

Inquiry into recruitment and employment in the meat and poultry processing sector

Health and safety: our findings

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The Equality and Human Rights Commission agrees with the statement of the Health and Safety Executive (HSE) that ‘all workers in Great Britain should be afforded the protection of health and safety laws, irrespective of their migration status’.¹ However the evidence from our Inquiry indicates that agency and migrant workers are frequently not receiving adequate protection.

Although figures have improved in recent years, in terms of health and safety, the meat and poultry industry is one of the worst performing sectors of the food manufacturing industry. The food manufacturing industry as a whole is one of the worst performing areas of manufacturing industry in terms of injuries to workers.

Summary of main concerns

Concerns about health and safety in meat and poultry processing factories were raised in over half of the interviews that we conducted with workers. When asked if agency workers were treated any differently to directly employed staff, one in six interviewees highlighted health and safety as an area where agency workers received worse treatment.

‘Badly fitting boots can make a whole shift agonising.’
Portuguese female working in meat processing factory,
east of England

The main issues raised by those with experience of working in the industry were:

- not being given any appropriate personal protective equipment (PPE)
- poor-quality, ill-fitting and shared PPE

¹ Health and Safety Executive, Topic inspection pack: Migrant working, Core activity 2007/08

- lack of job rotation
- lack of training on health and safety issues, or not being able to understand it, and
- having to work excessive hours.

Some workers were too fearful to complain, despite damage to their health, while others described losing the opportunity to work as a result of having complained.

The evidence to our inquiry also described practices which appeared to disregard food hygiene.

Not being given appropriate PPE

Failure to provide PPE was the health and safety issue most commonly raised. Interviewees described a range of PPE that was not provided in particular factories. In most cases agency workers did not receive it whereas directly employed workers were given appropriate equipment.

PPE that was not provided included:

- warm clothing for workers in cold areas and freezers
- protective boots
- aprons, and
- gloves, including protective gloves for those working with knives and frozen products.

‘Unfortunately we’re always short on safety gloves... slash gloves...

If you’re wearing gloves and your knife hits your fingers there’s supposed to be no damage to your hands but unfortunately we have a shortage and therefore they cut their fingers...

Some people have gloves but agency don’t.’

British male working in poultry processing factory, West Midlands

A few directly employed workers described helping agency workers to obtain personal protective equipment by either pretending it was for them, and then passing it on to agency staff who did not have the appropriate equipment, or sharing their own equipment.

‘When they [agency workers] are working with us in the line we know that they have cold hands because we have linings and we have normal gloves [and they don’t] and we tell them, “Hey you need the gloves because it’s cold”, and... we just ask [the manager] and they give it to us. We ask for us and we give them [to the agency workers].’

Romanian female working in factory processing meat and poultry, east of England

‘They don’t get the proper bodywarmers, agency workers... they don’t get warm clothing... And sometimes it’s absolutely freezing... I keep a jacket in my locker, and I go and get that. Because... it’s really freezing.’

British female working in factory processing meat and poultry, East Midlands

Inappropriate or ill-fitting PPE

Interviewees raised problems they had experienced with personal protective equipment which was the wrong size for them. They described being provided with gloves and boots which were too small or too large for them and hampered their work.

Agency workers highlighted problems with not having their own boots and being given shared boots of the wrong size. Some workers saw this as hazardous as it caused them to fall - dangerous when working with knives and cutting machinery and carrying heavy loads.

‘You no get the boots... you wear the other person’s boots. Sometimes you have to wear big ones... Because I have small feet, with a big boot [it] was really hard to walk... I was always, you know, tripping and stuff like that.’

Portuguese female working in poultry processing factory, east of England

Poor-quality PPE

Interviewees described being provided with poor-quality equipment that tended to break quickly, consequently providing very little protection for

the worker using it. The most commonly raised issue in this regard was poor-quality gloves that split.

Impact of lack of adequate PPE on health of workers

Workers told us about experiencing significant discomfort and sometimes pain, particularly when working in colder areas and working with frozen products, without appropriate PPE.

‘At the end of my work... because they didn’t provide protective gloves... My hands look like skin after burn.’

Polish female working in meat processing factory, east of England

One worker described receiving protective gloves that were too small for her. On raising this with her supervisor, she was instructed to work without gloves, processing frozen meat products, which she thinks has caused long-term damage to her hands.

‘They gave me a glove that was too small for me... and when I complained about it... the lady [supervisor] told me, “Well, if that is too tight, just take your gloves off and work without gloves.”... You know... you have to work... so I took off the glove, worked without gloves and I think I got a problem in my fingers because of that... My hands got frozen... because if you work without gloves, you know, you feel the cold and my hands was like, you know, very stiff because of the cold.’

