

Health & Safety Update | April 2019

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 or estate. Health and safety is a vital part of any business operation.

An earlier start than usual to spring drilling and fertilising but amidst favourable weather and ground conditions, did you take time to service and maintain equipment and record your work, to ensure operators are adequately trained and competent, and to review and update risk assessments and safe systems of work? As spring progresses, make sure sprayer operators are familiar with COSHH procedures for pesticides and requirements for PPE, ensure best practice in handling and storing fertiliser, and for those with livestock who are calving or lambing, make effective use of handling systems to ensure the safety of yourself and others.

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WELDING

Following new scientific evidence from the International Agency for Research on Cancer (IARC) that exposure to welding fumes can cause lung cancer and possibly kidney cancer, the Workplace Health Expert Committee has supported the reclassification of welding fumes as a human carcinogen.

In February, the Health & Safety Executive (HSE) announced that with immediate effect, it is strengthening its enforcement expectations for welding fumes on the basis that general ventilation does not give sufficient control.

The HSE now require that exposure to any welding fume released is adequately controlled using engineering controls, typically local exhaust ventilation (LEV). This will also control exposure to manganese, which is present in welding fumes and has been linked to neurological effects similar to Parkinson's disease. Where LEV alone does not adequately control exposure, adequate and suitable respiratory protective equipment (RPE) should be provided and employees who carry out welding suitably instructed and trained in its use.



Regardless of duration, HSE will no longer accept any welding undertaken without suitable control measures in place, with these new stipulations also applying to welding outdoors. Risk assessments and safe systems of work should be updated to reflect the change, RPE should be subject to a suitable programme of checks and LEV systems should be thoroughly examined by a competent person and tested annually.

HEALTH SURVEILLANCE



Health surveillance involves a system of ongoing health checks. It allows ill health effects to be detected at an early stage so enhanced controls can be implemented to prevent the situation getting worse. It also provides data to help employers evaluate health risks, enables employees to raise concerns about the affects of work on their health, highlights shortcomings in workplace control measures, and provides an opportunity to reinforce training of employees.

Health surveillance is necessary where risk assessment demonstrates that, despite measures having been taken to eliminate, reduce, isolate or control the risk, an element of risk remains. Health surveillance is not a substitute for controlling health risks but is a management tool for protecting the health of yourself and others. In certain cases, health surveillance may be required by law, such as for noise or hand-arm vibration where health surveillance may be necessary under the Management of Health & Safety at Work Regulations 1999; or for solvents, dusts, fumes or biological agents where the need for health surveillance would be determined under the Control of Substances Hazardous to Health Regulations 2002.

Asking employees to answer a health questionnaire at induction and periodically thereafter must be done in the right way, but can reinforce a positive safety culture and provide a useful source of reference in the event of an accident or medical episode at work.

HOMES (FITNESS FOR HUMAN HABITATION) ACT 2018

The above legislation came into effect on 20th March 2019 with the aim of boosting the standard of rented homes for the health, safety and welfare of tenants. Many farms and estates rent properties to employees and/or diversify into residential lettings and, while most landlords should have nothing to fear if properties are reasonably maintained, the Act does add another piece of legislation with which compliance must be demonstrable.

The Act uses the 29 hazards listed in the Housing Health & Safety Rating System (HHSRS) to determine fitness for human habitation, such as condensation, damp and mould growth, fire, gas and electrical safety, water supply, sanitation, and state of repair. A house will be ruled to be unfit “if, and only if, it is so far defective in one or more of those matters that it is not reasonably suitable for occupation in that condition.”

The new rules apply to any dwelling let on or after 20th March 2019 for a term of less than 7 years, including renewal of a fixed term lease where the renewal takes place on or after that date. Periodic or secure tenancies in existence on 20th March 2019 will be covered by the Act from 20th March 2020. Dwellings let after 20th March 2019 to agricultural employees as part of their package are also covered, whether or not rent is paid.

Farm Business Tenancies (FBTs) of less than 7 years let after 20th March 2019 will be covered for both new agreements and renewals, however the provisions will not apply to existing FBTs that continue after their fixed term expires. Finally, Agricultural Holdings Act (AHA) tenancies that are surrendered and re-granted after 20th March 2019 will be affected, with AHA tenancies that run from year-to-year having the provisions applied from 20th March 2020.

VIBRATION

Vibration is frequently overlooked within agriculture but has the ability to cause adverse effects ranging from annoyance and discomfort, through to ill health effects such as headaches, nausea and abdominal pain. Vibration is the movement of the body back and forth around a fixed point and may be associated with Whole Body Vibration (WBV) or Hand-Arm Vibration (HAVS), prolonged and repeated exposure to the latter possibly leading to a condition known as vibration white finger (VWF). The first signs of VWF are usually temporary numbness and tingling of the fingers, which often pass unnoticed. Symptoms resulting from damage to either the vascular or the neurological systems in the hands include:

- Acute: tingling or pins and needles in the hands and extremities;
- Chronic: numbness and blanching of the fingers, swollen painful joints, reduction in manual dexterity, reduction in the sensation of touch, ulceration and gangrene in extreme cases.



