



The
TOP
TRUMPS
of THINGS
for
DIRECTORS
to
get RIGHT

A quick guide to help directors & senior managers of foundries, and suppliers to the industry get things right and help protect their businesses

This quick guide is to help directors and senior managers of foundries and suppliers to the industry get things right and help protect their businesses.

Legislation applies to every business across all sectors, both public and private, regardless of size or geographic location within the UK.

The points included have been created to help you avoid enforcement actions & / or court appearances and protect your employees. They are a response to known issues within UK foundries that have been identified by foundries or from known interventions from outside authorised bodies, such as the Health & Safety Executive, the Environment Agency and/or local Environment Health Officers.

1

Have someone appointed with overall responsibility for health and safety on site.

This is the person who should sign the health and safety statement. It should be a director of the business. In the event of something going wrong and an HSE investigation, they will expect to see the signed statement and know who has overall responsibility.

Case law has confirmed that Directors cannot avoid a charge of neglect under section 37 Health and Safety at Work Act (HSWA), by arranging their organisation's business so as to leave them ignorant of circumstances which would trigger their obligation to address health and safety breaches.

2

Have a strategy for planning for and managing health & safety on site.

This is the responsibility of all Directors and Senior Managers and should be communicated to employees. Include H&S as an item on all agendas for Board or Management Review meetings.

The need to plan for and manage health & safety on site lies with the Directors – (Management of Health & Safety at Work) MHSWR 1999 s5.

3

Have a competent person to advise on matters of safety and occupational health.

If you do not have an internally trained person (HSE preferred option) then you must use an external consultant who has the requisite skills/qualifications/experience.

The competent person must be allowed the time and resources necessary to fulfil that function – MHSWR 1999 s7. Where a person has multiple roles e.g. quality as well as H&S, the H&S side of their work must be allowed the time necessary to undertake their tasks.

4

If you have 5 or more employees you must have a health and safety policy, written down and communicated to all employees.

The policy has 3 parts: 1: A mission statement; 2: Details of roles and responsibilities; and 3: Details of how the statement is achieved e.g. procedures, SOP's, SSOW's etc.

If you have fewer than 5 employees, this rule still applies but, but in general you only need to advise employees of significant risks and working procedures. If you have undertaken the work, it is good practice to write it down so there is prescribed information in the event of a dispute or civil claim to be able to defend the business.

If you have no records or an out of date HS mission statement, or a statement not signed by a director, and next to no written policies / procedures / safe systems of work, it will be hard to demonstrate that as a business you understand all the requirements imposed on you by law and that you are meeting them. While HSE inspectors look for evidence of control while reviewing shop floor activities, if they see an issue, they will come back to what paperwork and records you have to demonstrate effective management control is taking place.

5

Carry Out Risk Assessments – If you operate any plant or machinery, undertake any manual work, work with chemicals, work with DSE etc. you must have a full, suitable and sufficient risk assessment completed for the process/activity.

It should be the responsibility of whoever creates the hazards and risks to perform the assessment with the help and support of a HS professional who is either internally employed or an external consultant. It is not the role of the HS advisor to produce risk assessments. If an assessment identifies that work is required, it must be acted on, as required. A lot of legislation applies to foundries and has dedicated clauses that require you to undertake risk assessments.

Remember, some legislation has absolute requirements that must be acted upon even if the cost outweighs the benefit. A lot of improvement notices issued to foundries in the past five years have been

for not having risk assessments in place and/or for failing to act on the findings of risk assessments. Undertaking risk assessments has to be a team function. It is not the direct role of a HS Advisor to undertake all your risk assessments. They should be performed by whomever is responsible for the operational areas. The team should include management, HS staff and the operators – they know the day to day risks and problems better than anyone else!

The HSE routinely issue large numbers of improvement notices for failing to undertake risk assessments or failing to act on the findings of risk assessments. Prosecutions have been made where severe accidents occurred after findings in risk assessments have not been acted on.

6

Training – You must train your employees for any task they undertake on the shop floor and ensure they are competent to work safely. This includes, as necessary, additional training for managers/supervisors in health and safety. Managers and Team Leaders need to know about the hazards, risk and safety implications for any process, plant or machinery they have people operating. This is essential to ensure they can manage the safety and health of those under their control. MHSWR 1999 s13.

The HSE have issued enforcement notices where supervisors and team leaders do not have the knowledge of the hazards & risks and how to control them / ensure others are working safely on the shop floor.

7

Maintain the standard of plant, equipment and machinery used in the workplace such that it will operate safely - Where guarding is required by law to prevent access, it must be in place and used correctly.

