

Health & Safety Update | July 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.

Unlike last year, harvest looks to be back towards 'normal' timing. Nevertheless, we are heading towards the period when this year's crops will be harvested and next year's will be drilled. This intense, busy time of year frequently pushes employees to their limits in terms of hours worked. Farms become busier not only in terms of workload but also machinery movements and numbers of employees – including temporary harvest staff – operating together. Pre-harvest health and safety briefings are strongly recommended in order to meet your obligations for providing information, instruction, training and supervision. Machinery servicing and maintenance should be carried out with SAFE STOP in place, and should be recorded. Grain processing and storage facilities should be prepared but with regard for controlling the risks of dust, noise and work at height. Access to grain bins or silos should be planned including points of access and egress, using safety harnesses and fall arrest equipment, and with an emergency plan communicated in advance. Only those in good health and adequately trained and experienced in working in confined spaces should work inside grain bins or silos. The locations of first aid kits should be noted, and contents checked and restocked where resources have been used or are out of date.

For further information, please contact Robert Gazely on **07771 395523** or robert.gazely@struttandparker.com

MACHINERY CONSIDERATIONS

With harvest approaching, consider machinery operation for both optimum performance and workplace health and safety.

- Ensure instruction is given from the dealership prior to handover of machinery.
- Only those trained and authorised and who have received adequate instruction should operate machinery.
- Carry out regular servicing and maintenance in accordance with the manufacturer's instructions.
- Check the condition of machinery prior to use and report any damage or defects for repair.
- Ensure engines, drive shafts and sharp edges are suitably guarded and all guards are in place during operation.
- Clean windscreens and mirrors frequently to ensure good all round visibility.
- Ensure all lights including rotating beacons and trailer or implement lights are kept in good working order.
- Where reversing buzzers or load indicators are installed, ensure they are operational.
- Inflate tyres according to manufacturer's recommended levels subject to load and terrain.
- Test braking systems to ensure optimal adjustment and torque wheel nuts to make sure they are tight.
- Check PTO guards and restraining chains are present and in good condition.
- Wash down machinery regularly to remove mud and other materials that could impede visibility or lighting.
- Clean air filters and remove debris that could cause engines to overheat or inhibit good working order of machinery.
- Keep tractor and combine cabs free of rubbish and other items that could impede the foot pedals and other controls.
- Use SAFE STOP when machinery is unattended and when guards are removed.
- Note the maximum working height and width of machinery including on slopes.
- Obtain an abnormal load dispensation from the Police if required.
- Check for relevant driving licence categories including H for tracked machinery.
- Keep secure records of machinery inspections, maintenance and servicing.



CASE STUDY

- In May 2014, a 25-year-old farm worker was fatally crushed during silage-making when the tractor and trailer he was driving fell from a steeply sloping field into a sunken road. His employer and their farm manager were prosecuted for corporate manslaughter and manslaughter respectively, on the allegation of grossly negligent maintenance of the trailer brakes and failure to enforce their own health and safety policies.
- A defence was put forward of an effective and robust system for checking and maintaining farm equipment.
- The farm manager insisted the trailer's air brakes had been tested and adjusted shortly before the accident.
- In February 2019, both were found not guilty as GPS data from the tractor showed it being skid-tested in the farmyard. The case highlights the vital importance not only of servicing and maintenance, but also effective record keeping.

FIRST AID



Provision of adequate and appropriate first aid equipment and facilities is a requirement under the Health & Safety (First-Aid) Regulations 1981; this may require different types of first aid kits and provisions for different areas of a farm or estate. It is important to provide immediate first aid attention when and where required as it can save lives and prevent minor injuries becoming major. Ensuring that first aid kits remain suitably stocked is essential.

The minimum first aid provision is a suitably stocked first aid kit containing:

- *Basic advice on first aid at work* HSE leaflet;
- 20 individually wrapped sterile plasters of assorted sizes;
- 2 sterile eye pads;
- 4 individually wrapped sterile triangular bandages;
- 6 safety pins;
- 2 large individually wrapped sterile unmedicated wound dressings;
- 6 medium individually wrapped sterile unmedicated wound dressings;
- 3 pairs of disposable gloves;
- 2 eyewash kits.

As a minimum provision, someone should be trained in 'Emergency First Aid'. It should be noted that businesses can share first aiders. Where workers operate alone or remotely, it may be advisable to issue personal first aid kits and/or ensure every vehicle and site has a first aid kit. The location of first aid kits should be clearly marked and all employees should be made aware of their location as part of their initial induction. You do not have a legal duty to provide first aid for non-employees but it is advisable to include them in your first aid provision. It is also recommended to know the location of the nearest defibrillator to the farm or estate.

