



Working safely in a multicultural
food and drink industry



FOREWORD FROM PAT FOREMAN, CHIEF EXECUTIVE, NORTHWEST FOOD ALLIANCE

Operating in a global economy challenges all businesses to communicate effectively with people from other cultures and language groups.

In September 2004, the Northwest Food Alliance organised a one-day conference to look at current issues and good practice in the food industry, and to examine possible solutions to the challenges of managing ethnically-diverse teams. The event was endorsed by the Health & Safety Executive and the Food & Drink Federation and sponsored by Greencore Group. It generated significant national interest.

At the conference it became clear that the development of an increasingly diverse workforce requires new approaches, not only to facilitate supervision and training but also to allow such workers to be consulted and voice their concerns. Since the event, a working group has gathered input from many sources to develop this document, which offers guidance to the food industry on the information, instruction and training of mixed ethnolinguistic groups.

The Northwest Food Alliance is keen to respond to the food industry as new challenges emerge. The need for this health and safety guidance provided an opportunity for the Northwest Food Alliance to be the first body to review the specific issues associated with operating with a multicultural workforce. May I take the opportunity to thank all those involved for their tireless energy and support in generating this document.



Patricia Foreman

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01 Why employers should read this document



Food and drink manufacturing is the largest industrial sector in the UK. It employs approximately 650,000 people, many of whom are overseas nationals from ethnically diverse backgrounds where English is not always widely spoken or understood.

Employers have a legal responsibility to provide information, instruction, training and supervision in an understandable format for all workers, irrespective of their national origins, first language, or literacy.

There is now increasing, but undocumented, evidence that many workers in the food industry are unable to communicate in English and therefore rely on colleagues whose own language and translation capabilities are untested. These language barriers make training difficult, and also prevent communication of urgent concerns on the shop floor.

There is also evidence of employers being unable to demonstrate, if required, that adequate instruction, training or supervision has taken place in a language that workers can comprehend.

In addition, the law requires that employers should not discriminate against workers (including agency staff) on the grounds of, amongst other things, their race, colour, nationality, ethnic or national origins, gender, religion, or religious belief. A detailed outline of the relevant legislation is included in Appendix i.

This guidance, developed by representatives of the food industry in association with the Health & Safety Executive, highlights good practice for the sector. It is targeted at food and drink processing companies who directly employ, or who use the services of a labour provider to supply, workers who may be from different cultural backgrounds. It is not intended to apply directly to on-farm primary processing and packing operations.

The guidance outlines procedures and gives practical examples of action which employers can take to ensure that their legal and moral obligations are met. The recommendations within this document should complement existing health and safety management arrangements.

Providing appropriate information, instruction, training and supervision makes good business sense. Whilst it has an impact on business costs, a significant reduction in the number of accidents is possible if good practice is adopted. This should also help to reduce the employer's liability insurance premium, and have a beneficial impact on production efficiency, productivity and profitability.

COST REDUCTION - UNIQ PREPARED FOODS LTD

Uniq has about 4700 UK-based employees. Using a combination of management training and a risk assessment program rolled out across its business operations, Uniq reduced its reportable accident rate from 34.2 per 1000 employees to 16.0 per 1000 employees over a 5 year period. The result was an 8.5% reduction in the employer's liability premium.

In addition, customers and stakeholders are increasingly requiring evidence that businesses are protecting their interests by operating in an ethically aware manner.

Ultimately, the investment in developing good employment practices can give a competitive edge over business rivals.

For these reasons examples of good practice need to be widely publicised to benefit both employers and their workers. Many case studies are included in this guidance, and are also available at www.nwfoodalliance.co.uk

This is a developing subject, and we would welcome further examples of good practice from within the industry. Any examples submitted to info@nwfoodalliance.co.uk will be considered for inclusion in future versions of the guidance.

KEY ISSUES

In developing this guidance the following were identified as key elements:

- Managing culture & diversity
- Effective recruitment
- The use of risk assessment techniques to prevent harm
- Key requirements for induction and training
- Successful supervision

Guidance on these five issues follows. Translation is a common theme throughout, and is addressed at greater length in Section 6. The Appendices include details of relevant legislation, and links to sources of further information.

