



## UPDATE April 2008



### NEWS UPDATE

#### **RISK & REGULATORY ADVISORY COUNCIL**

The Prime Minister has recently announced the setting up of a new body called the Risk and Regulatory Advisory Council in order to better understand and manage risks to the public and the impact of new regulations upon those risks. The new Council will work with Ministers and senior civil servants to develop a better understanding of public risk and how best to respond to it. It will also work with external stakeholders to develop a more considered approach to public risk and policy making. It will try to balance the need for new regulation to protect the public from risk without the appearance of nannyism or over regulation and unnecessary bureaucratic control.

The RRAC will be chaired by Rick Haythornthwaite who was previously Chairman of the Better Regulation Commission. Topics under initial consideration include a wide diversity of subjects including systemic risk aversion, food and superbug scares, animal disease outbreaks, under-pensioned citizens and obesity.

#### **LAPTOPS AND DISPLAY SCREEN EQUIPMENT**

The Health and Safety (Display Screen Equipment) Regulations apply to laptops and other portable equipment. With the use of mobile technology increasing all the time, you should consider how well your safety arrangements and risk assessments cover this ever expanding area of technology, and whether your risk control measures are sufficient at reducing the risk of musculoskeletal disorders in associated users.

A few simple precautions can help prevent musculoskeletal disorders when using laptops. The DSE regulations require employers to undertake risk assessments of **workstations** of any DSE to ensure that the arrangements of desks, chairs, keyboards, screens, lighting, etc. are suitable for the person working there. Mobile laptop users should also be **trained** to carry out their own ergonomic risk assessments (self-assessment) so they can avoid situations that are inappropriate and which could lead to health problems.

Follow the tips below to maintain a good posture and position.

- Provide staff with information and training to carry out their own ergonomic risk assessment so that they maintain good posture when using laptops and other mobile equipment – record and review the information provided by employees and act on the findings!
- Sit directly in front of the laptop / computer - not at an angle

- Your elbows should be close to your sides and level with the desk top or keyboard
- Your shoulders should be relaxed, upper arms vertical, forearms approximately horizontal and wrists straight.
- Eyes should be approximately 50cm from screen and level with top of screen
- Do not crane the neck forward to see the screen - when looking down at a laptop screen keep the head and neck balanced over the spine, tuck chin in
- Sit with your back straight and supported in the lumbar region
- Feet should rest flat on the floor or foot rest, thighs approximately horizontal
- When using a laptop use a separate keyboard, mouse and screen if possible
- Use a lightweight laptop stand if a separate screen is not available
- Use whole hand and arm movements when using the keyboard
- Do not hammer the keys
- Change your position regularly
- Look away from the screen regularly
- Take regular breaks



Acknowledgements to Open Ergonomics and Loughborough University

Information and self-assessment forms to assist with DSE Risk Assessments can be found on [safeguard-online](http://safeguard-online.co.uk).

## FSA ISSUES NEW GUIDANCE ON ALLERGENS

It is well known that some people can have very severe reactions when they eat certain foods or food ingredients. Food allergy occurs when the individual's immune system has become sensitised to a particular component, the allergen, within a particular food so that the reaction takes place every time the food is eaten. Reactions can range from the extreme, for example anaphylactic shock, to mild stomach disorders, raised heart rates and temperature. In severe cases the condition can be life threatening requiring rapid treatment. Many common foods can cause allergic reactions and all packaged goods must list those ingredients that can cause a problem. It includes some ingredients that new legislation has recently added to the list; the complete list is -

Peanuts	Fish
Other nuts	Shellfish (e.g. crabs, lobster, clams, mussels)
Milk	Gluten (found in wheat, rye, oats, barley)
Soya	Sesame seeds
Mustard	Lupin (used in some specialist breads)
Celery	Eggs
Sulphur dioxide (used as a preservative in soft drinks, etc.)	

### How You Can Control Allergens

**Training** - Ensure that all staff, including temporary staff are trained and aware of the risks associated with food allergens and the actions they must take to prevent cross contamination.

**Brief Staff** - The chef should brief food service staff daily on what allergens prepared foods contain.

**Customer Information** - When answering customer's enquiries about allergens make sure that you do not mislead them. If you do not know the answer, check the product label or ask the chef. Clearly label those foods containing allergens on self-service counters. Display a "Food Allergies Customer Information" notice near the service area.

**Storage** - When decanting products for storage, make sure that you copy details of any allergens that they contain along with the date and batch codes. Store foods containing allergens in easily identifiable containers, e.g. colour coded lids.

**Cross Contamination** - Be careful to avoid cross contamination of foods during their preparation and service as follows:

- Prepare foods containing allergens in a separate area or after foods free from allergens.
- Use dedicated equipment and utensils for preparing and serving foods containing allergens.
- Change the oil used for frying foods after use for foods containing allergens as they may leave traces in the oil that can be transferred to other foods.
- Wash your hands regularly and thoroughly, particularly after handling foods containing known allergens.
- On service counters, keep non-allergenic foods away from those containing allergens, especially those containing nuts, seeds and shellfish and provide separate serving utensils.

