,000 and ordered to pay costs of £8,019.

After the hearing, HSE inspector Mark Slater commented: “This was a wholly avoidable incident, caused by the failure of the company to provide adequate controls against the risks arising from working at height.

“Consideration of roof fragility and rooflights, visible or not, should be made, especially on older buildings.”

FINE AFTER WOMAN FATALLY CRUSHED BY ROLLER SHUTTER DOOR

An electrical company has been fined after a woman was fatally crushed by a roller shutter door.

Peterborough Magistrates' Court was told how on 14 August 2016 Heidi Chalkley pressed the button to open the roller-shutter door at Ruth Bagnall Court, Cambridge. She then held onto the grille as it raised and became trapped as it wound around the roller, fatally crushing her body.

The HSE's investigation found that the sensors at the top of the door were incorrectly wired and no longer functioned as the door opened.

B.S. Graves (Electrical) Limited had carried out work on the roller shutter door since 2012, including an inspection only a month before the incident. The company did not check the operation of the safety sensors and failed to identify the fault.

B.S. Graves (Electrical) Limited of Rushmere Close, Ramsey, Cambridgeshire pleaded guilty to breaching Section 3(1) of Health and Safety at Work etc Act 1974 and was fined £25,000 with costs of £6,500.

Speaking after the hearing, HSE inspector Graeme Warden commented: "This tragic and distressing incident has had an untold impact on all those who knew Heidi. It could have been avoided if the company had ensured employees were suitably trained to inspect the doors and the functioning of the safety sensors."

FINES AFTER SCAFFOLDER KILLED IN FALL FITTING GUARDRAILS ON FRAGILE ROOF

Two contractors have been fined after a worker died after falling through a fragile roof during construction work at a factory in Staffordshire.

On 19 September 2015, at the Norton Aluminium foundry site in Norton Canes, a scaffold company employee was fatally injured after falling approximately 11.5 metres through a fragile roof.

The employee was working on the corrugated asbestos cement roof to move and fit temporary scaffold guardrails as part of a larger roof refurbishment project at the site.

The HSE's investigation found that Stephen John Brennan, trading as SB Scaffolding, failed to ensure the health and safety of his employees in relation to the work taking place on the fragile roof at the site.

The investigation also found that Sandwell Roofing Limited, a contractor in overall control of the roof refurbishment project, failed to ensure that people not in its employment were not exposed to risks arising from work on the fragile roof.

Stephen John Brennan of Birmingham pleaded guilty to safety breaches and was sentenced to six months imprisonment suspended for two years, 180 hours of unpaid community service and ordered to pay costs of £14,000.

Sandwell Roofing Limited of Stourbridge also pleaded guilty and was fined £41,125 and ordered to pay costs of £33,000.

Speaking after the hearing, HSE inspector Andrew Bowker said: "Falls through fragile roof materials remain one of the most common causes of work-related fatalities during construction work.

"These risks are well known, and the required control measures well documented in both HSE and industry guidance. This was a tragic and wholly avoidable accident that led to the death of a young man. This death could easily have been prevented if suitable safe systems of work had been in place."

JAIL SENTENCE FOR LONDON BUTCHER WHO CLAIMED INJURED WORKER, 19, WAS CUSTOMER

The owner of a food store in southwest London has been handed a seven-month prison sentence, suspended for 18 months, after an employee lost his hand in a mincing machine.

Malik Raza, who owned Surrey Halal Meat in Kingston Road, New Malden, initially denied employing the injured man, claiming instead that he was a “a pushy customer” who had used the mincing machine without permission.

As well as the suspended sentence, Kingston Crown Court ordered Raza to pay £75,000 in compensation to the employee, Imad Amin.

On 11 February 2017, Amin, who was 19 at time, was at work in the shop when his hand was drawn into the mincing machine, which had had its protective guard plate removed.

Ambulance staff could not free him and were forced to call the London Fire Brigade. Part of the machine was cut away, but Amin’s injuries required the amputation of his hand.

Raza was aware of the safety standards required and didn’t have the necessary insurance should an accident happen

Councillor David Ryder-Mills, Kingston Council

The prosecution was brought by The Royal Borough of Kingston upon Thames (Kingston Council), but its environmental health team only became aware of the case after Raza claimed to the media that the injured man was a customer who had forced his way to the back of the shop to use the machine.

According to a Metro report headlined [“Customer loses hand after trying to mince his own meat at butchers”](#), Raza claimed that Amin was a customer who had entered the shop as it was preparing to close, grabbed some cubes of meat after he was refused service, and put them into the grinder himself.

Amin, however, was able to provide detailed knowledge of the shop’s layout to prove that Raza had been putting him to work on the machines and in the butchery there, and that he was not a customer.

A month before the case was due to go to trial, Raza dropped allegations that Amin was trying to steal meat and changed his plea to guilty.

The court heard that Raza had also failed to report the incident to the council and had not provided Amin with the correct training for using the mincing machine.

The council investigation found that the guard plate of the mincing machine had been removed to speed up the mincing process.

It also found that the start date on the certificate of employer’s liability insurance held by Raza was 20 days after the accident had taken place.

Raza pleaded guilty to two charges including failing to ensure safety at work and failing to report a work-related accident to the relevant authorities.

He was sentenced to seven months in prison, suspended for 18 months.

As well as the £75,000 compensation order, he had to pay a £140 victim impact surcharge, and undertake 100 hours of unpaid work.

According to Kingston Council, in 2009 it wrote to Raza drawing his attention to various safety issues, including the requirement to report such accidents.

Councillor David Ryder-Mills, portfolio holder for contract monitoring and corporate services at

Kingston Council, said: “I am really pleased with today’s outcome. It is a clear message that we will take action against those who break the law.

“Raza was aware of the safety standards required and didn’t have the necessary insurance should an accident happen.

“He chose to exploit cheap labour by having a young man with no proper training operate his machines.

“His motivation was to maximise his business profits whilst avoiding costs, which has left a teenager with horrific, life-changing injuries.”

FIRM FINED £40K FOR FAILING TO FOLLOW FIRE PREVENTION PLAN

The owners of a recycling plant has been fined £40,000, two years after an ‘avoidable fire’ broke out.

A judge at Cardiff’s Magistrates Court found Siteserv guilty of two counts of breaching its environmental permit and charged them £20,000 for each charge plus court costs.

The fire at Siteserv in Llandow, Wales, lasted two weeks after 2000 tonnes of waste caught fire.

The fire and rescue service launched an investigation and found that the firm had failed to follow its own fire prevention plan (FPP).

National Resources Wales (NRW) explained that the fire would have been smaller had Siteserv stored waste correctly with fire breaks, which was in its FPP.

NRW senior environmental crime officer Susana Fernandez said: “We permit and regulate waste sites to make sure they can operate safely.

“These companies also have a duty to manage their business in line with the conditions of their permit.

“This fire could have been avoided, had the company followed their own fire prevention plan and heeded the advice of our officers, and South Wales Fire and Rescue.”

One of the conditions of the permit required the operator to produce an FPP detailing how the business will be managed to reduce fire risk, complying with legislation and guidance issued by NRW and the South Wales Fire and Rescue.



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