

Health and Safety Standards for Fieldworkers

A Good Practice Guide

Developed by:

Cornwall and Devon Growers' Group

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Introduction

This guide was developed following a series of meetings of the Cornwall and Devon Growers' Group.

The group comprises representatives of the growing industry (flower and vegetable), representative bodies (including the National Farmers Union (NFU), Association of Labour Providers (ALP), Amber Initiatives and Unite/T&G Union) plus Enforcing Authorities (including the Health and Safety Executive (HSE) and Devon & Cornwall Constabulary). Membership of the group is entirely voluntary and the group does not have any statutory function. Members are simply interested people, who want to agree pragmatic standards for health and safety in this area of work.

The guide is intended to set out good practice standards for health and safety to those who employ and manage fieldworkers. It has no legal status, although in preparing it, the group did consider relevant health and safety legislation. (Nevertheless, it remains the jurisdiction of the Courts to decide whether enough has been done by individuals and organisations to comply with the law. Compliance with standards in this guide does not guarantee compliance with the law.)

The guide deals exclusively with standards for managing some of the key health and safety risks associated with field work. It is not an exhaustive guide (in that there may be other risks relevant to particular operations that have not been covered here, eg manual handling of loads) and it does not deal with issues such as accommodation, transport, pay and conditions, work in pack houses, or other related issues.

In preparing this guide, the group hopes that those working in the industry will find it to be a source of pragmatic, helpful guidance on managing the health and safety of field workers.

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1. Managing Health and Safety:

Who is responsible? Health and safety legislation puts responsibilities on

- a. employers and people running businesses to do what is reasonably practicable and within their control to protect people who may be affected by work activities
- b. employees to co-operate with their employers and not to put themselves or other workers at risk
- c. people supplying goods and equipment for use at work to make sure these are safe to use and come with adequate information

This guide focuses on the duties of those managing field workers.

Almost all field workers will be employed by someone – either the farmer or a labour provider. Even when workers are ‘self-employed’ for tax purposes, they are usually still classified as an employee under health and safety law.

It can, however, be difficult to decide who their employer is and hence who has the primary responsibility for managing their health and safety. Where a farm sources labour themselves (either temporary or permanent), they are the employer. But where labour is sourced through an agency, the key question is who is in control, as for health and safety law purposes, that person/organisation will usually be the employer. So if the farmer decides what is going to be done by the workers and how, provides the equipment and essentially supervises the job, then they are the employer (whether or not the workers are agency/migrant workers placed by a labour provider). On the other hand, if a labour provider contracts for doing a job (eg picking x number of fields at a certain price), arrives with and supervises the workers and delivers the harvest, then they are the employer.

There are any number of variations possible: a farm may provide eg the rig and driver but a labour provider may have contracted to deliver the harvest. In that case, the farm would retain responsibility for the driver and the condition of the equipment, whilst the labour provider working alongside the equipment would have primary responsibility for the staff working in the field.

In reality, where there is more than one organisation involved (eg a farm and a labour provider) the main issue is that both labour provider and labour user should agree where these shared responsibilities lie in

advance. This will ensure that everyone is clear who is doing what and will prevent any confusion regarding accountability.

It is an essential part of the Gangmasters Licensing Authority (GLA) Licensing Standards (Standard 6) that this relationship is set out. There should be a simple, clear written agreement signed by both parties (labour provider and labour user) setting out responsibility for managing and controlling health and safety.

For more information on the standards, the GLA website address is provided at appendix 1. The Association of Labour Providers also publishes relevant guidance and operates an information helpline (again, contact details at appendix 1).

NB All Labour Providers **must, by law**, hold a current GLA License (www.GLA.gov.uk)

2. Risk Assessment:

Risk assessment is the general framework for protecting people at work and involves looking at the risks they may be exposed to and making judgements about how these risks can be overcome or reduced. Put simply, it is a process of thinking through jobs, considering what might go wrong, who may be harmed, how serious this would be and taking reasonable action to prevent that harm.

In making judgements about the risks people may be exposed to, we need to think about all the people we are trying to protect, because people may be affected differently (eg the young/inexperienced, people whose first language isn't English or who come from a different culture, people with some pre-existing medical conditions or disabilities).

There is a great deal of information on how to do risk assessments on HSE's website: www.hse.gov.uk.

It is important to involve your staff in doing risk assessments and there are many benefits that flow from this: staff have valuable experience to share, it helps to make them more aware of the risks and promotes ownership of any changes that come out of the process.