Portuguese female working in poultry processing factory, east of England

Other interviewees described being given PPE that was damaged or wet, reducing the protection afforded and making work uncomfortable and in some cases painful. For example, one interviewee described being made to work with meat products frozen to around -15 Celsius wearing wet gloves.

‘We are supposed to wear two pairs of gloves, one is made of cotton and this pair was given to us wet at the start of the shift because they [had been] washed... For the first few months

every day we were given new gloves and then they started saving money by washing gloves... So my fingers were just frozen because I started work with wet gloves and I was supposed to pack frozen food... At the end of the shift my fingertips were swollen.'

Polish female working in poultry processing factory,
east of England

Employers' responsibility for health and safety and PPE

It is of concern that only about three in five (59%) firms provide the agency with a health and safety risk assessment before using the agency staff. This is a mandatory requirement and an important step in ensuring that agency workers have a safe and healthy working environment.

The contractual responsibility for the provision of PPE may lie with the meat processing firm or the agency, depending on the agreement between them, but it is essential that both parties clarify the extent of their responsibility.

Sharing PPE

A number of the agency workers we interviewed reported being required to share PPE. The HSE advises that the sharing of PPE is allowed but only under certain circumstances:

'Sharing PPE is not prohibited under the Regulations providing the equipment is thoroughly cleaned and disinfected before re-use and sufficient equipment is always available when needed.'

HSE written evidence submitted to the inquiry

Agency workers described having to share overalls, and in a number of cases, Wellington boots. 'Hotbooting' – the practice of one worker having to step into the boots of the worker leaving the previous shift – is viewed by many workers as involving a lack of dignity.

In all instances, interviewees stated that the shared items were unpleasant to wear, being wet, sweaty and in some cases soiled because the PPE had not been cleaned between shifts.

‘You have no choice really, you have to start your work, so you have to wear wellingtons; dirty, smelly, wet inside and you know that they were just worn by other people, and you would have to work in those wellingtons for the next 10 hours.’

Polish female working in poultry processing factory,
east of England

‘Agency workers [are told] “We have no new overalls; you can take this old overall”...unwashed PPE... They have to use... pre-used PPE from the previous shift.’

British male working in poultry processing factory, West Midlands

Lack of job rotation

Interviewees described the physical impact of their work, including carrying out repetitive tasks on fast-moving production lines for extended periods of time. Workers describe having to carry out the same rapid, repetitive movements for a 10–12-hour shift, with no opportunity for work rotation to reduce the risks of upper limb disorder.

Interviewees described the physical impact of their work, including:

- swollen hands and fingers
- severe back pain
- loss of sensation in the arms and hands
- inability to open and close hands after a working week
- pain in the arms and hands, and
- hands and fingers turning blue with cold.

In some cases, interviewees stated that loss of feeling in their hands lasted for a number of days.

‘You have to stay in one position [for the 10-hour shift] and first you have to pack this box full of hamburgers, it’s about 16 kilos and then you have to lift it... On the third day of consecutive

work you just couldn't sleep, your arms were numb.
You couldn't feel your arms.'

Polish female working in poultry processing factory,
east of England

'Working at a line, it's really hard work and the boxes are about 12kg, 16kg, each, so they're quite heavy and my hands are swollen at the end of the day... and painful. And also my back... There are days I just cannot, I just am not able to, you know, to open the door, or even keep a glass in my hand. I can't feel anything.'

Polish male working in meat processing factory, east of England

A number of interviewees described working on while experiencing pain in their limbs and back.

'I've never used pain killers before, but now I have started to use them because I cannot stand the pain in my back. To carry on [with work] I have to take painkillers.'

Polish female working in meat processing factory,
east of England

One worker told us that line managers did not allow workers to slow their work rate, even when they were experiencing significant physical discomfort.

'I was working really fast... picking and packing, [but] after a few hours I just needed a rest, I would like my hands to have a rest, for one or two minutes, because... the hamburgers have a temperature of -15 degrees, so my hands [were] you know, frozen... The supervisors came up to me and started to shout at me work faster.'

Polish female working in meat processing factory,
east of England

Lack of adequate training and information

Some agency workers told us that they didn't understand what was required of them as they hadn't been adequately trained in health and safety procedures. One interviewee carried on working when the factory was evacuated during a fire alarm as he had not been given any information.

'It is difficult to understand immediately by yourself, but we always depend on our co-workers who understand better English. One time there was a fire alarm and I was inside. I didn't know that you had to evacuate until they came and told me. I was busy working.'
Polish male working in meat processing factory, east of England

One-third of interviewees told us that they didn't understand some or all of the documentation they were given by their agencies and in some cases this included information about health and safety. Lack of English also meant that many migrant workers did not understand instructions on health and safety given by managers.

