

# MANUFACTURERS OF CONSTRUCTION PRODUCTS

Achieving Safety  
Compliance in the UK





In 2016/17, 19 workers died, 60,000 non-fatal injuries were reported and 80,000 workers suffered from a work-related illness in the Manufacturing sector<sup>1</sup>. In the vast majority of cases, these accidents were completely avoidable. Yet too many business owners remain unaware of the small, effective ways in which they could make their workplace safer for all employees. And in the manufacturing sector, health and safety compliance has never been more important.

In February 2016 new sentencing guidelines were introduced which formalised the prosecution of offences into a step-by-step process and introduced a renewed

emphasis on culpability, and 'scaling' fines depending on the turnover of an offending organisation. In the year since its introduction, fines have increased significantly in terms of cost and volume – with inspectors focusing on the 'risk of harm' rather than real-world infractions.

No one can afford to be blasé about safety in the workplace – especially in the diverse and active world of manufacturing. Just one mistake can have enormous repercussions in the shape of harsh fines, civil claims, employee injuries, reputational damage and – in the worst-case scenarios – loss of life.

**However, it is not difficult to avoid on-site accidents and harmful incidents – it is simply a matter of implementing a safety management system that works for you.**

## SECTION ONE: OPERATIONAL SAFETY IN THE MANUFACTURING SECTOR

Operational safety should be a core concern for any business in any industry, but it is particularly important in the manufacturing sector, being subject to HSE enforcement.

Since 2012, the Health and Safety Executive (HSE) has operated a Fee for Intervention (FFI) cost recovery scheme. If you are found to be breaking health and safety laws, the HSE can recover its costs from you by charging a fee for the time and effort it spends on helping you to put the matter right, such as investigating and taking enforcement action.

The standard fee for business owners is £129 per hour, which is charged according to the amount of time it takes the HSE to identify and conclude its regulatory action, in relation to the material breach (including associated office work). Depending on the complexity of the issue, and the number of issues identified, these fees can quickly add up.

Since manufacturing is considered a high-risk sector subject to regular HSE inspections, site visits are to be expected, and it is reasonable to assume that the HSE will be actively looking for a material breach.

In June 2016 for example, 1460 FFI invoices were sent totalling £962,081. This brings the total bill facing the sector last year to £5.2m, with manufacturers bearing the brunt of the FFI scheme<sup>2</sup>.

Aside from the FFI cost burden, health and safety infractions now carry the risk of heavy fines. The 'new' sentencing guidelines<sup>3</sup> are intended to impose much harsher penalties, and offending businesses are now much more likely to face substantial fines, imprisonment of an individual, or the insolvency of a business.

Since their introduction, the guidelines have led to the levying of 19 fines reaching £1m or more - three of which resulted in £3m<sup>4</sup> - highlighting an appetite and willingness for the courts to punish infractions and to deter business from merely paying lip service to health and safety law.

### Case study:

#### **Hanson Packed Products Ltd**

Just before the new guidelines came into force, manufacturing company Hanson Packed Products Ltd was fined £750,000 when an employee was killed after being drawn into packing machinery. An investigation found that the fixed guards intended to prevent access to the machine's moving parts had not been put in place, resulting in the 26-year-old employee's death.

"While this may already seem like a hefty fine, taken to court under the new sentencing guidelines, we estimate that this would rise to between £2.6m and £10m," said Angela Southall, health and safety expert and the co-founder of Southalls. "This is largely down to the seriousness of the culpability of the business, severity of the offence, and the business' annual turnover.

"Overall, taking a proactive approach to managing operational safety and establishing strong health and safety processes is key to ensuring your business is not caught out, protecting your company, your staff and your Board of Directors and allowing for increased operational efficiency."



# SECTION ONE (CONTINUED):

## MANAGING OPERATIONAL RISK IN THE MANUFACTURING SECTOR

Fortunately, it is not difficult to take a pro-active approach to operational safety. Every senior manager in the manufacturing sector can minimise the risk of accidents, injuries and legal action by following five key steps.