Local training groups frequently provide first aid training courses which can be utilised for both new and experienced employees to provide refresher training.

CARRIAGE & STORAGE OF FUELS

On 9th May 2019, the exemption from the Carriage of Dangerous Goods & Use Of Transportable Pressure Equipment Regulations 2009 ended. Classified as a dangerous good under hazard class 3, flammable liquids, the transport of red diesel is subject to the Regulations. Bowsers manufactured before 10th May 2004 that were previously treated as an intermediate bulk container (IBC) rather than a tank, and so were previously subject to lower regulatory requirements, will no longer be able to continue in service on the road.

Tractors pulling a bower at less than 40kph are exempt up to the maximum design capacity and safe and roadworthy use of the bowser. Bowsers drawn by other vehicles such as farm trucks, fall within the scope of the Regulations.

In order to remain compliant, bowsers must be checked for the appropriate type or UN approval as an intermediate bulk container (IBC) or tank. Type approval is important because there are differences between IBCs and tanks in terms of driver qualification, equipment specification, marking, testing and re-testing. Where fuel is delivered via a flexible pipe that is permanently attached to the bowser, you must ensure that the delivery end is fitted with a manually operated pipe or valve that closes automatically when not in use; and that the pump or valve is lockable and kept locked when not in use.

The quantity of fuel transported must not exceed 333lt of petrol or 1,000lt of diesel. Fuel must be transported in containers stowed so as to avoid damage or loss from the vehicle and compliant for petrol (UN1203) and diesel (UN1202). The driver must be given 'general training' on how to respond in an emergency, carrying a spill kit, calling the fire brigade and knowing how much and what they are transporting. The vehicle must carry a 2kg fire extinguisher for tackling flammable liquid fires.

The storage of fuel is subject to The Control of Pollution (Silage, Slurry & Agricultural Fuel Oil) Regulations 2010. Where more than 1,500 litres of fuel oil is stored, above ground tanks and drums must be surrounded by impermeable barriers or bunds to stop oil escaping, unless the storage facility was in place prior to 1st March 1991 and has not been substantially enlarged or improved since. The bund and base must be impermeable to water and oil and likely to remain so with proper maintenance for at least 20 years. The bund must not contain any gaps or holes, nor can it have a drain. Every part of the tank must be within the bund. The Environment Agency can serve notice to have facilities improved if there is a significant risk of pollution. Note that underground tanks and bowsers used for transporting fuel oil are not controlled by these regulations. Fixed taps and valves must discharge downwards and valves must be locked shut when not in use. Discharge pipes must be fitted with a nozzle which contains an automatic shut-off device and must be locked within the bunded area when not in use.

Where you are storing petrol in the workplace, it is also subject to the Dangerous Substances & Explosive Atmospheres Regulations 2002 (DSEAR). As such, a risk assessment is required for the fire and explosion risk that it presents. Wherever fuels are being stored on the farm, the flammable hazard warning sign must be displayed.



NOISE



Exposure to excessive noise can lead to permanent hearing damage. The Control of Noise at Work Regulations 2005 requires employers to reduce the risk to health from exposure to noise. This requires measures to be put in place to eliminate, reduce, isolate or control the level of noise that workers are exposed to, and provide hearing protection where there is no alternative or noise is still present. Farms and estates are very different to a warehouse or factory, but buildings with grain driers and conveyors operating in them are very noisy by their nature. Tasks such as grinding work that produce high levels of noise require staff to be provided with ear protection.

Whilst ear protection needs to block out noise, it should be suitable to the environment in which it is being used. If being worn with other safety equipment, it should not impede the other items from performing their task correctly. There are many different types of ear protection and advice should be sought to ensure that the protection provided will perform the task correctly.

Employees have a responsibility to protect their own hearing by using all safety equipment that is made available. Where ear protection has been provided, it must be worn correctly and be individual to the employee. Consideration should be given to how the equipment will be maintained, replaced when necessary and stored. Checking that employees are using ear protection when required is essential to protecting their hearing and is an obligation on all members of staff.

MOVING VEHICLES

Two of the largest causes of fatalities in agriculture are being killed when struck by a moving vehicle and being killed by contact with machinery. In 2017-18, 7 such fatalities occurred, representing over 20% of the total number of deaths for the year. Fatalities included incidents with tractors, trailers, telehandlers, combine and potato harvesters, and involved drivers, other employees and pedestrians.

Only persons authorised and familiar with the safe operation of equipment, or those undergoing supervised training, should be allowed to drive machines. Cabs must be kept free from rubbish, tools, spare parts and other items that may impede the operation of foot pedals and any other controls. Front and rear lights, flashing beacons, tyres and brakes must all be in full working order for use on the public highways, and windows and mirrors should be clean to ensure good visibility.