If any of these symptoms are identified, the individual's GP should be consulted in the first instance and reduced exposure to the vibration is essential.

Health and safety measures for WBV limits introduced in 2005 became mandatory in 2014 for farm machinery built before 2007. The Control of Vibration at Work Regulations was passed in 2005 with the aim of protecting employees from risks to health from vibration. Agricultural businesses have unique challenges, and consequently were given nine years to conform to the legislation. The regulations, based on a European Union directive to protect workers from risks to their health and safety from vibration, introduce action and limit values for hand-arm and whole-body vibration.

Guidance issued by the HSE on whole-body vibration should allow most farms to comply with the regulations. It is less of a problem in newer equipment due to improved suspension models for the cab; it is mostly equipment manufactured before 2007 that will not meet vibration guideline levels.

With agriculture needing to complete different activities at different times of the year which require long periods of time spent on machines, it will be a challenge for those with older machinery to adhere to the guidelines as they currently stand. Each business is different and each activity will have a different level of vibration associated with it. Limiting time through job rotation and regular rest breaks, as well as investing in new machinery are examples of how exposure to whole-body vibration can be reduced.

TREE SURVEYS



Following recent strong winds across much of the country, now is a good time to review your farm or estate tree survey.

Trees that have died or become damaged may require attention to ensure they do not present a hazard, particularly in high risk areas such as near public rights of way, highways, parking areas, yards and buildings.

A tree survey involves inspecting all trees on your property and should be carried out on a regular basis. Trees that are close or next to public rights of way or highways are of particular importance; such a survey may require the expertise of a qualified arboriculturalist.

Trees may be subject to statutory controls, i.e. Tree Preservation Orders (TPO) and their status should be checked with the local authority before any works except emergency works are carried out.

It is important to remember where your liabilities sit in relation to dangerous trees. An accident arising from a fallen tree can lead to a civil claim for damages being brought by the injured party against the landowner – any claim is likely to sit with the insurers of the property. However, where a work activity is involved a separate criminal prosecution could be brought – this could happen where a property is open to paying guests.

HOUSING & HANDLING LIVESTOCK

Housing livestock can be stressful on both animals and workers alike, particularly if being housed for the first time or if they are not used to being handled such as those from hills or moorland, sucklers or newly calved cattle. In 2017-18, 8 out of 33 fatal injuries in agriculture were as a result of being injured by an animal.

Buildings should be regularly checked for sharp edges or damaged walling and repaired as necessary, try to ensure that when animals enter the housing for the first time it is well-lit and quiet so that they can become accustomed to their new environment.

Handling cattle always involves a risk of injury from crushing, kicking, butting or goring. The risk from cattle, even with good precautions in place should not be underestimated; some jobs may increase the risk of injury, e.g. veterinary work. Fatal injuries caused from handling livestock remain one of the highest causes of deaths in the HSE statistics, despite employees being well trained and familiar with the animals they are handling care must always be taken.

Carrying out tasks on unrestrained cattle or with makeshift equipment is particularly hazardous and should not be attempted.

When utilising handling facilities animals should be able to readily enter the race, which should have a funnel end, animals prefer to move towards a light area than into the dark and there should be enough room in the collecting pen for them to feed into the funnel easily. The sides of the race should be high enough to prevent animals from jumping over them and should be secured to the ground and to each other for maximum strength. Hinged or sliding doors are suitable, but should be operated from the working side of the race. Do not use makeshift gates and hurdles – they will make handling more difficult and increase the risk of injury.

Work around the crush will be more convenient if it is under cover with a workbench nearby (for example, documentation, veterinary medicines or instruments). Before working on any animal, check that you can restrain it from kicking; consider whether an anti-kicking device should be used. Never work on an animal in the crush with an unsecured animal waiting in the race behind. Consider the need for shedding gates after the crush to allow animals to be sorted into groups.

FARM SAFETY PARTNERSHIP

Strutt & Parker are proud to have become stakeholder members of the National Farmers Union's Farm Safety Partnership.

The Farm Safety Partnership represents a broad spectrum of agricultural interests with a common purpose of collectively improving the industry's safety record and reducing the number of farming fatalities by at least 50% by summer 2023.

To help achieve that goal, the Partnership is promoting quarterly themes in 2019 covering some of the major causes of fatal injuries in farming including transport, livestock, children on farms and falls from height.

Together with the Farm Safety Partnership, Strutt & Parker commit to raise awareness of the main causes of farming fatalities, encourage clients to adopt a proactive approach to good practice, and strive to positively change attitudes and behaviours towards health and safety.



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