Once you have recorded risk assessments, you should be able to:

- a. See whether you are doing enough to protect people
- b. Identify priorities, if you find you need to do more

- c. Use the findings as training guide: giving you the information you need to cover with your workers (informing people about risks is important – see below)
- d. Use the findings as a checklist to make sure the right things do happen in practice and as a starting point when you want to review how things are going in future.

If you employ 5 or more people in your operation, you will need to record the significant findings of your risk assessments and there are examples of completed assessments on the HSE website to get you started.

A word of caution: if your risk assessments are going to have any value in making the job safer, they need to be relevant, working documents. HSE inspectors would rather see that you have really thought about making your work safer and that your paperwork has been a support to you doing this, than be presented with beautifully crafted, glossy files that bear little resemblance to what you are doing.

3. Informing and Training the Workforce:

Workers should be told about the risks they face from the work they are doing, the things that have been put in place to protect them and what is expected of them (so that they can co-operate). All health and safety training should take place during work hours and should be paid for by the employer. If training is organised outside the normal working day, it still counts as work time and should therefore be paid.

If you are employing staff through labour providers, they may be prepared to deliver some of that training for you (this will tend to be the more general training). Again, this health and safety training should be regarded as work and the worker should be paid. It is essential that you are clear about what training is going to be provided on your behalf and that it meets your particular needs. Although the law allows you to make arrangements to provide training through any means as long as they are effective, as the employer, you retain the legal responsibility to ensure the training is adequate, even if you delegate the provision to someone else.

Many farms provide most, if not all of the training for their workers themselves.

Induction: All workers should have induction training. It is unlikely that this can be delegated to an outside organisation, as it is all about the specific circumstances of that workplace – what the job entails, where to find things, who is responsible for what, where to go if there are problems, etc. Induction training can be delivered in a variety of ways: face to face

with a supervisor, at a briefing session, using aids such as DVDs, etc. The important thing is that the workers understand the key information. If you have workers who have difficulty understanding written information, or whose first language is not English, you will need to adapt your induction to suit them. This may mean, for example, providing information in a different language. There are organisations that can help you with this (see Appendix 1 for useful contacts).

The length of any induction should be tailored to the work being done, rather than the length of time you will be employing a worker. So, the more complex the job, the higher the risks and the less supervision, the more training will be required. 'Daily paid' staff require induction as well as staff starting a permanent job with you, albeit that there may be a difference in the nature of this induction. The question to ask is whether *all* your workers have enough training to do the work you have given them safely.

It is sensible to keep a record of the training you have given workers. Many larger farms do this by asking workers to sign for the induction and other training they have been given. Some provide something in writing in the worker's own language asking them to confirm that they have understood that they have the right to ask someone else about anything they are not sure of. For daily paid workers, where induction may simply involve supervisors giving a straightforward 'toolbox talk', perhaps illustrated with pictures (eg of what daff rash is), the fact that this training has been given could be included as a tick box on the basic record card (including name and address) already being kept for that worker.

Whether you are asking staff to sign for a more formal course, or noting the fact that they have attended basic induction, what is important is that you know they have understood what has been covered. Ask yourself: can they do the job safely, do they understand the risks they are being exposed to, what to do to protect themselves and who to go to if they have problems? The law does not require you to record training, but it can be helpful to be able to demonstrate that your workers have been trained to do the work they are engaged to do.

Once workers start their jobs, supervisors have a crucial role in reinforcing the messages given in training, by making sure that work is done in the way staff have been shown/taught. Poor/unsafe working practices, near misses and the like can all be good indicators that training needs rethinking.

Finally, remember that you may need to deal with some issues during your training that might not strike you as 'health and safety issues' at first, but can have a real impact on how safely staff work. If someone has very little

work or life experience, or is inexperienced specifically in agricultural work they may not 'see' the risks that more mature fieldworkers do, so extra effort will be needed with this group. Similarly, cultural beliefs like 'accidents are just part of life' or 'I am socially superior to this supervisor' (due to age/gender) will need to be tackled sensitively.

Providing information: All employers must either display HSE's health and safety law poster somewhere that is can be easily read, or give employees a leaflet called 'Health and safety law: What you should know. The leaflet is available to download, free of charge from HSE's website or can be bought in packs (see appendix 1 for contact details of HSE Books). The poster can also be purchased from HSE books.

4. Tractors, Rigs and Transport

Any equipment used at work (including machinery, vehicles, tools, etc) should be the right equipment for the job, used by the right person, safeguarded (where there is a risk, eg from moving parts) and have the right controls, including emergency stops where appropriate. Workers should be given information and instructions about the equipment and have appropriate training. There should be a proper system of maintenance for equipment and vehicles.

Tractors: Tractors should only be driven by competent people.