Having to work excessive hours

The 1998 Working Time Regulations specifically apply to agency staff as well as employees. The provisions concerning minimum paid holiday and obligatory rest breaks, as well as the maximum working hours provisions, apply to agency workers as to others.

Some workers told us that they worked every day of the week without any days off. One individual stated that this was not through choice, but because he was frightened to lose the job if he turned down any shifts offered by the agency.

'For fear, I don't have day off. I'm working every day.'
Polish male working in meat processing factory, Yorkshire and the Humber

A regional union organiser informed us that migrant workers, who she had advised, had worked in a poultry processing plant every day without a break for almost a year.

‘We’ve had people who’ve worked for 11 months and never had a break. I don’t mean just a holiday – I mean have worked seven days a week. You know, it’s obscene and outrageous in this day and age... that people feel that they are having to do that kind of thing.’

Regional union organiser

We were told the maximum number of hours worked in one week was 90 hours. One agency worker told us that she had regularly worked 90 hours per week in one factory for an extended period of time. Other workers told us that they worked over 60 hours per week. We were also told by a number of workers of individual shifts lasting between 16 and 18 hours.

Although it is probable that many of these individuals had signed an opt-out of the 48-hour limitation placed on the working week by the Working Time Regulations 1998, workers cannot opt out of their daily and weekly rest requirements. These ensure that workers have at least one day off per week, and a break of at least 11 hours between one day’s work and the next.

Managers in good practice case studies highlighted the risks of such excessive working hours, both to the workers involved and to the firms that they were working for.

‘I think it’s irresponsible of the employer to allow that to happen. If there is an accident... I think that company need to watch their back because they will be in serious trouble. What’s happened to the health and safety and the welfare of their staff to allow someone to do that? You can’t tell me that they are switched on [after working excessive hours]. When that person drives home after they have been to work, what happens if they have a car accident and it then comes up? Serious trouble. In this day and age you cannot afford to do it.’

Shift manager, poultry processing factory

Why agency workers fail to complain about health and safety problems

Some agency workers were reluctant to raise issues because they thought they were expendable and could be easily replaced, as there were many other people registered with the agency who would be willing to take their place. Migrant workers in particular were very concerned not to damage their chances of finding work.

Fear of losing their jobs even prevented workers from making complaints about serious health problems. For example, one interviewee who reported experiencing significant pain, temporary lack of movement and swelling in her hands and arms as a result of work without appropriate PPE and with no job rotation, thought she had no realistic opportunity to complain about this being in her 50s with limited English language skills.

‘I [just] complain to God... But I know that I cannot, you know, dream about a different job, because I don’t speak English, and at my age, it really difficult to find something else.’

Polish female working in meat processing factory, east of England

Another agency worker described how she had lost all further offers of work from her agency after complaining about being made to share wellingtons that had just been removed by an agency worker on the previous shift as she felt that they were wet inside and insanitary.

‘The agency workers working through [name of agency] did not have protective footwear. We used dirty shoes that were used by other agency workers. This caused the danger of spreading diseases. I demanded to be provided with protective footwear, but my requests were ignored, and it led to dismissing me from work.’

Polish female working in factory processing meat and poultry, east of England

Other interviewees stated that some agencies withheld work for a period of time from agency workers who raised issues or complaints. It was thought that this was to try and highlight to them that they should not do this again.

'I've heard [agency workers] complaining that they haven't had the correct PPE [personal protective equipment]... Boots, hard hat or aprons to keep you clean... They're basically told they're not required and they might be left for a week or two.'

English male working in factory processing meat,
north west England

The HSE informed us that workers face the risk of being dismissed for raising issues of concern with it. In its memorandum of evidence to the inquiry, the HSE highlighted the barriers that workers, particularly migrant workers, experience in raising issues with them.

'It is not unknown for workers to be sacked by employers or agencies for making a complaint, and although complaints to HSE can be made in confidence, employers may sometimes surmise that a particular individual is behind a complaint when contacted by HSE.'

HSE memorandum of evidence

Responsibility of meat processing firms

Employers are legally responsible for the health and safety of workers. However we found that firms lacked awareness of the extent of the problem.

Twelve per cent of firms told us that they had received formal complaints about health and safety concerns in the past year but 82% of firms said that they were unaware of any workers experiencing problems at work because of pregnancy, and did not suspect that they might have occurred in the past 12 months.

Formal complaints were more likely to surface in firms with union recognition agreements (73% had had no complaint as against 91% without a recognition agreement).