Safety checks must be done if you operate any plant, machinery or process where there is the opportunity for some to get hurt. They must be done routinely. If problems are found with safety systems, they must be acted on to return the item to a safe standard for work. Addressing failings in safety systems where significant harm can occur to an employee have to take precedence over the actual running of the plant. PUWER Regulation 11 has one of the biggest numbers of enforcement actions and prosecutions levied against it. Not having safety checks performed and taking actions to rectify defective guarding, or failing to have suitable guarding in place and in use has the potential for an employee to suffer a life changing injury or even death.

8

Personal Protective Equipment, PPE - You must supply employees with all relevant personal protective equipment (PPE) such as jackets, trousers, boots, safety glasses etc. and all relevant respiratory protective equipment (RPE) such as tight fitting face masks or powered respirators as identified by the Risk Assessment. Training and instruction on the correct way to wear or use the PPE must be provided. You must always have spare stock for each type of PPE/RPE used. It is best practice to use a laundry service to ensure clothing is correctly cleaned and to prevent your staff having dirty and potentially harmful work clothes in their own car/home.

Employees cannot be charged for anything done or provided to comply with a specific legal obligation e.g. personal protective equipment, health surveillance or welfare facilities – HSWA S9. Remember you may need to have a selection of different types of each form of PPE required available, as a one size fits all strategy does not work effectively.

All employees at all levels within the business **MUST** wear their PPE correctly at all times. This includes anyone who needs to visit the foundry floor, even just for a few minutes, and any & all visitors to the site.

9

Eating/rest facilities must be provided away from the shop floor and away from any changing rooms where PPE is removed before resting/eating. You must provide hot running water, the ability to heat food and make hot drinks. Drinking water must be available and the facility to wash dirty cooking/eating utensils. Neither food nor drink should be consumed in work areas where harmful substances are in use or in the air as a result of work processes.

Enforcement actions have been taken against a number of UK foundries where eating and drinking in areas where there are substances known to harm health occurs. Remember RCS (respirable crystalline silica) is a carcinogen since 2018 so eating around areas such as moulding and knockout (or any other dusty areas) must not be allowed.

10

Toilet Facilities - You must provide clean and suitable toilet facilities and ensure they have clean towels/ hand driers, working toilets in good condition, hot/cold running water, sinks and showers. Separate lockers for street wear and work wear must be provided with easy access to both from changing rooms/toilet facilities.

Enforcement actions have been taken against a number of UK foundries where these basic facilities have not been provided.

11

Agency/temporary workers must be treated in the same way as full time staff and be provided with all the same equipment to the same standard as for any other worker doing the same job. They must receive the same standard of induction and training as per full time staff when operating processes where risks are identified that could potentially result in severe injury or loss of life.

If it will take 4 hours to make sure a new permanent starter will be safe on the shop floor, it should take the same length of time for a temporary worker. All hazards that may affect a full time employee will also affect any temporary worker. So if for example a temporary worker would be expected to use vibrating tools and need to wear RPE, they should get exactly the same training as a new full time employee.

12

Health Surveillance - If you are operating processes or using chemicals with the potential to have adverse health effects, you are required to undertake monitoring to know the quality of the air being breathed by your employees is safe. This monitoring should form part of your risk assessment process. If you have results that are more than 50% of the allowable limit, you should review the need to have health surveillance of employees as this may be necessary. You should also be considering the correct engineering controls to be used, including LEV and extraction before selecting the use of PPE.

PPE is the last resort employed to protect your employees. Some legislation mandates that you undertake health surveillance for certain risks or conditions. Legislation is tightening for many substances as more becomes known about their impact on the human body. All foundries must be prepared to adapt and change as limits get tightened or classifications of chemical hazards change.

The Competent Person will be able to assist with most issues surrounding both occupational health as well as safety for you and your employees, however, unless you have employed a fully-qualified occupational nurse of practitioner within your business, provision of working with external competent persons of this level for the undertaking of health surveillance and or monitoring activities will need to be made.

Further sources of help and information:

SHIFT Initiative

<https://shift-initiative.org.uk/>

The SHIFT initiative is run by the foundry industry for the foundry industry and is dedicated to improving safety & health for all employees. Designed to share knowledge and best practice, across a broad range of topics from risk assessment to manual handling, slips, trips and falls, to safe systems of work through to and including occupational health issues such as respirable crystalline silica (RCS), legionella, HAV's, musculoskeletal problems and mental health, the SHIFT initiative covers those foundries producing in any metal, by any process and of any weight or size.

Leading health and safety at work - Actions for directors, board members, business owners and organisations of all sizes indg417

HSE website <http://www.hse.gov.uk/pubns/indg417.pdf>

Leading health and safety at work

HSE website <http://www.hse.gov.uk/leadership/>

Managing for health and safety HGS65

HSE website <http://www.hse.gov.uk/pubns/books/hsg65.htm>



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