On the road: Where tractors are being driven on the road, the driver should have an appropriate licence (category F). Many farms get a copy of a driver's licence when employing them, as a check.

Provisional licence holders should display 'L' plates and should be supervised by a qualified driver, unless the tractor is not designed to carry a passenger (ie no seat). They may tow a trailer. Tractors can be driven by 16 year olds, but they are restricted to small tractors and trailers (with a width restriction of 2.45 metres for both tractor and trailer, the trailer also has to be either 2 wheeled or close-coupled 4-wheeled).

On the farm: At the moment, the law does not specify a particular training course someone should have completed in order to drive a tractor on the farm; it does however require that they should have adequate training.

A good way to satisfy yourself that your staff have adequate training is by:

- a. Making sure that staff do have a training certificate from an agricultural college AND

- b. Checking they are competent with the particular tractor and equipment they will be using and in the situation in which they will be working. Some farms do this by putting someone new with an experienced, competent and trusted driver, then when they are satisfied the person is competent, authorising them for their particular operation.

A training certificate will be less important where you are taking on a driver who you know already has significant experience and can demonstrate to you that they are competent (in the way outlined above).

If you are taking on overseas workers, it can be difficult to decide whether the training certificates they have demonstrate the level of training you would expect. The EU is currently looking at whether vocational qualifications are comparable across EU countries. However, until there is a unified standard, competence checks should help you decide whether more training is needed.

(Appendix 1 gives details of local agricultural colleges who should be able to help with training for tractor drivers.)

Remember: under road traffic legislation, most offences committed by a driver may also be committed by the owner of the vehicle if they are permitting, causing or ordering the vehicle to be used when they know, or should know there is a problem.

Broccoli/Cauli Rigs: Rigs may be operated with a driver at the controls or may be driverless. There are additional obvious risks associated with driverless operations and guidance on the equipment standards required is given at Appendix 2. However, even when a tractor driver is used, there are risks associated with people working in front of a moving vehicle (albeit at slow speed) and emergency stops will still be needed (see below).

- a. Emergency stops (e-stops): E-stops are not on/off controls; they should stop movement and it should need the activation of a separate (start) control to get movement restored. They should be checked daily to ensure they work and it is good practice to keep a written record of these checks.

There should be e-stops on conveyors on the packing platform and front booms. In addition, to protect those working in front of the tractor, there should be a cord pull or bar spanning the length of the boom in front of the tractor, which stops the tractor in an emergency, by cutting the engine or engaging brakes. There are very few industries where workers are required to work directly in

the path of a moving vehicle, so the safety systems have to be good. Tractor drivers may be looking behind them (into the packing rig) at the time an emergency happens and the e-stop provides workers with a back-up safety system.

Manufacturers should supply a mechanism for disabling the e-stop when the rig is folded into the transport position. If you are using a vehicle which does not have this mechanism, you should contact the supplier/maker to arrange a retrofit. Leaving the e-stop engaged when transporting on the public highway, can cause dangers to following road traffic if the wire/bar is knocked (eg when entering a field gate) and the vehicle stops unexpectedly.

There have been concerns expressed anecdotally about some tractors (with auto transmission and hydraulic braking) as they may suffer a significant drop in braking efficiency when the engine is cut (eg when the e-stop activates). However, there should still be 50% braking capacity, albeit effectively without servo assistance. Tractor drivers should be made aware of this and should be prepared to put significant manual effort into braking in the event of engine cut out. Farms harvesting on very steep slopes will need to consider whether this type of tractor is suitable for this particular work.

b. Trailer access: Workers should have easy access to the trailer and should be protected from falling from the platform. Access should be via steps which are no more than 700mm from the ground (500 mm should be the norm). Steps are better than runged ladders and a tread depth of 200mm is recommended. If you are harvesting a crop that may be damaged by a fixed bottom step, you can use a flexible one.

There should be a good handhold at the access point(s).

c. Guarding: There should be guards where chains run into drive mechanisms, to prevent people (fingers etc) being drawn in. Some rigs have guards, but finger access is still possible. If you find this is the case with your rig, you should contact the supplier to discuss what upgrade they would advise.

Transporting Goods and Workers:

Transporting Goods: Where tractors/trailers are operating within 100km of their base and are used for agricultural purposes, they are exempt from the requirements of goods vehicles in relation to restrictions and driver hours and providing tacs. However, there *is* clearly a safety issue

relating to driver hours and as a rule of thumb, where people are spending some of their working day driving, they should not work more than 10 hours. It is also important that people have adequate breaks from driving, so that they maintain concentration.