02 Managing culture and diversity



When planning or implementing change, the effect on all workers must be taken into account, particularly where language may be a barrier to communication and understanding.

The beliefs and attitudes of some employees may differ significantly from the established British perspective.

It is essential that managers understand these differences, which reflect for example:

- Culture
- Nationality
- Language
- Age
- Religious belief
- Status
- Gender

And may impact on attitudes to:

- Colleagues
- Management
- Authority
- Safety
- Dress
- Physical contact
- Eye contact
- Food
- Occupational health
- Hygiene procedures

Further guidance on employing a culturally diverse workforce is available from a number of sources, including Improve Ltd, the Sector Skills Council for Food & Drink Manufacturing www.improveltd.co.uk

A positive health and safety culture is essential if workers from diverse backgrounds are to be successfully integrated and effectively managed at all levels in an organisation, company or site.

Where the management team does not emphasise the importance of health and safety it can lead to workers being exposed to avoidable dangers in the workplace, or to inadvertently harming others.

If managers and supervisors are unclear of their roles and responsibilities and do not understand the training and supervisory needs of the workforce, workers may:

- be unaware of hazards, how to recognise them, and the precautions they need to take
- be unaware of what to do if they have an accident or if an incident occurs
- use machinery/equipment for which they have not been trained
- be unable to communicate or understand warnings when a danger occurs e.g. a wet floor or an unguarded machine
- not understand the limitations of the work they are required to do e.g. weights they should lift at any one time or the machinery they may use
- not be aware of, or understand, emergency procedures
- not be trained in the correct use of personal protective equipment (PPE) e.g ear defenders or chemical protection



02 Managing culture and diversity



In the absence of a positive health and safety culture, managers and supervisors may:

- be reluctant to effectively communicate safety procedures and information
- demonstrate practices that promote misperceptions of risk
- not listen to the safety concerns of workers
- inadvertently demonstrate behaviours which discriminate, for example, on the grounds of age, sex, race, religion or religious belief
- treat agency workers and company employees differently
- not consider language difficulties when issues arise
- not take enough time to ensure that the worker has understood the information, instruction and training provided

Why does this occur?

In the food industry, factors such as customer demand, delivery deadlines and product shelf-life issues often cause short-term local pressures which can affect overall business priorities. Sources of further information on the effective management of general health & safety at work are set out in Appendix ii.

The employment of multicultural workers may require special attention to ensure that the particular risks to which they may be exposed are identified and the appropriate controls applied.

Specific procedures and arrangements may need to be developed in policy areas such as:

- Health & safety
- Equal opportunities
- Discrimination
- Recruitment
- Harassment
- Training and development
- Absence management

Companies also need to ensure that these policies have been implemented effectively across their sites.

CREATION OF A POSITIVE SAFETY CULTURE - UNIQ PREPARED FOODS LTD

The Uniq group has business operations across several countries, including France, Germany, Spain, Holland, Poland, Belgium and the UK. Initial audits and evaluations identified significant cultural differences in the perception of health and safety procedures, and in the perceived significance and value of the procedures to the business.

Following a review with senior management a new vision was agreed, and targets were set for the entire business. A common policy was translated and communicated throughout the European operations.

In the first year, lost-time accidents fell by 13%. In the second year, lost-time accidents fell by a further 16%. In addition the business benefited from a reduction in the taxes imposed for accidents by European Member States (the equivalent of insurance in the UK).

The key message is that leadership from the top is critical in creating and implementing a positive safety culture in a multicultural business environment.

Guidance on how to create a positive health and safety environment which addresses the needs of multicultural workers is set out in Appendix iii.

03 Effective recruitment



Criminal liability extends not just to a company (which could face fines of up to £5,000) but also to any director, manager or other officer of the company if the illegal employment occurred with their consent, connivance or as a result of their negligence.

There is a defence against conviction for employing an illegal worker but in order to rely on it, employers must carry out basic document checks before employment begins. If employment agencies are used to provide workers you should ensure that they carry out the necessary document checks in compliance with this legislation by either putting systems in place to audit agencies' document checking procedures or carrying out double checks from time to time.

