

Health & Safety Update | April 2018

Welcome to Strutt & Parker's Farm Research Group Health & Safety Update. The quarterly Health & Safety Update is to assist you in ensuring that you are thinking about topical health and safety matters on your farm and/or estate. Health and safety is a vital part of any business operation.

As we enter the warmer weather of spring, livestock will be being turned out onto fresh pastures and field work will be well underway or completed for most spring crops. Sprayers and fertiliser spreaders will be busy nurturing growing crops.

For further assistance or information on the issues discussed below, please call your nearest Strutt & Parker office.

OVERVIEW OF HEALTH & SAFETY LAW

The Health & Safety at Work Act 1974 is the overarching legislation for health and safety as it establishes the principle that those who create risk are also those best placed to manage it. The Health & Safety at Work Act 1974 and the Management of Health & Safety at Work Regulations 1999 require all employers to ensure so far as is reasonably practical the health, safety and welfare of anyone who may be affected by the operation of their business; this includes employees (both full-time and part-time), apprentices, casual workers, contractors, customers, neighbours and visitors.

- Employers' responsibilities require the identification and management of risk created by their business, this is done by:
- Identifying hazards, and who might be harmed by them and how;
- Evaluating hazards and determining the level of risk;
- Implementing precautionary measures to minimise the risk and reviewing them regularly.

There are many more regulations which fall under the umbrella of health and safety legislation and need to be complied with as part of your normal working practices, these include (and this list is not exhaustive);

- Working at Height Regulations 2005;
- Manual Handling Regulations 1992;
- Provision and use of Work Equipment 1998;
- Lifting Operations & Lifting Equipment Regulations 1998;
- Health & Safety (First-Aid) Regulations 1981;
- Control of Asbestos Regulations 2012;
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 1995.

SENTENCING GUIDELINES

The Health & Safety Sentencing Guidelines 2016 have introduced a formalised structure on how courts will deal with breaches of health and safety legislation. Anyone now convicted of committing an offence under health and safety law will be fined based on the level of harm and degree of culpability of the incident; the courts will review turnover or equivalent, as well as looking at aggravating and mitigating factors when setting a fine. In the event of a fatality and high culpability, an organisation with a turnover of less than £2 million could face a fine between £100,000 and £250,000.



The days of a modest fine and a slap on the wrist are gone and, with the new guidelines now in place, those breaching health and safety legislation will face the full wrath of the law if they are found to have fallen short of their responsibilities to those that may be affected by their organisation's operations. Ensuring health and safety compliance is the best way to protect your business from the potentially high financial cost and emotional impact that an accident can have on your organisation.

WORKSHOP SAFETY

A wide range of hazards arise from work undertaken in the workshop during machinery maintenance, repair or servicing, including:

- Collapse/overturn of vehicle onto the operative due to vehicle falling off jack/lift/axle stands or equipment failure
- Trapped fingers/clothing in vehicle or equipment
- Slips, trips or falls due to poor housekeeping or spills
- Contact with moving machinery parts, or hot surfaces of a vehicle or other 'hot work'
- Ejection of fragments and parts of equipment during work
- Skin abrasion or dermatitis due to contact with damaged metal, diesel, oil and chemicals
- Electrical shock due to damaged electrical cables, sockets or equipment
- Back strains or injuries due to improper manual handling
- Physical fatigue due to the nature of the work and exposure to cold or hot environments
- Contact with potentially harmful substances (chemicals, oil, diesel, fumes)
- Noise and vibration exposure

It is therefore imperative to consider how employees work within the workshop environment and that suitable safety measures are in place to protect them and others who may enter the working environment. Ensuring all safety and protective equipment that is in place must be suitable for the task and tested in accordance with the appropriate regulations.

HGV CPC REQUIREMENTS



Driver CPC became a mandatory requirement in 2009 for anyone who drives Category C or D (including subcategories C1 and D1) vehicles, weighing in excess of 3.5 tonnes and in excess of 12 tonnes respectively. Driver CPC is a different qualification to the transport operations CPC and is now a standard part of professional driving to ensure all professional drivers are both competent and proficient.