It is not necessary for farmers to have Operators' Licences where they are using an agricultural trailer to haul produce 15 miles or less by road. However, it *is* still essential that farmers ensure their vehicles are safe for the road. Braking deficiencies on tractors and trailers have been a common failure found in roadside checks (resulting in vehicles being prohibited).

Transporting Workers: Transporting passengers by road normally falls within the requirements for Public Service Vehicles (PSVs) and includes the need for tacos to be fitted to vehicles. Farmers are exempt from these requirements where they are:

- a. taking their workers from the farm to the field (or field to field) as this is classed as a 'works bus'.
- b. picking workers up from home and taking them to the farm with predetermined routes (less than 50km radius of the farm), stopping points and times. This is classed as a 'regular/special regular service'.
- c. taking workers to the shops (as a goodwill gesture, for no charge), as this is not deemed to be a commercial activity.

No charge, whether direct or indirect can be made for any of these journeys, otherwise the full requirements of PSV licensing will apply. It also goes without saying that the vehicles used should be suitable for the purpose, safe and roadworthy and drivers should not work excessive hours (likely to cause deterioration in their driving). Checks should be made with insurance companies to confirm that insurance cover applies.

None of these exemptions apply to labour providers, as supplying and transporting people to sites is inherent in the fee. All labour providers who transport workers must comply fully with PSV operating licence and related requirements (this includes farmers acting as labour providers). Farmers using labour providers who transport workers to the field/farm are advised to check that the labour provider complies with the GLA licensing standard on transport, has the relevant PSV operator's licence, PCV driver's licence and (depending on the local authority) Private Hire Vehicle Licence.

(You can get further information on transporting workers from the GLA and

transport in general from VOSA – contact details at appendix 1.)

Carrying passengers on farm trailers: There have been a number of deaths and serious injuries over the years that were a direct result of carrying passengers on farm trailers. If you intend to transport workers around the farm using trailers, there are certain safety precautions you need to take. Firstly, you need to consider the route you will be using; trailers should not be used in situations where they may overturn. If the route is suitable, other precautions include ensuring that: the tractor/towing vehicle and trailer are well maintained, in sound condition and are properly and securely coupled; brakes should be fitted to at least one axle of the trailer and be operable from the tractor; secure seating should be provided and passengers should not be able to contact the wheels from their riding position; there should be proper access to the trailer; and equipment/loads that might injure passengers should be excluded. It is also important that you make judgements about the maturity, competence and attitude of your drivers. These issues are all covered in more detail in an HSE information sheet (Agriculture Information Sheet 36: 'Carriage of Passengers on Farm Trailers'), which can be downloaded free of charge from HSE's website (see appendix 1).

5. Controlling Health Risks and Providing PPE (personal protective equipment)

Fieldworkers may be exposed to substances that could adversely affect their health. Some as a direct result of the work they are doing eg daffodil sap and others incidental to their work eg tetanus and leptospirosis.

Daffodil sap: Daffodil sap is known to cause rashes. Often these rashes occur on the skin exposed to the sap and will clear up when the worker stops getting the sap on them (this is an *irritant* reaction) However, in a small number of cases, the sap sets off an *allergic* reaction which can lead to longer term and more serious problems. It is not possible to say who will be affected, how or when – some people may develop problems after years of trouble-free exposure, others may develop rashes almost straight away.

Daffodil pickers should therefore be provided with gloves to keep the sap off their skin and good washing facilities, so they can clean their skin when they remove their gloves (see the section on welfare provision, below).

- a. Gloves: Many farms use disposable (one-use) gloves. These should be vinyl or low protein latex gloves rather than powdered latex (the typical 'surgical' glove), as powdered latex gloves can

themselves cause allergic reactions. Vinyl gloves can be obtained for about the same price as latex gloves. Gloves should be provided in a range of sizes to suit different workers.

Whilst gloves protect hands, workers can still get rashes on their wrists and forearms. Members of the Growers' Group trialled disposable forearm sleeves and found they provided cheap, successful protection. The sleeves are readily available from industrial PPE suppliers.

It is important that workers understand the risks from daff rash, why they are being asked to wear gloves and forearm sleeves and that they know how to take these off without transferring sap to their skin (or the inside of their gloves) in the process. Workers should also be warned about the possibility of transferring sap to other parts of the body – there have been cases where the eyes/face have been rubbed causing irritation, or male workers have transferred daff sap contamination while urinating. These sorts of inadvertent exposure to sap can lead to uncomfortable and distressing symptoms. All these issues should be covered at induction.

Like all PPE provided to protect workers from a risk to their health or safety, gloves and forearm sleeves should be provided free of charge. (For more information on the requirements for free provision, see the section on PPE, below.)