When asked why they thought that so few complaints were received about this issue, the majority of firms stated that this was because there were no problems at their workplace.

Potential impact on food hygiene

The evidence to our inquiry showed practices which disregarded food hygiene, including a lack of training for some agency staff.

Workers took the view that the constant pressure to increase line speeds and the rate of work had an adverse impact on compliance with hygiene standards.

‘Constantly forcing people to rush. For example [if we] try to wash or to wear something [protective clothing], because this is a hygienic process, [working with food], managers constantly pressure “Move, move! Why are doing so slowly? I will dismiss you”.’

Polish male working in meat processing factory, Yorkshire and the Humber

Other workers alleged that when they raised hygiene issues they were ignored. For example, one worker was moved to a different job when he drew the manager’s attention to a machine that was dirty.

‘Recently I complained about the fact that my machine was dirty... Instead of listening... the supervisor simply put me on to another job.’

Portuguese male working in meat processing factory, east of England

In its memorandum of evidence to the Commission, the Meat Hygiene Service (MHS) confirmed the importance of staff understanding what is required of them so that they handle food products safely. For example, poor standards of personal hygiene by those processing food may result in products becoming contaminated.

MHS controls compliance with hygiene and other legislation relating to animals in all approved fresh meat establishments in Great Britain. The Food Business Operators (FBOs) Regulations place an obligation on all fresh meat establishments to ensure that food handlers are supervised and instructed and/or trained in food hygiene matters commensurate

with their work activities. Both permanent and temporary members of staff are covered by these regulations.

MHS confirmed that the potential consequences of inadequate training are unhygienic practices which may result in:

- For the product – contamination, which at worst could result in the meat or meat product being unfit for human consumption and injurious to health (for example due to contamination with food poisoning bacteria).
- For the factory – in terms of the building and facilities, inadequate cleaning and disinfection standards and the consequential potential for enforcement action.
- For the worker – health and safety risks, for example if workers are not trained to operate heavy machinery.
- For the consumer – depending upon the level of contamination to which products may have been subject to during production, processing and distribution, the effect could range from negligible to serious illness and potential death.

MHS stated that responsibility lay with processing firms to ensure not only that training was delivered, but that it was understood by all staff, including those whose first language is not English.

‘FBOs [Food Business Operators] are responsible for ensuring that their staff, irrespective of ethnicity, are appropriately trained, and must therefore adopt training approaches that are effective... The MIG [Meat Industry Guide] requires that consideration must be given to staff who do not speak English as a first language or who have learning or reading difficulties.’

Written evidence submitted to the inquiry by MHS

Good practice by meat processing firms in health and safety

We conducted in-depth studies of seven organisations – both processing firms and work agencies – which were recognised as displaying good practice in terms of recruitment, employment, equality and integration. We interviewed a further 50 managers and staff involved in production

at various levels of seniority, and examined documentation the firms supplied.

We found evidence of good practice in health and safety from the agencies and processing firms we interviewed. These businesses:

- Ensured that all workers, whatever their employment status and language skills, were provided with, and understood information on, health and safety issues.
- Used buddying schemes to ensure that inexperienced workers were teamed up with skilled staff who could facilitate their ongoing learning.
- Took steps to protect workers from risks inherent in processing work, such as the rapid repetitive movements required of those working on production lines.
- Ensured that all workers, regardless of employment status, were provided with appropriate personal protective equipment, which was replaced when worn or damaged.

In good practice firms, we received evidence of a positive attitude being taken towards promoting a healthy and safe working environment for all workers, irrespective of employment status. Attention was given to training all workers – including agency workers – with particular attention given to those who did not speak English as a first language. We found examples of:

- Training documentation translated into languages other than English, with verbal translation available for those individuals who did not speak English as a first language or the language(s) that the materials had been translated into.
- Training which used picture cards, rather than text, supported with verbal instructions in languages understood by participants.
- Detailed induction for all agency workers, with health and safety and hygiene elements mirroring information given to directly employed staff.
- Ongoing support and training for workers.

Good practice firms that we interviewed described making their induction training accessible and comprehensible to all nationalities that they recruited, or had supplied to them by agencies.

One interviewee, who delivered bilingual training and supported managers with translation in a poultry processing company, described how in his firm this approach did not end at induction but continued into the everyday operation of the plant.

‘The manager was talking to a guy and he said, “Yes yes”, but the manager wasn’t very happy because he thought he didn’t understand everything so he called me to say, “Right, I know he said he understood but I have to make sure he really understands.” So I just went there and I helped him [by translating instructions]. Took about 10 minutes but at least the guy understood everything... [It’s important] especially because of health and safety isn’t it... Health and safety is something that is our priority and of course food safety. We produce food so it has to be the priority.’