All professional drivers are expected to carry a CPC card when driving and complete 35 hours of periodic training every five years.

WORKING IN AREAS CONTROLLED BY OTHERS

This applies when employees are required to work at locations which are controlled by others; this may include working at contracted farms where the owner retains much of the yard area although grain and chemical stores are utilised by the contractor. Work activities undertaken in such circumstances will broadly follow those which are undertaken at the employee's usual place of work and, as such, the standing risk assessment controls and/or procedures will be followed. Employees are empowered to withdraw and seek advice from their line manager before or during work activities, if at the time the employee considers the risk to health and safety too great.

As the contractor, you should request for the host employer or controller of premises to provide risk assessments or safe systems of work relevant to works undertaken by your employees. The host employer needs to be mindful of their duties under section 3 of the 1974 Act and to advise both their own employees and any other persons who may be affected by their operations of any local hazard and site safety rules before and during work activities. It is important that you, as an employer and user of another site, inspect it and take appropriate precautions and implement risk assessments where necessary to protect your own work force.

VEHICLE SAFETY

Agricultural machinery only seems to get larger and faster, and yet the general public frequently do not allow for the size or speed of agricultural machinery on the road. The design of vehicles used on public roads has to meet specific legal standards; this is set out in the Road Vehicles (Construction and Use) Regulations. The overall standard of vehicles used in the workplace must be at least as good as that used on the public road. There are some specific standards dealing with mobile plant in the workplace, e.g. forklifts.

Before any vehicle is taken on the public road it essential to check that:

- There is good all-round visibility;
- Mirrors are intact and clean;
- All warning systems (such as horns and lights) are fitted and working;
- Vehicle lights provide enough light for the operator to work;
- Windscreen wipers work;
- Tyres are appropriate for the road surface and are correctly inflated;
- Brakes are working and independent brakes are coupled together when on the road;
- Where trailers are being pulled, they have lights and appropriate signage displayed (if required).

It is the employer's responsibility to ensure that work vehicles and equipment are suitable for their purpose taking into account working conditions and any hazards identified in the risk assessments. Before a vehicle is taken on the road a visual inspection should always be carried out to ensure it is safe to be operated.

REPORTING OF INJURIES, DISEASES AND DANGEROUS OCCURRENCES (RIDDOR)

RIDDOR puts duties on employers, the self-employed and people in control of work premises (the Responsible Person) to report certain serious workplace accidents, occupational diseases and specified dangerous occurrences (near misses).

An accident is a separate, identifiable, unintended incident, which causes physical injury. This specifically includes acts of non-consensual violence to people at work. Injuries themselves, e.g. 'feeling a sharp twinge', are not accidents. There must be an identifiable external event that causes the injury, e.g. a falling object striking someone; cumulative exposures to hazards, which eventually cause injury (e.g. repetitive lifting), are not classed as 'accidents' under RIDDOR.

RIDDOR requires accidents to be reported if they happen 'out of or in connection with work'. An accident that occurs at work premises does not, in itself, mean that the accident is work-related – the work activity itself must contribute to the accident. An accident is 'work-related' if any of the following played a significant role:

- The way the work was carried out;
- Any machinery, plant, substances or equipment used for the work;
- The condition of the site or premises where the accident happened.

Reporting under RIDDOR is a legal requirement for companies; only 'responsible persons' including employers, the self-employed and people in control of work premises should submit reports under RIDDOR. The appropriate online report form must be completed and submitted directly to the RIDDOR database, and you receive a copy for your records. All incidents can be reported online but a telephone service is also provided for reporting fatal/specified, and major incidents only – via the Incident Contact Centre on 0345 300 9923.



SEED & FERTILISER BAGS

Seed and fertiliser bags are large, heavy objects which can cause injury to operators, and damage to machines and other assets, if not handled appropriately. Seed may have been chemically treated and contain dust in the bag. Similarly with fertiliser there is likely to be dust in the bag and the product is corrosive, so appropriate PPE must therefore be worn. There is a risk of operators being trapped between bags and machines if bags fall from pallet forks.