- b. Health Surveillance: It is possible to pick up indications that people are being affected by daff rash, from the condition of their skin. Employers should therefore be providing health surveillance at no cost to the worker, during work hours (this is a legal requirement). Health surveillance is not complicated and can be done by someone like a supervisor who has had some training on what to look for and questions to ask.

Workers should also know what symptoms to report (and to whom) and again, this should be covered during induction training.

If a worker is found to have skin symptoms, they should be referred to a GP or Occupational Health provider. In many cases, the rash can be treated and with the correct PPE and training, the worker can return to work. If a worker has developed a serious allergy, it may not be possible for them to return to this type of work and you may need to look for alternative work for them (an occupational health provider can tell you whether a particular worker is able to continue and whether any alternative work you have would be

suitable for that person). Appendix 3 provides an example letter for you to send with a worker to their GP. This will help the GP with their diagnosis and should mean you get sufficient information back from the GP to ensure you do the right thing for the worker concerned.

If you are informed by the GP (or Occupational Health provider) that the worker has dermatitis from contact with daff sap, then you must, by law, report this to the HSE (contact details are given at appendix 1).

Tetanus and Leptospirosis: Tetanus is a soil borne disease that infects humans through wounds and Leptospirosis (Weil's disease) is a disease carried by rats and transmitted to humans via contact with rat urine. Employers should advise their workers about these diseases and this may be done at induction.

If you are employing staff through a labour provider, you may wish to ask them to provide some of the information (eg about immunisation for tetanus) prior to workers arriving on site. As mentioned earlier, the duty to inform staff about the risks and precautions (like wearing gloves, washing hands, covering cuts, etc) remains yours and you will need to check that they have received and understood the information.

There is a free leaflet on Leptospirosis on HSE's website ('Leptospirosis – are you at risk? Ref INDG84).

Other PPE for Fieldworkers: Fieldworkers need waterproof clothing and appropriate footwear (eg wellies). By law, this should be provided, free of charge by the employer. Temporary workers who are your employees are covered by this provision as much as permanent workers.

If PPE is high-value and non-disposable (eg wet weather gear), you may supply it on loan. (Obviously, this does not extend to disposable equipment or equipment that cannot be provided in a clean state to the next user.) If you are concerned that PPE will not be returned, you may deduct the cost of any unreturned items at the end of that temporary worker's time with you, *provided* you have warned them in advance that you will do this. You should give this warning in writing and include the cost you will deduct. You *may not* make a charge in advance, ask for a deposit or a contribution to the basic standard of PPE required.

If farms employ staff through labour providers, they may decide to ask the labour provider to provide wet weather gear on their behalf (as staff may be using it on a number of farms). The respective farms can then discuss

their share of the cost for this provision. However, it is essential that you check that the PPE *is* provided, is to an adequate standard for the work you are asking people to do and that workers are not charged, as this remains your responsibility.

The Growers' Group recognises that daily paid staff may come with their own wet weather gear (as many will be familiar with the nature of the work). Although the employer (farm) has the responsibility to ensure they have the correct PPE, the most pragmatic way to cover daily paid staff may be to have loan sets available for the small numbers of workers who arrive without any wet weather gear and to allow other workers who arrive with their own, to continue to use it, provided it is of a reasonable standard. What is *not* acceptable is daily paid staff harvesting in wet fields in trainers and sodden clothing.

6. WELFARE and FIRST AID

Agriculture is not exempt from the regulations covering welfare provision for workers. The regs set out specific standards of provision and then qualify this with 'so far as is reasonably practicable'.

Toilets and Washing Facilities: Chemical toilets are acceptable where there is no running water/sewer (ie in most field situations). Washing facilities should include clean water, soap and facilities for drying. In buildings and other places where a power supply is readily available, warm water should be provided. In other situations, warm water would only be expected if, on balance, the cost of providing it (in time, trouble and money) did not significantly outweigh the benefit of having it. Warm water encourages people to wash their hands *and* is more effective at removing contamination than washing in cold water. All of which is important for reducing the risk of daff rash, for helping to ensure good first aid and for improving hygiene.

Toilet and washing facilities should be positioned in or very close to the harvesting site and many supermarket customers set out standards for this. Having mobile toilet and washing facilities on hand should be the norm for almost all field workers. The only times where this may not be the case is where such provision is simply not reasonably practicable, for example, where ad hoc jobs are being done in the fields (eg by weeding crews) and there are small numbers of itinerant workers moving around constantly. Under these circumstances, you should still make arrangements for workers to have access to toilet and washing facilities. The most practical way to do this may be to ensure that workers are taken to facilities on a regular basis (eg at mid-morning, lunchtime and mid-afternoon breaks) and that they can be transported there in between if

required.