## THE eCUBE – ENERGY SAVING DEVICE FOR FOOD REFRIGERATION UNITS

As companies around the world are urged to cut energy consumption and reduce CO<sub>2</sub> emissions a green solution for the food and beverage industry has arrived in the shape of the eCube. Invented by British engineers and patented globally, the eCube has been widely tested in-house and by independent organisations. It has been proven to reduce energy consumption by up to 33 per cent leading to huge savings on electricity bills.

How it works - Refrigeration units work in a series of cycles, monitoring air temperature in order to decide when to switch on and off. If the air temperature rises as a result of opening a door for example, then the compressor switches on to cool the air down again. Air temperature rises far quicker than food temperature so as a result refrigerators work harder than necessary to maintain stored products at the right temperature. This in turn leads to excessive electricity consumption.

The eCube is only 2 inches square and is not mechanical or electrical so does not affect the normal operation of a refrigeration unit, it is a revolution in refrigeration. It consists of a product simulation wax that mimics product temperature at around 10mm below the surface and fits over the thermostat on commercial refrigeration units. It changes how fridges and freezers work by mimicking food, so rather than responding to fluctuating air temperatures, the eCube makes refrigeration units read food temperature only. Fit an eCube and refrigeration cycles are less frequent and last longer, while food temperature is kept constant. The compressor on a typical refrigeration unit is activated about 12 times per hour; with the eCube fitted this is reduced to about 6 times per hour.

Benefits of fitting the eCube include:

- Reductions in CO<sub>2</sub> emissions.
- Reduction in electricity bills.
- Considerable noise reduction (compressor activated less)
- Reduced wear and tear on equipment leading to extended life of equipment
- Fewer breakdowns (refrigeration unit not working as hard)
- Fewer sensor failures (sensor protected inside the eCube)
- Food monitoring leads to safer food and less product spoilage

The eCube is a one-time retrofit product requiring no further attention or maintenance once fitted. It is guaranteed by eCube for 5 years and it is estimated that your return on an investment will be met in 6 months.

External verification - Before the product could be marketed, it required approval from a UKAS (Government approved) organisation. A company called CCFRA (UKAS accredited) conducted a trial on the eCube and passed it as safe for food products as the temperature fluctuations were minimal in food safety terms.

Trial conducted by Sodexo - In 2007 Sodexo trialed the eCube at Stoke Mandeville Hospital on two upright double door freezers. The energy consumption of the two units were monitored for one week without the eCube and then for one week with the eCube (one for each unit).

The results were as follows:

Refrigeration unit	kWh <b>without</b> eCube	kWh <b>with</b> eCube	Difference (kWh)	Energy saving (%)
Unit 1	110.72	88.09	-22.63	20.43

Unit 2	124.92	94.45	-30.47	24.39
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Total weekly energy reduction .....53.10kWh  
 Potential annual energy saving.....2,761kWh  
 Potential reduction in carbon dioxide emissions.....1.1 tonnes  
 Potential cost saving (based on a unit cost of 0.08p/kWh).....£220



## NEW AND AMENDED LEGISLATION

### THE CORPORATE MANSLAUGHTER & CORPORATE HOMICIDE ACT 2007

This new Act is now fully in force across the UK and it has been designed to make it easier to successfully prosecute companies and other organisations where there have been "gross failures" in its management of health and safety resulting in one or more fatalities. A substantial part of these failures must be at senior level, i.e. the people who are responsible for making significant decisions about the organisation or substantial parts of it and extends to those in operational management roles.

Companies found guilty of an offence under the Act will be liable to an unlimited fine. They may also be required to publish details of their conviction and fine in local or national newspapers, on television, radio or the internet. Publication may also extend to the company's annual report or in notices to shareholders and therefore, may have a significant negative effect on its reputation and ability to attract investment. Courts may also impose a remedial order to ensure that the failures of the health and safety system are corrected although such actions may be imposed at an earlier stage following the fatality by the HSE.

The Act does not impose any additional requirements on a company but highlights the need for senior management to ensure that all safety laws and good practice management are in place throughout all levels of the company. Arrangements must be made to ensure that the company's policy is fully implemented across the company and that there are sufficient resources for communication and training of all relevant staff. Compliance with the company's health and safety procedures must be regularly monitored and reviewed to ensure that it remains effective and that risks are adequately controlled.

Individuals cannot be prosecuted under the new Act but they may still be prosecuted under the Health and Safety at Work etc. Act 1974, which has not been affected by the new legislation.

### THE CONTROL OF NOISE AT WORK REGULATIONS 2005

Although these regulations were introduced in 2005, they did not initially affect the music and entertainment business sector where 'noise' was deliberately produced as part of the business. The transitional period for these businesses is over and they must now comply with the amended Exposure Action and Limit Values imposed by the regulations.