The following safety measures should be taken:

- Bags should be approached carefully and only lifted using the dedicated lifting hoops which are integral to the bag and should be checked prior to lifting;
- If a banksman is being used to assist in ensuring loops are over the pallet forks, ensure that they are visible at all times.
- Clarify means of communication between workers before starting work;
- Bags must be lifted steadily without snatching to prevent tearing or ripping of loops;
- Bags must be carried close to the ground to prevent the loader becoming unbalanced when moving between stacks and machines;
- Bags should be raised once at the designated machine, lifting slowly ensuring that there are no hazards including people, animals and overhead power lines;
- Particular care must be taken, when emptying bags;
- Bags should be positioned centrally over the tank and at a height that can be reached by the operator without allowing the contents to be blown away in high or gusting winds;
- Bags must be emptied over the designated machine using either the designated 'discharge chute' or a long pole and blade;
- Once empty, bags should be disposed of appropriately;
- Operators should be issued with and have access to appropriate safety equipment:
 - Goggles;
 - Gloves;
 - Overalls;
 - Safety footwear;
 - Eyewash bottle/station;
 - First aid facilities.



CONTACT US

OFFICES

London Head Office	020 7629 7282
Ascot	01344 876 363
Banbury	01295 273 592
Banchory	01330 824 888
Cambridge	01223 459 500
Canterbury	01227 451 123
Chelmsford	01245 258 201
Chester	01244 354 888
Chichester	01273 832 602
Cirencester	01285 659 661
Edinburgh	0131 226 2500
Exeter	01392 215 631
Farnham	01252 821 102
Gerrards Cross	01753 891 188
Guildford	01483 306 565
Harpenden	01582 764 343
Harrogate	01423 561 274
Haslemere	01428 661 077
Horsham	01403 246 790
Inverness	01463 719 171
Ipswich	01473 214 841
Lewes	01273 475 411
Ludlow	01584 873 711
Market Harborough	01858 433 123
Moreton-in-Marsh	01608 650 502
Morpeth	01670 516 123
Newbury	01635 521 707
Northallerton	01609 780 306
Norwich	01603 617 431
Odiham	01256 702 892
Oxford	01865 366 700
Pangbourne	0118 984 575
Perth	01738 567 892
Salisbury	01722 328 741
Sevenoaks	01732 459 900
Shrewsbury	01743 284 204
St Albans	01727 738 280
Stamford	01780 484 040
Sunningdale	01344 623 411
Winchester	01962 869 999
Windlesham	01276 489 500

CONTACTS

Land Management

James Farrell BSc(Hons) MRICS FAAV
01423 706770
james.farrell@struttandparker.com

Farming

Will Gemmill BSc FAAV MBPR (Agric)
01223 459471
will.gemmill@struttandparker.com

Development & Planning

Simon Kibblewhite BSc(Hons) BA FRICS
MCIArb
020 7318 5177
simon.kibblewhite@struttandparker.com

Accounting & Taxation Services

Alex Heffer, BA(Hons) ACCA
01245 254656
alex.heffer@struttandparker.com

Building Surveying

Tony Saffery MRICS
01483 303098
tony.saffery@struttandparker.com

National Estate Agency

Guy Robinson
020 7318 5175
guy.robinson@struttandparker.com

Estate & Farm Agency

Mark McAndrew MRICS
020 7318 5171
mark.mcandrew@struttandparker.com

Health & Safety

David Canty MSc MRICS MBPR (Agric. Fert)
Tech IOSH
01727 790480
david.canty@struttandparker.com

Energy

Alexander Creed BSc(Hons) MRICS FAAV
020 7318 5022
alexander.creed@struttandparker.com

Research

Jason Beedell MRICS PhD BSc(Hons)
020 7318 4757
jason.beedell@struttandparker.com