



Why should Craft Breweries invest in Health & Safety?

Some of the many reasons for breweries to invest in Health & Safety include; make the company a better place to work, reduce costs and reduce litigation risks.

The table below is designed to help breweries decide **how much to invest** in health & safety by looking at risk/reward for different levels of safety arrangements and then an estimate of the resource needed to set up and maintain that level of safety.

Note – The Irish legal system is referenced and the table only acts as a guide but its often useful to ask - **which level below best describes where your brewery is at ?**

| Level | Description of Safety arrangements for this level | Risk / Reward | Resource required to maintain this level |
|-------|---|---|--|
| 0 | Overall, relatively safe physical work place set up. Fire & Emergency Plan in Place. No Health & Safety Statement. Minimal Health & Safety procedures in place. | < 5% chance of winning a potential H&S case. Ie. If any H&S incident occurs there is less than 5% chance of the company winning even if it seems clear-cut in favour of the company. There is Legal non-compliance here. | Poor attitude to Health & Safety and minimal ongoing work by the company. |
| 1 | Health & Safety Statement in place. Risk Assessments completed to a basic standard. Health & Safety Rep in place for staff. However, many of the H&S procedures not adhered to. | 5-50% chance of winning a potential H&S case depending on case. If the case is lost, the damages awarded would be significantly less than if the company was at Level 0. | Resource required to set up system with very basic safety arrangements in place. A very low level of ongoing work in H&S by the company. |
| 2 | Health & Safety Statement in place. Risk Assessments completed to a very good standard with all key activities risk assessed. Evidence of good Health & Safety culture by having some key initiatives in place. | 50-80% chance of winning a potential H&S case depending on case. If the case is lost, the damages awarded would be significantly less than if the company was at Level 1. | Resource required to set up system with the Hibernian Best practice 'BIG 7 Safety Arrangements'. A basic level of ongoing work in H&S to help maintain standards. |
| 3 | Evidence of a top class Health & Safety Culture embracing best practice everywhere. Very thorough risk assessments with even the most minor activities risk assessed. Continual Improvement in place and lots of ongoing H&S activities. May be significant capital spend on equipment to make the place safer. | >80% chance of winning a potential H&S case depending on case. If the case is lost, the damages awarded would be significantly less than if the company was at Level 2. | Resource required to set up a recognised safety standard OHAS 18001 system in company. A high level of ongoing work in H&S by the company to maintain standards, continually improve and embed culture. |



Questions & Answers

1. What is the potential impact of legal non-compliance ?

There is a moral duty on all employers to be legally compliant.

Worst case scenario, if there is a serious incident (ie. a death) and if there is a serious legal breach by the company, the directors could face a jail term. Up until relatively recently judges have been reluctant to impose jail terms but this is changing and jail terms have been imposed.

2. How many deaths has there been in Ireland in wholesale, retail and food service over the last 10 years ?

Between 2008 and 2016, there has been 27 deaths. These have left deep impacts in many small communities and in some instances, companies have gone out of business after the incident.

Some relevant Court Case Studies (Irish Examples for guidance only)

Where companies are at Level 0 or 1, incidents are often settled before court usually for relatively large sums (ie. > €100k). The cases below demonstrate the importance of activity based risk assessments and SAFETY training.

1. Bowden Vs HSE (Bon Secours Hospital Cork)

- Bowden worked in medical records.
- She took a 10kg box from a high shelf to get a record.
- She injured herself (prolapsed disk) when replacing the box on the shelf.

Some key points;

- ✓ Bowden trained in general safety and manual handling relevant to the incident.
- ✓ Company had carried out an activity based risk assessment, provided steps and recommended that they be used for this task.
- ✓ She did not use the steps so the ruling was NO COMPENSATION.

2. Care Assistant in Nursing Home

- Walking a patient to the bathroom.
- Patient fell and dragged assistant down. Assistant broke collar bone.

Some key points;

- ✓ Risk Assessment/ Care Plan stated that 2 assistants required to move patients. Assistant trained in general safety and manual handling.
- ✓ NO COMPENSATION. Employers considered dismissal case for 'gross negligence' as she endangered patients.

3. Dunnes Stores

- Customer arrived at check-out with torn bag of potatoes.
- Check-out assistant injured shoulder getting a replacement bag.

Some key points;

- ✓ Assistant trained in Safety and Manual Handling relevant to the incident.
- ✓ Activity based risk assessment stated assistance should have been got.
- ✓ NO COMPENSATION.



Hibernian Best Practice 'Big 7 Safety arrangements'

Breweries should strive to have the following;

- 1. *The mind-set of Proof*** – Putting good safety arrangements in place is great but the company should also develop the mind-set and good habits of having proof for all the different things you do. Acceptable proof can be gathered in a number of ways mainly around having good documentation. Note – CCTV is not always admissible as proof because it infringes on human privacy rights and often can only be used for security related incidents.
- 2. *The right Safety Rep appointed the right way*** – The safety rep needs to be the right type of person and selected by the staff and not management.
- 3. *Good Medical arrangements in place*** – Employers should have good medical arrangements set up for staff. This is proof good intentions and is also makes it more difficult for staff to make claims.
- 4. *Activity based risk assessments in place*** (coupled with the basic category based risk assessments) with a review system and dynamic action plans in place.
- 5. *Effective Training Systems in place*** – Regular 'general safety training' and 'risk assessment based training' with assessment demonstrates staff understanding.
- 6. *Good Records System in place*** – An essential part of the 'proof mind-set'. Look at records in the broader context of not just training and recording on-going safety actions – for example records for 'good save initiative'.
- 7. *Excellent incident recording*** - Management should be given a short training session on 'incident recording' so that they are well prepared for when there is a safety incident. See Hibernian short guideline procedure.

Contact

If you want help with your Health & Safety Statement, Risk Assessments or any other Health & Safety aspects, contact Hibernian Brewing School at;

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