Drinking water: There should be an adequate supply of readily accessible drinking water. This can be provided to field workers as bottled supplies. Again, some workers will prefer to make their own arrangements (eg for tea/coffee in flasks), but the employer should make the basic water provision available for those who come unprepared.

First Aid Provision: All groups of fieldworkers should have access to first aid. In practice, this means having a basic first aid kit in every vehicle accompanying workers to site (provided the vehicle stays with them), or if there is no vehicle, ensuring it is carried by one of the group. Someone should be in charge of the kit (this may be a tractor driver, supervisor or fieldworker) and everyone in the group should know who this person is. There are short training courses available for ‘appointed persons’ available through many local colleges and first aid providers. These are less intensive than the full course intended for first aiders.

When deciding what to include in a basic first aid kit, it is important to take account of the nature of the work eg broccoli harvesters using knives should have access to plenty of plasters, but also to sterile dressings in case of more serious wounds.

It is also important for fieldworkers to be able to respond appropriately in an emergency. They should have access to a mobile phone and (particularly for workers from outside the UK) should know how to contact the emergency services (via 999 or 112). Fieldworkers should know exactly where they are and providing them with an OS map reference for the fields they are working in would be a sensible way of ensuring that they can get emergency assistance to the scene should they need it. Telephone numbers and field details could be carried by the tractor driver, or nominated supervisor (if a vehicle does not remain with the workers). These details should be duplicated at the farm office (using the same field identifying details) as they may need to co-ordinate emergency services. There have been examples of treatment being delayed following serious accidents because workers were not able to explain their location.

Ofcom is working with mobile network operators and the emergency services to introduce ‘mobile roaming’ for 999 calls. This means emergency calls automatically roam onto an available network if there is no coverage from the customer’s own mobile service. It is expected that this service will be in place by the end of 2009. Arrangements already exist to ensure that 999 calls can be made from a mobile, even if the customer has no credit and other calls are blocked.

7. REPORTING INCIDENTS

Employers have a legal responsibility to report certain injuries, diseases and dangerous occurrences arising from their work to HSE. Injuries to employees that should be reported include accidents resulting in death, specific types of serious injuries, admissions to hospital lasting 24 hours (or longer) or any other injury resulting in that person being unable to carry out their normal work for more than 3 days (including rest days). Reportable diseases include dermatitis (eg daff rash), leptospirosis and tetanus and certain repetitive-type conditions which a medical practitioner notifies you about.

If you are employing staff through a labour provider, you should talk to them about the arrangements for keeping you informed if a member of staff suffers an accident or notifiable disease while they were working for you. (For example, if a temporary member of staff has an accident and does not return to work, the labour provider should let you know how long they were incapacitated and/or the nature of their injury, so you can decide whether you should report it.)

More information about reporting incidents is available on HSE's website.

8. EMPLOYERS' LIABILITY INSURANCE

The Employers' Liability (Compulsory Insurance) Act 1969 (ELCI) requires employers to insure against their liability for personal injury or disease suffered by employees at work.

If you already have a policy, it may provide cover for some temporary workers (eg in packhouses, where the workers are under your direction and control). However, you should check with your insurer and your labour provider, if you are using one that the right cover is in place before work starts.

Labour providers sometimes find it difficult to obtain appropriate insurances. If this is the case, they may find it helpful to contact the Association of Labour Providers who have experience in this area (the ALP contact details are at appendix 1).

9. CONSULTATION WITH WORKERS

The Safety Representatives and Safety Committees Regulations 1977

and the Health and Safety (Consultation with Employees) Regulations 1996 provide members of independent trades unions and non-unionised, unrepresented employees with rights to representation and consultation on matters affecting their health and safety at work. If you employ casual and temporary workers, they have and should be given the same rights to representation and consultation as full-time staff.

If you already have staff representatives, their names and a brief explanation of their role, should be given to new (and/or temporary) staff at induction. If you have workers who are not English speakers, it can be very helpful to have a bilingual representative.

If you do not have staff representatives, you need to consider how you are going to consult staff about matters affecting their health and safety. Consultation is different from communication – it is not just about telling people things, it is about involving them in decisions. Further information on how and when to consult is given on HSE's website.

Some unions who have workers in the workplace, will consult on behalf of all workers (whether union members or not), will help to explain to workers their own responsibilities and may also be able to help with translation services for workers whose first language is not English. Some also provide access to basic education in literacy, numeracy and English skills, which can be tailored to the work staff are doing. These schemes may be free of charge. (For contact details, see Appendix 1)

10. CONCLUSION

The Growers' Group hope that you have found this guidance helpful. If you have any queries about standards, the contact details of organisations that can help are given at Appendix 1.