The Government website www.employingmigrantworkers.org.uk gives practical guidance and an interactive tool designed to assist employers in confirming the eligibility of an individual to work in the UK. By following the step-by-step process, the program can be used to complete the necessary checks thereby demonstrating compliance with the complexity of employment, immigration and discrimination legislation.

The documents received must not be retained but may be photocopied or scanned. If scanning documents for future reference, use of WORM (write once, read many times) software is recommended.

Use of this system may assist employers who seek to rely on the statutory defence set out in Section 8 of the Asylum and Immigration Act 1996 in the event that they unknowingly employ an illegal worker.

In addition the Home Office provides advice and support to employers considering employing migrant workers. General advice and supporting documents can be found on the Home Office web site at: www.workingintheuk.gov.uk/ind/en/home/0/preventing_illegal.html. For specific advice, and information not available on the web site, a help line (0845 010 6677) is available during office hours.

Separate rules apply in relation to the employment of the new Accession state members. In May 2004, Hungary, Cyprus, the Czech Republic, Estonia, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia joined the European Union. Consequently, nationals from these countries have the same rights to work in the UK as other EEA nationals.

However, transitional arrangements currently apply, whereby nationals from the new EU countries (excluding Cyprus and Malta) are required to register under a Worker's Registration Scheme upon taking up employment in the UK (unless the individual was legally employed in the UK prior to 1 May 2004). It is a criminal offence to employ an unregistered national for more than 30 days without retaining a copy of the Registration Scheme application form or registration certificate. If convicted, the maximum penalty is £5,000.

Essentially:

- To register under the scheme, the individual must complete an application form and will require evidence of their employment (e.g. a contract or letter) to do this.
- The employer must assist with providing contractual documentation and can assist in completing the applications and agree to pay the fee, if they wish to.
- The employer should obtain from the individual a copy of the application form and take a copy of the registration certificate once it has been issued.
- Obtaining copies of documentation under the Worker Registration Scheme is in addition to the document checking obligations mentioned above.

Avoiding discrimination

The population of Britain is ethnically diverse. The majority of people from ethnic minorities are British, and many of them were born here.

Under the Race Relations Act 1976 (as amended) it is unlawful for an employer to discriminate on the grounds of race, colour, ethnic or national origin, or nationality. If an employer refuses to consider a potential employee because he or she looks or sounds foreign, this will amount to unlawful discrimination under the Act.

The best way to avoid discrimination is to treat all applicants the same at each stage of the recruitment process, regardless of their appearance or accent. If at any stage of the process a document, e.g. a passport or birth certificate, is requested from one applicant as proof of eligibility to work in the UK, the same document should be requested from all applicants. →

Legal Status
There is increasing focus on preventing illegal working in the UK. It is a criminal offence under the Asylum and Immigration Act 1996 to employ a person, aged 16 or over, who has no right to work in the UK, or no right to do the work that is being offered.

03 Effective recruitment



A person who believes that he or she has been discriminated against has grounds to complain to an employment tribunal. Agency workers as well as direct employees can bring complaints of discrimination. If the complaint is upheld the tribunal will normally order the payment of compensation, for which there is no upper limit. This may include an award for injury to feelings.

Further information on racial discrimination is set out in Appendix i and guidance on how to avoid acting in a discriminatory manner can be found at www.ind.homeoffice.gov.uk

Relationships with labour providers

For reasons including ease of recruitment and flexibility, many employers use the services of an employment agency.

The Conduct of Employment Agencies and Employment Businesses Regulations (2003) clarify the respective responsibilities of labour providers and employers. The decision as to who is the employer in any given case depends on a number of well-established legal tests, such as mutuality of obligation (i.e. is the company obliged to provide work to the worker and if so is the worker required to carry it out) and control. In normal circumstances however, the relationship between a food company and a labour provider is such that the company will remain responsible for supervising the day-to-day work of any temporary labour provided.