### 1. Maintain control of your contractors

When engaging contractors to conduct work on your site, whether for roof repairs, sign erection, asbestos removal, re-wiring, painting and decorating or machinery maintenance, manufacturers often misunderstand or overlook the full extent of their legal duties. Meaningfully vetting your contractors is a vital part of your work as a business owner. Fully confirming that they are the 'right person for the job' can be exhaustive, but this process should always be proportionate to the work they have been contracted to carry out.

When hiring workers, it is critically important to accurately gauge their degree of 'competence'. In fact, you have a responsibility to do so under the Management of Health and Safety at Work Regulations (1999)<sup>5</sup>.

Efficient due-diligence contractor reviews should always involve the following:

- Risk assessments and method statements for the job;
- References for similar work;
- Arrangements for managing and supervising the work;
- Whether subcontractors will be used and, if so, whether they pass your competency tests;
- The contractor's health and safety record and policy and qualifications;
- Insurance held.

You will also need to speak with your own employees about working safely alongside contracted staff and, if necessary, introduce additional safeguards.

#### Case study:

#### Greencore Grocery Ltd

In September 2017, Greencore Grocery Ltd, a Hull-based bakery, was fined £1m after a self-employed electrical contractor died when he fell from a stepladder. Greencore had agreed that this particular job could be completed using a stepladder, which it had provided. However, the contractor fell from the stepladder and suffered fatal injuries. The HSE found that Greencore had failed to properly plan the activity and consider suitable access arrangements<sup>6</sup>.



# SECTION ONE (CONTINUED):

## 2. Monitor machinery safety

Machinery is arguably the biggest area of risk for all manufacturers. Moving parts of machinery should always be adequately guarded to prevent injury from crushing, shearing, entanglement, impact or ejection. The age of machinery is no defence - just because an old machine was not fitted with a guard originally it doesn't necessarily mean one isn't required now.

Guarding varies from fixed guards, moveable interlocked guards through to modern safety devices such as laser and light sensors, trip wires or pressure pads to shut off moving parts if operators enter the 'danger zone'.

However, a fundamental issue with machinery guarding is staff bypassing the guards (e.g. when removing blockages, changing blades, cleaning or maintenance). Whenever this access is required employees should isolate

the power to machines with a 'lock off procedure'. Where maintenance work can only be carried out with the power on, consider the use of hold-to-run controls and limited speed operation. Developing a positive attitude to safety and positive safety culture within a business led from the top down is key to ensuring staff aren't tempted to cut corners and inappropriately remove machinery guarding.

Operators should also complete daily machine pre-use checks to ensure all controls and safety measures (e.g. emergency stops) are fully operational. Finally, employees need to be trained so that they can operate machinery safely. Often overlooked is the need for training in cleaning, adjustment maintenance and blockage removal in addition to the obvious training in safe use of the machine.

### Case study: Heathcoat Fabrics

In August 2017, Heathcoat Fabrics in Tiverton, Devon was fined £300,000 after an employee's hand was crushed in an unprotected machine – resulting in the individual severing his fingers and losing the full use of his hand. The company was found to be at fault due to its failure to replace a safety barrier on an industrial mangle. Although a new barrier had been installed in 2009, it broke in 2014 and a stop cord was judged to be sufficient during an internal risk review<sup>7</sup>.

## 3. Controlling noise at work

While many business owners focus their efforts on managing the hazards that pose physical safety risks to their staff, the occupational health risks can be easily missed. The main occupational health risk associated with the manufacturing sector is noise. Machinery noise can cause permanent hearing damage and tinnitus (a constant ringing in the ears).

Noise levels and the duration of exposure contribute to hearing damage but there are many practical, cost effective measures to prevent this, including machinery noise reduction measures, adequate hearing protection and health surveillance.

### Case study: Brush Electrical Machines

In 2013, a long-time employee at Loughborough-based Brush Electrical Machines received a payout of £9,500 after he was diagnosed with occupational deafness and tinnitus. He had worked at the plant since 1986, in close proximity to loud machinery. During the case, it was revealed that although the company had been supplying employees with hearing protection since 1995, it had not enforced their use<sup>8</sup>.