If you have any comments about the guidance the Group would be pleased to hear from you. In the first instance, please contact Andrew Butler (Horticultural Policy Adviser) at the NFU South West Regional Office, Agricultural House, Pynes, EX2 5ST (Tel: 01392 440 700).

Appendix 1

Useful Contacts:

Amber Initiatives: A charitable organisation set up to help and advise migrant workers on employment, housing, health, education and benefits. They provide translation services for important documents (at a small charge), have a telephone helpline for migrant workers and have voluntary transport. Amber Initiatives covers Cornwall and Devon through drop-in centres at Redruth, Truro, Newquay, Bodmin and Plymouth and through outreach.

e-mail: amberinitiatives@googlemail.com:

Local agricultural colleges:

Bicton College, East Budleigh, Budleigh Salterton, Devon, EX9 7BY
Tel: 01395 562300

Cornwall College (2 sites):

Duchy College Stoke Climsland, Callington, Cornwall, PL17 8PB
Tel: 01579 372222

Duchy College Rosewarne, Camborne, Cornwall, Tr14 8LL
Tel: 01209 722100

Unions:

TUC: For information about unions in general
Ground Floor, Church House, Church Road, Filton, Bristol, BS34 7BD
Tel: 0117 947 0521
www.tuc.org.uk

Unite (including TGWU, traditionally representing agricultural workers as part of the Rural Agricultural and Allied Workers trade group)

District offices:

Cornwall: Transport House, 9 Trevarthian Road, St Austell, PL25 4BH
Tel: 01726 76043

Plymouth: The New Union House, 2 Harbour Avenue, Sutton Harbour, Plymouth PL4 OBJ
Tel: 01752 665 459

www.tgwu.org.uk

NFU:

Offices in St Austell, Truro, Helston, Beaworthy, Liskeard, Launceston, Barnstaple, Bideford, Plymouth, Tiverton, Honiton, Crediton, Exeter, South Molton, Newton Abbot, Totnes.

Regional office: Agriculture House, Pynes Hill, Rydon Lane, Exeter, Devon, EX2 5ST

Tel: 01392 440 700

www.nfuonline.com

Association of Labour Providers: Represent and support labour providers in the food industry and are specialists in the Gangmasters Licensing Act, Agricultural Wages Order and food industry temporary labour issues.

Address: 102 Frimley House, 5 The Parade, High Street, Frimley, Surrey GU16 7JQ.

Tel: 01276 509306

www.labourproviders.org.uk

Gangmasters Licensing Authority: Regulate labour providers in the agricultural and food sectors.

Address: PO Box 8538, Nottingham NG8 9AF.

Tel: 0845 602 5020

www.gla.gov.uk

Devon & Cornwall Constabulary: Have specialist officers dealing with communities including migrant workers and issues such as traffic law. In the first instance, contact the central number explaining the advice you require:

Tel: 08452 777444

www.devon-cornwall.police.uk

VOSA: The Government agency that provides vehicle licensing, testing and enforcement services (dealing with the roadworthiness standards of vehicles and ensuring the compliance of operators and drivers with road traffic legislation).

VOSA, Grace Road West, Marsh Barton Trading Estate, Exeter, EX2 8PU

Tel: 01392 279564

www.vosa.gov.uk

Health and Safety Executive: The Government body that regulates and advises on health and safety in industrial workplaces, including agricultural businesses.

Devon & Cornwall office: HSE, Ballard House, West Hoe Road, Plymouth PL1 3BL.

Tel: 01752 276300

www.hse.gov.uk.

HSE books: a commercial organisation that sells HSE's publications:

www.hsebooks.co.uk. *Tel: 01787 881 165*

Appendix 2

Self Propelled Vegetable Harvesting/Packing Rigs Inspector Guidance (SIM 01/2002/09) made available for information (version 1: 16/12/2002)

Background

1 The sector is receiving an increasing number of enquiries concerning mobile vegetable harvesting/packing rigs that are being operated without a driver at the tractor controls.

2 These rigs generally consist of a boom type conveying system attached to the tractor and a trailed packing rig behind the tractor. In the worst cases there are no controls outside the tractor and the operation of these entails a driver leaving the cab once the tractor is set in motion and mounting a moving tractor to stop or change direction.

3 Two companies (VHS and Keith Collingwood (Mini Veg Packer)) are known to make conversion systems to allow control of tractors, at creep speeds, from positions other than the usual driving position. The Sector has looked at both models and drawn up guidelines to tackle the main risks of driverless operation.

