

HEALTH AND SAFETY EXECUTIVE
AGRICULTURE INDUSTRY ADVISORY COMMITTEE
OPERATION SAFE HAVEN

Issue

1 At the last AIAC meeting in November 2011 a brief oral presentation was given regarding Operation Safe Haven. Members requested further information about the enforcement notices issued during the operation. This paper provides further information about the enforcement notices issued during Operation Safe Haven.

Background

2. The main aim of Operation Safe Haven was to ensure that the health, safety and wellbeing of migrant/vulnerable workers were being addressed.
3. Operation Safe Haven was a co-ordinated multi-agency initiative led by Lincolnshire Fire & Rescue Service with GLA; housing departments in Boston and Spalding District Councils; HSE; Gas Safe and Lincolnshire Police.
4. Visits for Operational Safe Haven took place over a two week period.

Week 1 - Monday 12th & Tuesday 13th September and

Week 2 - Monday 19th, Tuesday 20th and the morning of Wednesday 21st September

ENFORCEMENT ACTION TAKEN BY HSE

HSE issued a total of **46** enforcement notices citing **118** breaches of legislation. (See below)

ENFORCEMENT ACTION BY OTHER AGENCIES

Lincolnshire Fire & Rescue

- 1 Prohibition Notice served on overcrowding and sleeping arrangements
- 17 Home Fire Safety Check (HFSC) Referrals

Boston Borough Council

- Two prohibition notices under the Housing Act

Gas Safe

- 6 notices where the appliance was 'AT RISK'
- 3 warning notices issued on 'Immediate Dangerous' situations
- 57 appliances where not to 'Current Standards'

Lincolnshire Police

- made one arrest for a warrant issued by another police force

Notices issued during Operation Safe Haven

Type of notice served	Number of notices	Legislation/Breaches
Prohibition Notice	10	20
Improvement	34	95
FEPA	2	3
Total	46	118

Legislation	Number
Control of Noise at Work Regs 2005	11
Dangerous Substances and Explosive Atmospheres Regs	2
Food and Environmental Protection Act 1985	1
Gas Safety (Installation & Use) 1998	1
Health & Safety (First Aid)	8
Health and Safety At Work Act 1974	54
Management of H&S at Work Regs 1999	13
Personal Protective Equipment at Work Regs	2
Plant Protection Products (Basic Conds) Regs 1997	2
Provision and Use of Work Equip Regs 1998	13
Work at Height Regs 2005	3
Workplace (Health, Safety and Welfare) Regulations	8
Total	118

Notice type	Legislation	
Prohibition (10)	Health and Safety At Work Act 1974	14
	Provision and Use of Work Equip Regs 1998	6
	Total	20
Improvement (34)	Control of Noise at Work Regs 2005	11
	Dangerous Substances and Explosive Atmospheres Regs	2
	Gas Safety (Installation & Use) 1998	1
	Health & Safety (First Aid)	8
	Health and Safety At Work Act 1974	40
	Management of H&S at Work Regs 1999	13
	Personal Protective Equipment at Work Regs	2
	Provision and Use of Work Equip Regs 1998	7
	Work at Height Regs 2005	3
Workplace (Health, Safety and Welfare) Regulations	8	
Total		95
FEPA (2)	Food and Environmental Protection Act 1985	1
	Plant Protection Products (Basic Conds) Regs 1997	2
Total		3
Total		118

Description of notices issued during operational safe haven

1. Management arrangements for welfare: failure to provide adequate supply of drinking water.
 - Failure to supply suitable and sufficient sanitary conveniences including washing facilities or wholesome drinking water
 - Provision of welfare and washing facilities for workers engaged in field work
2. Provision and arrangements for first aid: not providing access to a suitable trained persons and equipment for first-aid.
3. Not providing suitable personal protective equipment to employees cutting field crops/working in fields.
4. Not having a system for selecting and supplying the most appropriate knife for employees cutting field crops.
5. Failure to provide safe storage facilities for hand knives
6. Arrangements to reflect the risk arising from knife use requiring provision of knives (work equipment) to their employees by the labour user are without points where no point is necessary
7. Failure to provide safe means of access to working platforms on broccoli harvesting rigs.
8. Access is possible to dangerous parts of module transplanter.
9. Using tractor mounted harvesting rig unmanned without appropriate controls accessible from outside the cab
10. Riding on tractor steps whilst the vehicle is in motion.
11. Prevent use of flat bed trailer as transport for passengers
12. Served for use by drivers of mobile phones on moving work equipment, including fork lift trucks, tractors and four-wheel drive vehicles, whilst manoeuvring in the factory yard. There was a significant risk of contact with other mobile work equipment and pedestrians.
13. Failure to provide a system in the workplace such that pedestrians and vehicles can circulate in a safe manner.
14. Defective scissor lift
15. Damaged windscreen on loader
16. Bulk LPG tank not protected against inadvertent vehicular impact with the risk of fire or explosion.
17. Underground metallic pipework of unknown condition delivery LPG to the heating system.
18. Lack of landlords gas safety certificate at Farm and associated bungalow for LPG cookers used by agency workers
19. Disposal of plant protection products no longer approved for storage or use
20. Noise control/provision of hearing provision and agency workers not wearing hearing protection
21. Noise assessment and no health surveillance for employees exposed above the second action level