Before supplying work-seekers, the labour provider must establish from the employer whether the work involves risks to health and safety and, where it does, must establish what steps have been taken to control those risks. In similar terms, the labour provider must explore whether the employer considers any particular experience or qualification is necessary to fill the vacancy.

It is for the labour provider to make the employer and the work-seeker aware of any legal requirements which must be satisfied if the position is to be filled. The ultimate responsibility for health and safety for all workers (including agency staff) lies with the operating company, not the agency provider.

To reflect these legal requirements, employers should:

1. Enter into a Service Level Agreement with any labour provider.
2. Allocate the responsibility for a number of employer functions between themselves and the provider so that both parties are in no doubt as to who is responsible for what.
3. Give the labour provider details of the roles they are seeking to fill to enable them to select the most appropriate (and where necessary, trained) temporary labour.

The labour user and labour provider should work in partnership.

The parties should agree what health and safety training should be provided:

- prior to work for the first time i.e. pre-employment induction
- on the first day on site
- job specific
- at regular intervals

For each of these separate elements the labour user and labour provider should agree:

- who will provide this training and the competence required of the person providing the training
- how it will be provided - format, location etc
- how long it should reasonably be expected to take
- how understanding and competence will be assessed

The labour user should agree to pay the workers for the health and safety training that is necessary, and should audit to assure itself that this is taking place and to the standard specified.

Particular consideration should be given to allocating responsibility for:

- carrying out any pre-employment health screening
- carrying out suitable and appropriate risk assessments of the work to be done by temporary employees
- providing necessary induction and job related training and instruction in a format and/or language that workers can understand
- providing personal protective clothing
- where applicable, providing any necessary food handlers' training and certificates
- ensuring employees understand, at induction, which types of ill-health need to be reported e.g. sickness and diarrhoea

As part of the Service Level Agreement the employer should also clarify with the labour provider the arrangements by and under which the employer intends to monitor and audit the provider's performance in discharging their agreed responsibilities.

04 The use of risk assessment techniques to prevent harm



Amongst other things the Health and Safety at Work etc Act 1974, and regulations made under it, require employers to carry out suitable and sufficient assessments of:

- (a) the health and safety risks to which employees are exposed at work
- (b) the health and safety risks to non-employees which arise from the employer's conduct of his business

The main hazards in the food industry include:

- Transport
- Falls from height
- Entry into silos
- Machinery
- Slips, trips and falls
- Manual handling
- Strikes by objects

Any assessment should take account of the special hazards and risks associated with the employment of multicultural workers.

In this respect, particular attention should be given to ensuring that:

- information, instruction and training is provided to non English speakers in a language or form they understand
- supervisory arrangements take account of the language and cultural differences of workers (as covered in Section 7)

Employers of multicultural workforces may need to consider:

1. Taking steps to ensure that all relevant health and safety and training courses are translated into appropriate languages and that they can be fully understood.
2. Taking steps to ensure that all relevant written instructions and verbal information are properly translated into appropriate languages, or are in a non-verbal form which can be readily understood. Examples include fire safety instructions, safe systems of work, and safety signs.
3. Providing translators to help supervisors during normal working hours.
4. Identifying those jobs where communication difficulties might put non English speakers at increased risk, and taking suitable measures to negate these risks e.g. avoiding language barriers between the operator of a band saw and a colleague taking product away.

RISK ASSESSMENT AND TRAINING - TULIP LTD

Tulip Ltd is the UK operation within the Danish Crown Group, an international food producing group with operations and sales globally in some 140 different countries.

Examples of practices introduced by Tulip Ltd to address problems encountered by employees who are non English speaking and/or have limited literacy:

- Carrying out a basic assessment during the initial recruitment process to verify the individual's understanding of English
- Including within the Health and Safety Policy a section covering the provision of translation services, and procedures for managing non English speaking employees
- As part of the risk assessment process, identifying critical roles where a poor understanding of English increases the risk of injury, and prohibiting employees from undertaking those roles until language training or other control measures have moderated the risk
- Following the identification of those critical roles, using a skills/language matrix to assist in effective supervision and deployment of non English speaking employees
- Generating pictogram based training materials, and keeping written documents to an absolute minimum

