

Segment Three - What You Need To Know About Health and Safety And The Law

INTRODUCTION

The Law is an area that frightens many people. There's such a lot of it for a start ... and it's hard to find out what it is until you break it.

In this module we're going to look briefly at some areas which most affect you. Work steadily through the module and remember headings. A good lawyer does not know all the Law. They just remember where to look for it!

This module must not be taken as authoritative. If you have any legal problems, see your solicitor.

AIMS OF THE SEGMENT

When you have completed this section you'll be able to:

- Outline the key points of the Health and Safety at Work Act 1974;
- Outline the main points of the Workplace (Health, Safety and Welfare) Regulations 1992;
- Outline the COSHH (Control of Substances Hazardous to Health) Regulations;
- Identify the main danger points in your fried fish shop;
- List the powers of a Health and Safety Inspector;
- State the consequences of failing to comply with an improvement notice;
- List the various types of fire extinguisher available;
- State how to deal with a frying range fire;
- Understand the requirements for needing a Fire Certificate.



HEALTH AND SAFETY

The **Health and Safety at Work Act 1974** was brought in to protect anyone who is at work.

It applies to you, your staff and members of the public who come into your shop.

It is the legal duty of employers to ensure:

- The health, safety and welfare of all employees;
- That they display a Health and Safety Law poster or have copies available to staff in booklet form;
- That they provide safe equipment and safe methods of working;
- That they provide information, instruction and training to all employees;
- That they provide a safe working environment;
- That they provide welfare facilities;
- That they assess the risks in the workplace;
- That they have a health and safety policy.

The Act also gives powers to Health and Safety Inspectors.

SAFE EQUIPMENT AND SAFE METHODS OF WORKING

All equipment in the premises must be safe to use. This includes the frying range and all of the equipment at the back of the premises.

- Any machines that require guards must have the guards in position. Any removable guards should be fitted with cut out switches or similar protective device.
- Appropriate training must be given to anyone authorised to use this kind of equipment.

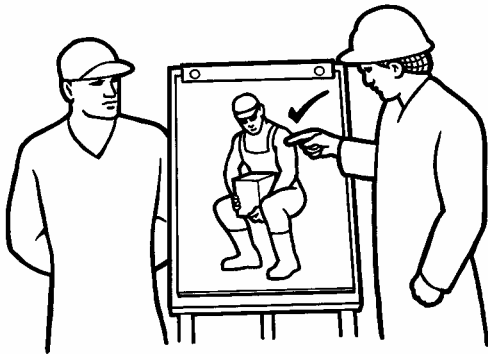
- The equipment must be serviced regularly so that you don't put your employees or the public at risk.

Employees have a legal duty not to misuse or interfere with equipment. They should adopt safe working practices and must not endanger each other. **If an electrical appliance is faulty, you should switch off the appliance at the socket, isolate the faulty equipment and seek help from a qualified person.**

INFORMATION, INSTRUCTION AND TRAINING

This will include general information about Health and Safety legislation as well as more specific instruction and training designed to reduce the risk of accident and injury. This could mean introducing control measures to remove or reduce risks.

“An accident can be defined as an unplanned event which causes or has the potential to cause injury or loss.”



As a minimum an employer should provide instruction to staff on how they should work and what potential risks they may encounter during work. More formal training delivered within the business or by means of external training courses may back up this informal instruction. It is the responsibility of the manager to take the appropriate action on behalf of their staff.

SAFE WORKING ENVIRONMENT

As it suggests, this means that the premises are laid out and maintained in such a way as to promote safe working. In practice this will include things like flooring material, lighting, water and electricity, space, time and motion, and fire exits.

Floors

These should be covered with a tough, practical and easy-to-clean material. Soft Lino is virtually useless. Stilettos will easily make a hole.

Lino tiles are no better as in time they will lift. They will then look scruffy and become a health hazard. The best type of floor is the terrazzo tile that is hardwearing and comes in a choice of colour. You can get a terrazzo tile that is non-slip. Wooden and bare concrete floors are ruled out by the hygiene regulations.

Lighting

Ideally, shop lighting will be bright “daylight” lighting. A well-lit shop is not only attractive to customers but it is also more hygienic and safer. More hygienic because it is so much easier to tell when things are dirty and need cleaning. Safer because it is easier to spot hazards when they are well lit.

Water and electricity

These **MUST** be kept separate. All circuits must be in good condition and tested at regular intervals. Machinery must be earthed, fused, or include circuit breakers. This is to reduce the risk of shocks to the user. No work must be carried out on equipment unless the system is dead. It is recommended that if work is being carried out on wiring, fuses be removed.