Details

4 The major hazards are the risk of a driver being run over whilst mounting/dismounting a moving tractor and the risk of persons involved in harvesting being struck by the moving rig. These risks need to be considered by manufacturers and by users.

5 The Sector considers the following points as the basic requirements of the control system to ensure the safety of persons involved in harvesting and to satisfy the relevant essential health and safety requirements of the Supply of Machinery (Safety) Regulations.

6 Points to be addressed by manufacturers:

(1) speed not to exceed 1000 metres/hour.

(2) one set of controls outside cab to control:

- a. stop;
- b. start;
- c. brake;
- d. steering.

NOTE: If the crop is grown in raised beds the need for steering may be redundant. The manufacturer will need comprehensive information from the user to prove that the steering function is not required.

(3) controls to be located so that they are:

- a. under control of one person **only** ;
- b. behind boom;
- c. in a place giving clear view of tractor/trailer accesses and the area in front of the tractor;
- d. not detachable from the machine;

(4) emergency stops on boom and readily accessible to person(s) on rig (and on trailer) to be:

- a. twist reset type;
- b. connected so that electrical supply is required to keep fuel supply on;

(5) electrical and hydraulic systems controlling safety related systems to fail safe, ie stop tractor;

(6) trip bar in front of tractor:

- a. mounted on the boom. Height max. 800 mm to full width of tractor and wheels;
- b. fitted with two switches installed in positive and negative modes. In a single circuit to the fuel shut off device. Valves and switches used for must be suitable for safety applications and for the environment in which they are to be used (eg protection against weather, vibration, etc);

(7) inhibitor switch to the gear selector so remote operation only achieved in low gear range;

(8) stopping performance adequate when emergency stop, stop or trip operated (distance yet to be defined);

(9) all external controls to be isolated when in folded/transport mode and relevant internal controls to be positioned/isolated to prevent inadvertent operation during transport;

(10) sequential boom folding to ensure that the booms does not exceed four m in height when folding from/to the transport position.

7 Additional points to be addressed by the user:

(1) risk assessment of site conditions (eg ability to stop the rig on sloping ground);

(2) access to/egress from tractor only when stopped.

Action by inspectors

8 When advising users/ manufacturers of these machines inspectors may wish to refer to the above list of requirements when considering whether the risks have been adequately addressed.

9 Ensure machines currently in use are capable of folding the booms below 4 m to reduce the risk of contact with overhead power lines.

10 In situations where manufacturers or users claim compliance with the above requirements is not reasonable practicable local SG assistance should be sought, together with liaison with the Sector to establish an acceptable alternative.

11 In cases where more novel approaches are being considered/used (eg radio control) advice should be sought from the Sector. In such situations it is essential that a positive signal from the control device is required to keep the machine running (ie signal failure results in machine shut down).

Date first issued: 16 December 2002

Appendix 3

Example Letter to GP

Dear Dr

Re: Possible Work Related Contact Dermatitis

This man / woman is presenting today with a skin condition. To assist you in your considerations during this consultation, I feel I ought to bring it to your attention that he / she works in the agriculture sector picking daffodils, and this plant-derived material may cause dermatitis.

As you may know, employers are required to report occupational dermatitis to the Health and Safety Executive under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (1995), if they receive a written diagnosis from a registered medical practitioner. Therefore, if you decide that this is a work-related contact dermatitis please could you consider providing something in writing to your patient for them to pass on accordingly.

Yours sincerely

Appendix 4

Key Legal References

Health and Safety at Work etc Act 1974: the umbrella legislation setting out the duties of employers, employees, suppliers etc to protect people's health and safety at work. Section 9 deals with the provision of free PPE.

Management of Health and Safety at Work Regulations 1999: regulations for managing health and safety, including doing risk assessments.

Provision and Use of Work Equipment Regulations 1998: health and safety requirements for equipment used at work (including safeguarding, specific training for equipment, etc).

Control of Substances Hazardous to Health Regulations 2002: requirements for protecting people's health at work in relation to substances they may be exposed to.

Personal Protective Equipment at Work Regulations 1992: relate to the provision and use of PPE at work.

Workplace (Health, Safety and Welfare) Regulations 1992: include requirements for welfare provisions (toilets, washing facilities and drinking water).

Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995: The requirements for reporting certain incidents to HSE.

Further information on all of the above can be found on HSE's website:
www.hse.gov.uk

Gangmasters Licensing Authority: Licensing Standards (Oct 2006): set out the conditions that must be complied with in order for labour providers to qualify for and retain a licence.