- Maintaining a register of the first languages of employees
- Displaying photographs of translators to ensure that all employees know who to approach if necessary
- Establishing a library of all documents that have been translated across the Group and making them available on the Group Health and Safety Management System
- Including in the safe system of work and training records a statement such as 'training/documentation has been presented to me in a language and manner that I can read and fully understand'
- Providing ESOL (English for Speakers of Other Languages) courses
- Supplying basic translation cards to supervisors
- Encouraging supervisors and other employees to attend other language courses to provide them with basic skills in a relevant second language
- Encouraging non English speaking employees to become members of the site Health and Safety Committee to ensure that their voice is heard
- Maintaining a list of emergency translators on the Group Health and Safety Management System

05 Key requirements for induction and training



It is essential that any new workers within an organisation, irrespective of their nationality, ethnic or national origins, race, religion or religious belief have the necessary knowledge and skills to carry out the work for which they have been employed, competently and safely.

Assessment of the competency of each new worker should cover:

- literacy
- numeracy
- relevant work experience
- the successful completion of relevant competency training and/or qualifications in the country of origin
- ability to interact with other employees and supervisors
- physical requirements of the job

These factors are essential considerations when matching workers to specific tasks, in order to minimise health and safety risks.

DO NOT LIFT OR STACK ABOVE SHOULDER HEIGHT



INDUCTION AND TRAINING - UNIQ PREPARED FOODS LTD, SPALDING

On the induction day workers are assessed to identify those who can speak some English, so that their translation skills can be used to ensure that the workers with little or no English understand the Company's procedures and rules.

Generic training such as Health and Safety, Manual Handling and Food Hygiene are taught by the use of subtitled training videos available in 20 languages.

Working procedures and safe systems of work are introduced in stages with the help of the identified English speakers. Operational manuals containing photographs of the correct procedures are used (see example opposite).

At the Spalding site, several migrant workers have now been promoted to line setter, responsible for setting up the lines and the machines. Some have also progressed to being key personnel, operating filling and packing machines.

Uniq have recently contracted an agency which has an on-site supervisor who speaks several languages. This has assisted greatly with the integration of the non English speaking workers and is helping them to realise their full potential.

Individual training needs should be identified and a training plan provided and monitored throughout an individual's employment. Skills and competencies should be recorded.

Specialist language trainers or multilingual work colleagues, whose language skills have been assessed, can help in the delivery of health and safety training in appropriate languages for non English speaking workers.

Information, instruction and training should be provided on:

- hazards specific to the food industry and to the location
- safety and emergency procedures, such as routine checking of equipment, fire drills and first aid
- special training for work involving a high degree of risk
- re-training when the work changes or new safety methods or production processes are introduced



05 Key requirements for induction and training



Any induction training materials should be provided both in English and other relevant languages and should, where appropriate, include pictorial information and/or signage. Computer based packages could also be used, as might appropriately sub-titled videos or other learning materials.

Whichever training methods are used, it is essential that records of the training are kept.

Possible methods of delivery include:

Buddy systems

Competent work colleagues, fluent in the relevant languages, are assigned to work alongside new employees for a specific period of time, to provide necessary instructions and help.

Use of translators

For complex roles, a translator may be required to assist in training workers for whom English is not their first language. However, it is recognised that this may only be cost effective where there are a significant number of workers from the same language group.

Bilingual workers

A solution in larger companies is to provide proficient bilingual workers whose primary role is to provide a communication route between workers and supervisors and to carry out training and training verification procedures on behalf of supervisors, ultimately ensuring people understand and can follow safe working procedures. Smaller companies operating in close proximity may be able to pool and share bilingual resources as an aid to communication between workers and management.

TRANSLATION - DALEPAK FOODS

Dalepak Foods was finding difficulty in securing language assistance to deliver basic food hygiene and health and safety training for a group of employees of Iraqi and Kurdish origin. To overcome the problem, two of the group from Iraq agreed to help with the delivery of the basic food hygiene course. During the training session, they translated everything the trainers said into Kurdish. As a result the group passed their basic food hygiene exam following verbal questioning from the paper.