Space, time and motion

Sufficient space for people to work in is very important. There must be plenty of space for you and your staff to move around, to avoid bumping into each other or the equipment. A well-laid out spacious workplace is efficient, safer and looks better to customers.

Finally, your layout must work for you in terms of ‘time and motion’. By this I mean that your shop should be organised with the minimum amount of effort in mind. If you find your equipment is in the wrong place when you’re actually using it, move it! If it’s a long walk to fetch fresh batter or chips, do something about it! If you don’t use your head, your legs will become very tired indeed!

Fire exits

A fire exit is essential from the back of the premises as well as the front. Fire exit routes should be clearly sign posted and fire exit doors should be clearly marked with the appropriate signage. Don’t forget that the outside of the fire exit door should be clearly marked “Fire exit, do not obstruct”.

WELFARE FACILITIES

These can simply be somewhere to get changed and washed before and after work, toilet facilities and an adequate supply of drinking water.

RISK ASSESSMENT

What is a risk? This can be defined as *“the likelihood that harm will occur”*.

The five main steps of conducting a risk assessment are:

- Identify the hazards;
- Identify who may be harmed and how;
- Evaluate the risks and existing controls and decide if they are adequate;
- Record all significant findings;

- Periodically review and update the assessment.

A very informative guidance booklet on risk assessment is available from the Health and Safety Executive.

HEALTH AND SAFETY POLICY

Every business that has **five** or more employees¹ **must** prepare a written statement of policy concerning health and safety at work in relation to the business and they must ensure all employees know of this. Even if yours is a small business with no staff, it is a good idea to write out a policy statement. This will help you identify all the potential hazards such as trailing wires, electrical equipment, hot fat, hot surfaces and potentially slippery floors, together with arrangements for dealing with any emergency. A low cost pro-forma health and safety policy is available from HMSO - check with your local bookshop for a copy.

If you employ less than five staff or have no staff at all, you are not exempt from the requirements of Health and Safety Law. The authorities will come down just as heavily on self-employed persons for any breach of the regulations.

HEALTH AND SAFETY INSPECTORS

An inspector is authorised by the Health and Safety Executive to exercise similar powers to those of EHOs under the Food Act. These include the right to enter any premises at any time to exercise their duties. An inspector has the power to issue improvement notices, and if they feel that the person is carrying out an activity that involves a risk of serious personal injury, they have the right to issue a prohibition notice.

A prohibition notice may be immediate, but an improvement notice must allow a period of at least 21 days, before coming into effect. Failure to comply with either of these notices could lead to a significant fine, if found guilty, and in some cases even imprisonment.

Let's now look in greater detail at some of the practical aspects of health and safety.

FIRE

Fire is probably your biggest threat.

You must have proper fire fighting equipment. It must be serviced regularly.

Training is essential and the fire evacuation drill should be practised. Everyone should know what to do. For example who will phone the fire brigade? Who will

¹ Including the owner if they work on the premises

evacuate customers from the premises? Who will decide if it is safe to fight the fire? Who will carry out the roll call after an evacuation?

What would you do if a person's clothing catches fire? Roll them in a fire blanket to smother the flames.

How can you prevent an oil or fat fire?

Before lighting your range check that the pan has oil/fat.

You must:

- Never overheat oil;
- Always dry the food as much as possible before frying;
- Never leave a pan unattended while oil is heating;
- Fit a thermal cut-out;
- Regularly clean the ducting extractor system;
- Handle and dispose of batter scraps safely;
- Be alert to possible dangers at all times.

Fighting a pan fire

Of the four types of extinguisher usually available on the market only FOAM is suitable. However dry powder or carbon dioxide can also be used for electrical fires.



Water extinguishers are not suitable for oil or fat based fires as water will spread the fire with explosive force. In fact they can be far more dangerous than the fire itself.

Foam extinguishers combine the smothering effect of AFFF (aqueous film forming foam) with the cooling effect of water. Many foam extinguishers are even safe if accidentally used on electrical equipment (please check yours). The foam forms a blanket over the burning oil and cuts off the air supply. Fires need air to be able to continue to burn, so the fire will go out.

More modern extinguishers have been developed specifically to deal with cooking oil and fat fires (class F fires). These new class of extinguishers are designed to fight fires in large deep fat fryers such as those in your premises.

Training is essential for fire fighting and you should go through a fire drill with your employees.

Even with the most modern fire extinguishers available it is often safer to call out the fire brigade and let them deal with the emergency.



If a pan fire breaks out you should:

- Raise the alarm;
- Call the fire brigade;
- Switch off all equipment;
- Shut down extractor systems to prevent fire spreading to the ducting;
- Close pan lids;
- Get everyone outside and check they're all there;
- **Only** fight the fire if it is safe enough to do so.