- Always carry out pre-start checks on machinery;
- Tractors should be fitted with safety cabs and the cab door/windows kept closed to reduce exposure to noise and dusts, although this does reduce or remove the ability for operators to hear pedestrians;
- Operators should keep their mobile telephone on their person whenever they exit the cab;
- Do not under any circumstances use mobile telephones when on the road or in the yard whilst driving a vehicle;
- When driving on the road:
 - Forks and other attachments should be removed or otherwise folded back or covered;
 - Sharp and/or dangerous edges of loads must be protected and marked;
 - Use appropriate marker boards.



TEMPORARY HARVEST EMPLOYEES

Harvest students and temporary workers are frequently less familiar with the farm, estate and local area. It is therefore essential to provide all employees, both new and existing, with a thorough briefing before they start work. This should include:

- Location of first aid kits, defibrillators, accident books, fire exits, assembly points, fire extinguishers, electric isolation points;
- Who the qualified first aiders are;
- Who to report any accidents to, for both personal injury and damage or defects to machinery;
- Who to ring in an emergency;
- A list of numbers for all employees;
- Location of all overhead and underground services;
- Emergency procedures.

All employees should be provided with a copy of the health and safety policy and should sign to confirm they have read it and will comply with it for the duration of their employment. Ensure you have a copy of their personal details, a contact number for their next of kin and a note of any allergies. If prescription medication is taken, what it is and where it is kept should be determined so that if necessary, the appropriate information can be provided to emergency services.

Farm employees are required to carry out a huge variety of tasks and certification is required for the operation of some machines and equipment, this is to ensure safe operation for the operator, environment and employer – it is essential that you check what certificates are held and take a copy of them. If employees are not certified to operate a machine or equipment, they must not be allowed to unless under the direct supervision of a qualified member of staff or trainer.

CDM

The Construction (Design & Management) Regulations 2015 (CDM 2015) came into effect on 6th April 2015 and replace the earlier CDM Regulations which were introduced in 2007. The new regulations widen the scope of projects where the parties have formal duties and shift the focus further to the design stage.

CDM 2015 applies to all construction work which is defined as “the carrying out of any building, civil engineering or engineering construction work.” Construction includes the following work in relation to a “structure”:

- Repair;
- Alteration and conversion;
- Fitting out;
- Redecoration;
- Maintenance;
- Preparation work (site clearance, excavation, etc.);
- Installation, maintenance, repair or removal of mechanical, electrical, gas, telecommunications or similar services which are normally fixed within or to a structure.
- Assembly on site of pre-fabricated elements to form a structure and subsequent disassembly and removal.

A “structure” is defined widely as:

- Any building, timber, masonry, metal or reinforced concrete structure, railway line or siding, tramway line, dock, harbour, inland navigation, tunnel, shaft, bridge, viaduct, waterworks, reservoir, pipe or pipeline, cable, aqueduct, sewer, sewage works, gasholder, road, airfield, sea defence works, river works, drainage works, earthworks, lagoon, dam, wall, caisson, mast, tower, pylon, underground tank, earth retaining structure or structure designed to preserve or alter any natural feature, and fixed plant.
- Any structure similar to anything specified in the paragraph above.
- Any formwork, falsework, scaffold or other structure designed or used to provide support or means of access during construction work.

There are three categories of project under CDM 2015:

- Single contractor projects.
- Multi contractor projects with a construction phase of 30 or fewer working days and with 20 or fewer workers operating simultaneously.
- Notifiable projects with a construction phase of longer than 30 working days and more than 20 workers operating simultaneously at any point, or where the construction phase will exceed 500 person days.

The following people have specific duties under CDM 2015:

- Clients (including “domestic clients”);
- Designers;
- Contractors;
- Principal Designers;
- Principal Contractors.

The requirements under each category of project and duties of the various parties are different and should be researched and understood prior to any such project commencing.

Anyone involved with the management of property must ensure that they are familiar with CDM 2015. Action should be taken as follows:

- Brief employees on the new legal requirements and specific action needed for notifiable projects;
- Liaise with retained professional advisers (managing agents, architects, etc.) to ensure that their respective roles are clarified;
- Confirm any transitional arrangements for projects which will span a period either side of 6th April 2015;
- Ensure that people who will have duties as clients under CDM 2015 understand their role (which is more extensive than under CDM 2007) and that they appoint Principal Designers and Principal Contractors when required.

A breach of CDM 2015 may give rise to prosecution and may also result in prosecution under wider health and safety law such as the Health and Safety at Work Act 1974 or the Management of Health and Safety at Work Regulations 1999.

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 MCI Arb
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

Robert Gazely, BA (Hons) MSc
01245 254611
robert.gazely@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