Trainer, poultry processing firm

An interviewee in a different poultry processing firm told us how training materials had been amended to be accessible to workers of all nationalities.

‘We’re converting a lot of it [induction materials] into... pretty much a pictorial guide and it gives a step-by-step guide on how to do a job with health and safety and hygiene incorporated... Obviously with the different nationalities we have on site it’s not easy for them just to see words, but if there’s pictures it makes things a lot easier.’

Manager, poultry processing firm

The role of the Health and Safety Executive (HSE)

The HSE is the official agency charged with enforcing health and safety law in relation to specified work activities.²The HSE’s emphasis is on preventing death, injury and ill health in Great Britain’s workplaces, but it also takes enforcement action against employers who put the health and

² Local authorities also enforce health and safety law in workplaces allocated to them – including offices, shops, retail and wholesale distribution centres, leisure, hotel and catering premises.

safety of their employees at risk. The HSE's aims are to protect the health, safety and welfare of people at work, and to safeguard others, mainly members of the public, who may be exposed to risks from the way work is carried out. They are responsible for enforcing the maximum weekly working time limit.

Employers have legal duties under the Health and Safety at Work Act 1974 and Management of Health and Safety at Work Regulations 1999 to ensure the health and safety of employees at work and to assess and reduce potential risks. As HSE highlights, 'all workers, including agency workers, are entitled to work in an environment where the risks to their health and safety are properly controlled'.³

In a typical year the meat industry reports about 200 major injuries and 3,000 other reportable injuries to employees. These figures take no account of the under-reporting known to exist or of the many other injuries where time off work is less than three days.⁴ There are particular concerns about health and safety in the workplace for migrant workers, which have been raised by relevant bodies.

In 2005, HSE commissioned research to find out more about the jobs migrants are employed to do and to find out whether they are at greater risk than the indigenous workforce.

This report⁵ concluded that it was their status as new workers that may place migrant workers at added risk. It highlighted issues such as migrant workers':

- limited knowledge of the UK's health and safety system
- different experiences of health and safety regimes in their countries of origin
- ability to communicate effectively with other workers and with supervisors, particularly in relation to their understanding of risk

³ HSE website: Agency workers: www.hse.gov.uk/workers/agencyworkers.htm

⁴ British Meat Processors Association, Health and Safety Guidance Notes for the Meat Industry

⁵ Health and Safety Executive, Migrant workers in England and Wales: An assessment of migrant worker health and safety risks, Dr Sonia McKay, Marc Craw, Deepta Chopra, 2006

- limited access to health and safety training and their difficulties in understanding what is being offered, where their proficiency in English is limited, and
- lack of knowledge of health and safety rights and how to raise them, including knowledge of the channels through which they can be represented.

Following this research, the HSE published guidance for employers using migrant workers, highlighting useful steps to take to enhance the safety of the working environment.⁶

Concerns regarding health and safety training were raised by the Institute of Occupational Safety and Health (IOSH). After a study into the food and drink sector, it concluded that many non-English speaking migrant workers are especially at risk as health and safety training is usually delivered in English.⁷

Therefore we are calling on HSE to undertake targeted compliance and enforcement action to address the issues raised by the inquiry. We welcome indications from the HSE that their Field Operations Directorate (which places inspectors into factories at site level) has agreed that key inquiry findings will be incorporated into all of its divisional work plans (that is, across Great Britain) for the coming year, and that inspection guidance will be prepared to help inspectors address the issues raised.

Our recommendations to address health and safety problems

We recommend that:

1. The Health and Safety Executive (HSE) address the issues raised by our inquiry through targeted compliance and enforcement action.
2. Processing firms take steps to safeguard the health and safety of agency workers, including:

⁶ Health and Safety Executive, Employing workers from overseas: Guidance for employers in agriculture and food processing, 2007

⁷ www.personneltoday.com/articles/2008/02/19/44498/migrant-workers-at-risk-because-of-poor-health-and-safety-training-warns.html

- always providing work agencies with a health and safety risk assessment before sourcing their workers
 - working with agencies to make sure agency workers get the training and equipment they need to carry out their work safely, and
 - ensuring health and safety training is clearly understood by all participants, including those with limited English language skills.
3. Processing firms take steps to safeguard the health and safety of pregnant workers, including: carrying out individual risk assessments for pregnant staff, including agency staff, and providing suitable conditions for pregnant women to continue work, where possible.

(The health and safety of pregnant workers is discussed separately in *Treatment of pregnant workers: our findings*.)