One of the employees was then seconded to the training department for two weeks to translate all the remaining documentation with the help of one of the full time trainers. Documents translated included the induction procedure, the company handbook, application form and training records.

Language training for managers and supervisors

It may be more cost effective to encourage managers and supervisors to learn relevant foreign languages, or as a minimum to teach them key phrases in the relevant languages, to aid communication.

Use of pictorial information and signage

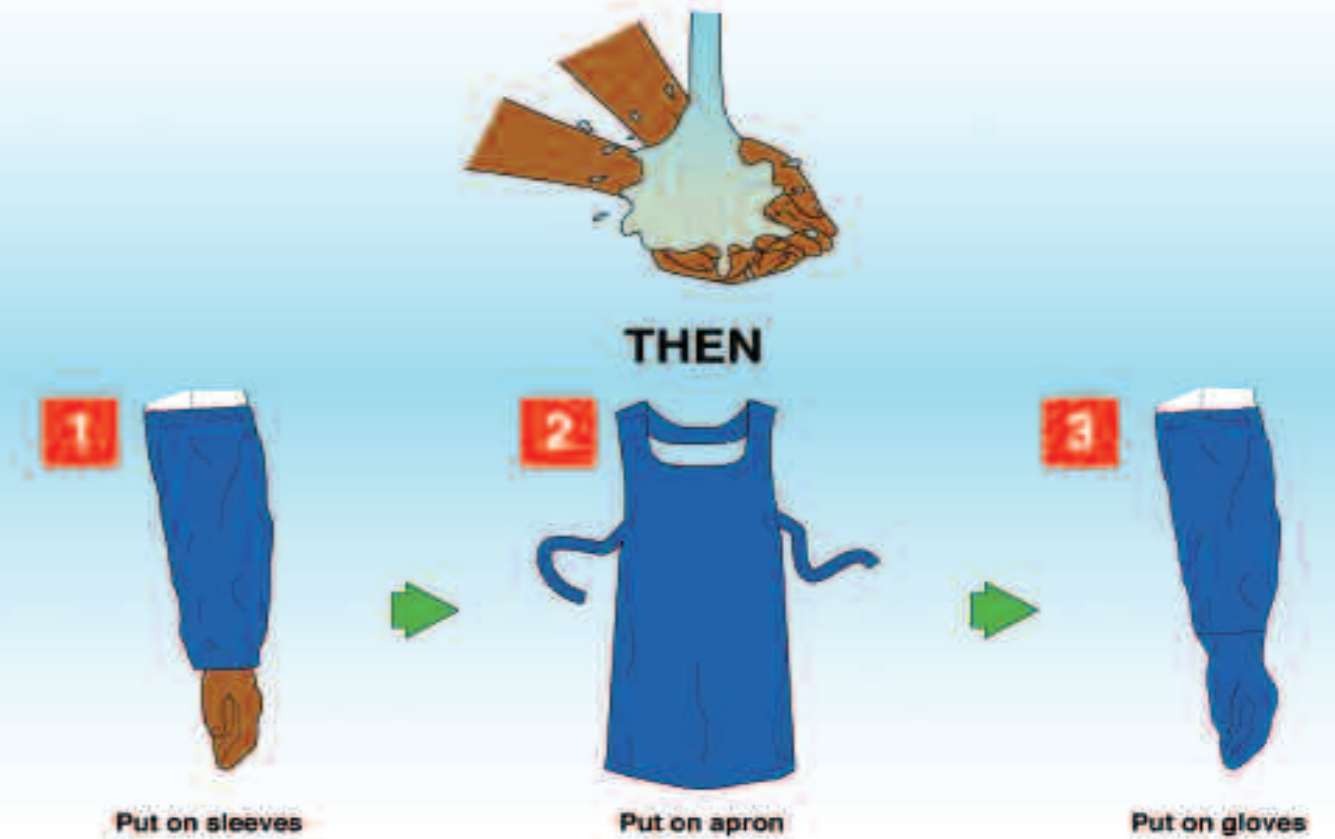
Health and safety signs are a key form of communication in the food manufacturing industry. The meanings should be covered during induction training, to ensure all workers understand the information presented.