The Lower Exposure Action Level is 80dB(A), i.e. the average noise level over an eight hour period. Above this level of exposure, employers must provide information and training and make hearing protection available to employees.

The Upper Exposure Action Level is 85dB(A), again averaged over an eight hour period. If this level is exceeded, the employer must take measures to reduce the noise that their employees are subjected to by controlling the acoustics of the premises, providing physical separation of staff from the noisiest area, etc. They must also provide hearing protection until the noise is adequately controlled.

There is also an Exposure Limit Value of 87dB(A) measured over a daily or weekly period and a peak sound value of 140dB(C), which must not be exceeded. These limit values may take into account any hearing protection provided.

These regulations apply to staff working in areas where the above levels will be exceeded. In order to comply with the regulations, it is first necessary to identify those individuals or groups of individuals who are at risk and to estimate their noise exposure. Practical measures can then be introduced to reduce exposure, for example:

- ensuring that music rehearsal rooms are of sufficient size/height so that music teachers can be at a reasonable distance from the instruments
- only small groups rehearse together for short periods
- that full volume is restricted during rehearsals and kept for the actual performance
- ensuring that bar staff are separated from dance halls
- that acoustics of dance halls direct the music onto the dance floor and away from workers
- increasing acoustic absorption on the ceiling and walls

The regulations do not apply to patrons of night-clubs or concert goers who choose to be there for a relatively short period. For further information refer to the section in safeguard-online.



## RECENT PROSECUTIONS

### RESTAURANT WORKER SUFFERED SERIOUS BURNS FROM HOT OIL

In a recent case heard at Hull Magistrates Court it was reported that a young restaurant worker taking food to the servery slipped and then accidentally stepped into a pan of hot oil left on the floor whilst a deep fat fryer was being cleaned. As the young woman fell, her other leg knocked another pan of hot oil splashing the contents so that she suffered serious burns to both feet and ankles and her legs. She also scalded her bottom and lower back. Although quickly treated by paramedics at the scene and admitted to hospital, the young woman has been left with permanent scarring and she finds it difficult to stand for prolonged periods.

The chef had only left the oil cool for around 30 minutes before draining from the fryer rather than ensuring that it was no hotter than 40°C as recommended by the HSE (Remember – oil that is hot can take as long as six hours to cool to a safe handling temperature). The restaurant owner was found guilty of five offences under health and safety law including failure to provide and maintain a safe system of work, failure to undertake and implement a risk assessment, failure to appoint a member of staff as a first-aid officer or provide any employee first-aid training and also failure to report the incident to the HSE. The restaurant owner was fined £6250 plus a further £2500 in costs.

## **RETAIL GIANT PROSECUTED OVER WORKER'S FALL FROM STEPLADDER**

TK Maxx was fined £50,000 after an employee fell from a stepladder at the company's distribution centre in Staffordshire resulting in critical injuries. The worker was dealing with cardboard waste and using a high-level conveyor belt that took cardboard boxes to a compactor. Occasionally the belt would become blocked and in order to unblock it the worker was instructed to climb the stepladder and use a stick to unblock the belt. Whilst doing this the stepladder overbalanced causing the worker to fall onto a hard concrete floor below. The company had not carried out a risk assessment of the process and although the problem had been brought to a higher management level no further actions had been taken. TK Maxx has since provided airport-style steps to access the conveyor belt and started a permit to work system ensuring that only those trained to maintain the conveyor belt will undertake the work.

## **DEATH RESULTED FROM FALL FROM SCAFFOLD TOWER**

A casual labourer is believed to have fallen to his death from a scaffold tower that was not properly erected and inspected - it did not have adequate edge protection or toe boards. The accident occurred during overnight work in a Derby shopping mall that was being redeveloped. There were no witnesses to the accident but the court heard that the labourer had little experience of working at height and that he was not supervised properly. A director of the firm carrying out the work was ordered to pay £21,000 to the family of the worker who died. The judge said that he left the compensation deliberately low so that the family could seek further compensation in a private prosecution.

## **ROOF DEMOLITION RESULTED IN A CRUSH DEATH**

A building company employed to remove a reinforced concrete roof did not carry out a proper assessment of it before starting the work and did not employ any health and safety consultant for advice. Rather than remove the roof in small pieces, the boss decided to weaken the roof with a series of cuts so that it would collapse in one piece. However, just as it collapsed one of the workers employed in making the cuts slipped from a scaffold tower and was crushed under the collapsing roof. The boss of the building firm pleaded guilty of failing to ensure the health and safety of his employee. He could have been fined £20,000 but instead was ordered to undertake 100 hours of community service and pay £6,000 in costs.



## **SAFEGARD HELPLINE**

You can contact Safeguard directly for more information about any of the articles appearing in this edition of our Newsletter or for any other health and safety or food safety information you may require. Our telephone number is 0161 873 6840 – please ask for Safeguard.