There must be **at least two exits** from your premises.

Your premises will need a Fire Certificate from the Local Fire Authority if:

- you employ more than 20 persons at any one time or
- more than 10 persons at any one time are employed elsewhere other than on the ground floor or
- your premises are in a shared building and the sum total of employees in the premises exceeds either 20 persons on the ground floor or 10 or more persons on any other floor.

OTHER HAZARDS

Hot fat, trailing wires and **slippery floors** all require simple care. Again, training is essential.

Did you know that slips, trips and falls are the most common cause of injuries at work?

Keep people away from the hot fat.

Don't ever trail wires across a floor. Make sure the floor is dry and free from chips. Look out for the skateboard chip!



Sharp corners, equipment and obstacles are your responsibility.

There shouldn't be any sharp corners to take bits out of elbows, knees or hips!

Equipment such as peelers and chippers must be safe to use and maintained regularly.

All gangways, doorways and confined spaces must be free of obstacles.

Anything with a guard must be used according to the manufacturers' instructions.

Most safety policy is common sense.

Finally, you need:

- A first aid box;
- An accident book to record accidents.

Write down all accidents. A dispute about an injury could cost you money later.

A fully stocked first aid kit must be within easy reach. Things like plasters, antiseptics (**no ointments allowed**) and bandages are essential in a place where people are highly likely to cut themselves on sharp knives or burn themselves on hot equipment. It is recommended to keep a re-fill kit too.

All first aid boxes must be marked with one white cross on a green background and all employees must be aware of where the box is kept and basic first aid procedures. Plasters (waterproof dressings) need to be blue or green, so that if they fall into food they are easy to identify. For most first aid boxes sufficient quantities may be considered to be as follows:

- A general guidance card on first aid;
- 20 individually wrapped sterile adhesive dressings (coloured);
- 2 sterile eye pads with attachments;
- 6 individually wrapped triangle bandages;
- 6 safety pins;
- 6 medium sized (10cm x 8cm) individually wrapped unmedicated wound dressings;
- 2 large (13cm x 9cm) sterile individually wrapped unmedicated wound dressings;

- 3 extra-large (28cm x 17.5cm) sterile individually wrapped unmedicated wound dressings;
- Surgical gloves for use when treating injuries to prevent cross contamination;
- Scissors, which shouldn't be used for any other purpose.

First aid should only be administered by an approved first aider.

COSHH (CONTROL OF SUBSTANCES HAZARDOUS TO HEALTH) REGULATIONS 1994.

The use of cleaning materials is controlled by COSHH (**Control of Substances Hazardous to Health (COSHH) Regulations 1994**). When you are using cleaning materials, it is important that you follow the appropriate working practices, which may well include specialist training and providing (and wearing) personal protective equipment.

The COSHH Regulations 1994 provide a framework to help protect employees and other persons, including the public, from health risks from hazardous substances in the workplace. The regulations include a wide range of substances such as cleaning materials for floors and toilets, dish washer detergents, fungicidal paints and garden chemicals. **In fish frying establishments don't forget items such as undiluted non-brewed condiment and potato whitener such as Drywite.** The suppliers of these "controlled chemicals" must also provide clear guidance on their use and a safety data sheet, which you must read.

Many substances will incorporate one of the following signs on the label.

				
Irritant	Harmful	Toxic	Corrosive	Very Toxic

However the absence of such a sign need not necessarily mean this substance is not hazardous.

Carrying Out A COSHH Assessment

1. List all hazardous substances used in the workplace.
2. Record for each the suppliers name, address and telephone number from where further information on the substance can be obtained.
3. Identify the significant risks to people from each substance.

4. Consider and record what precautions, protective clothing, training or other control measures are required.

On completion of the assessment the control measures should be put into place and regular reviews carried out, particularly if new substances are used or working methods changed.

Now that you have become familiar with some of the important aspects of health and safety issues, have a go at completing the following exercises.

EXERCISES

Ensure that a suitable Health and Safety policy statement is in place and read its contents.

Check that adequate fire fighting equipment (fire extinguishers and fire blankets) is available against a location map. Check that the equipment is stored correctly using mounted brackets and is labelled correctly including the date of the last service.

Find out where your first aid box is located and check its contents against a designated list.

If you have a gas range and it was made after 1996, check that it conforms to approved gas council recommendations and carries a 'CE' certification plate.

Ask each member of staff what their role is during a fire evacuation.

Candidate's signature and date

Well done. You have now completed the Health and Safety segment.