# SECTION ONE (CONTINUED):

## 4. Check workplace transport

Around a quarter of all workplace transport accidents involve forklift trucks<sup>9</sup>. Pedestrians and forklifts are an especially dangerous combination and should be given clearly marked, separate routes wherever possible.

Forklift operators need regular training on the specific type of truck that they operate, and refresher courses should be provided every three to five years. Forklifts must be well maintained and inspected regularly, including at the start of each shift, and any issues should be logged immediately.

It is also worth noting that when dealing with forklifts, seatbelts are highly recommended. While not currently enforceable by law, some recent lawsuits have made a strong case for their deployment.

## 5. Understand manual handling

Manual handling practice is responsible for 22 per cent of all reported injuries at work<sup>11</sup>, so it is critical that it is considered as a key part of your health and safety compliance responsibilities. A third of all reported musculoskeletal disorders (MSDs)<sup>12</sup> are caused by manual handling, resulting in the cumulative loss of 8.9m working days per annum.

It is essential to ensure that all relevant members of staff are trained and compliant with proper handling practice. If your company is involved with daily materials handling, you should speak with your workers about the best approach to lifting and handling. This will help them to feel involved in the process, as well as reinforcing good manual lifting practice<sup>13</sup>.

### Case study: AAK UK Ltd

In April 2011, Runcorn-based food manufacturer AAK UK Ltd was fined £140,000 following the death of a 49-year-old forklift driver. The employee was loading pallets onto the truck on a public road, when a HGV reversed into the vehicle. Instinctually, he attempted to jump free of the forklift and was crushed beneath its weight<sup>10</sup>. The court found that use of a seatbelt would have kept the driver inside the vehicle, where the structure of the cabin would have protected him.

### Case study: Wilko

In January 2017, household wares chain Wilko was fined £2.2m after a worker was left paralysed due to a manual handling accident. The employee suffered spinal injuries after a heavily-loaded cage fell on top of her while she was trying to move it out from an uneven lift floor. Wilko was judged to be in violation of four breaches of legislation, as well as failing to provide employees with relevant training and failure to conduct risk assessments correctly<sup>14</sup>.

### Forklift safety tips:

- Keep pedestrians and forklifts apart
- Ensure drivers wear a seatbelt and are properly trained
- Fit speed limiters and beepers on forklifts
- Display speed limits signage
- Conduct pre-use inspections
- Make sure routes are well lit and marked, have an even surface, are free of obstructions and have protective barriers around doorways that open directly onto vehicle routes.
- Ensure forklifts are only driven in designated areas and with forks lowered



## SECTION 2: BEHAVIOURAL SAFETY IN THE MANUFACTURING SECTOR

Unlike traditional safety techniques, which tend to focus on tangible factors such as equipment and procedures, behavioural safety examines the psychology behind the way workers behave. In simple terms, it involves setting up a programme of in-house observation and reporting in order to find out how tasks are being done and how they can be made safer.

An extraordinary 80 per cent of accidents are accredited to human error<sup>15</sup> and these can include corner-cutting, poorly-made decisions, sticking with established practice, or poor controls.

Business owners have a responsibility to modify their employees' approach to tasks and 'focus exclusively on the observable, measurable behaviours critical to safety in a particular setting'<sup>16</sup>. This process involves reinforcing positive 'safe' behaviours and gradually stripping away the 'unsafe' ones.

Institutions such as OSHA and the Institution of Occupational Safety and Health (IOSH) have been pushing for higher standards<sup>17</sup> in day-to-day behavioural practice. Unlike the enforcement of regulations and procedures, behavioural safety requires a company-wide change that starts from the top and works down, touching on improvements to management, overall operations, training practice, and more. This empowers you to take a proactive approach to safety.

### WANT TO LEARN MORE...?

Southalls offers a range of safety management programs for manufacturers.

To book a **FREE software demonstration or a consultation**, or to simply learn more about how we can help you to protect your business and employees, visit us at

[www.southalls.com](http://www.southalls.com)



# REFERENCES

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