Pictorial representation (as on page 13) can also be a powerful tool for communicating hazards and the correct techniques to be followed.



05 Key requirements for induction and training

"STOP ! Wash your Hands NOW"



Development of simple key safe systems of work

It is possible to develop simple, picture-based safe systems of work that do not depend on language.

Computer based training

Health and safety training can be delivered cost effectively by using software packages. Consideration should be given to translating these into relevant languages.

Multi-media options

Videos and CD-ROMs are a cost-effective training aid, which can be subtitled or translated when appropriate. They can be tailored to the needs of the business, and re-used many times.

They are useful, for example, to demonstrate emergency procedures such as fire evacuation, show the location of fire-fighting equipment and first aid stations, and to identify key personnel such as first aiders and fire wardens.

External advice and support

Smaller organisations may obtain help with providing training materials in different languages through Government funded advice and support bodies such as BusinessLink (www.businesslink.gov.uk or 0845 600 9006).

These bodies can also offer courses such as ESOL (English for Speakers of Other Languages), which are designed to provide workers with basic English language skills.

Where appropriate it is also important to consult the relevant trade unions. The unions have extensive networks of learning reps and many food manufacturing sites have union learning centres.

Many of the learning centres already run ESOL courses, and the TUC has worked with HSE to produce a basic leaflet on health and safety rights and training which is available in 20 languages at www.tuc.org.uk/h_and_s/index.cfm?mins=403

THE USE OF PICTOGRAMS - STATESIDE FOODS

Stateside Foods was looking for a way to ensure that all of their staff received clear, concise and effective instructions when completing their gowning procedure, to ensure that the company's high standards of cleanliness were maintained.

The use of visual documentation, such as the above example produced by Technigraphics Systems Ltd, allowed them to remove large blocks of text that had previously been used to convey information.

The company has now used this format to produce other instructions, including start-up and hygiene procedures for a new line. This again ensured that everybody on the site received the same level of information.

06 Translation



Many employers of multicultural workforces use translated materials.

It may be useful to have key health and safety documents translated into the most commonly used languages in the business. However before translating commercially available materials, it is important to seek permission from the copy-right holders.

It is also in the interest of employers to identify what language skills exist within the workforce, and to make use of those skills to communicate basic messages. However, employers should do a health check on these language skills to ensure that subsequent translations provided by workers are of suitable quality. If members of the existing workforce are not sufficiently competent then accredited translators should be used instead.

The National Centre for Languages, CiLT, aims to promote a greater national capability in language and cultural skills for business and employment. BLiS Services is a one-stop shop for language and cultural expertise, and www.blis.org.uk offers free on-line services developed to support the language needs and skills of the UK workforce.

TRANSLATION - GREENCORE GROUP

The Greencore Sandwiches site in West London employs over 600 people speaking around thirty languages in total, with the vast majority using English as a second language. Sri Lankan Tamil is spoken by around 40% of the factory floor workforce.

Other languages and cultures represented are from Africa, India, Nepal, Western, Eastern and Central Europe and South America. While recruitment procedures ensure that all employees speak some English, it is vital to ensure that colleagues can interact effectively, understand instructions and follow key procedures.

Three steps for clear communication

1. Ensure that the English used in the workplace is clear

Greencore has reviewed the language used in all written communications and systematically revised notices and manuals, using pictures and diagrams to support a minimum of text. With such a wide spread of languages in the workforce - and sometimes low levels of literacy - translation is not necessarily the only solution. The use of images and simple English text is a highly effective way of getting information across to everyone.

2. Support employees in languages other than English

Employees need training in food hygiene and health and safety, and the complex technical English in the study materials and tests can present a barrier. Study manuals and key tests for the Chartered Institute of Environmental Health are available in a wide range of languages. Revision sheets and on-line resources are translated into other languages where necessary. Greencore has also recruited a bilingual trainer to deliver training in Sri Lankan Tamil, as a response to the dual challenge of low literacy levels among employees speaking the language and the absence of published materials available.

3. Support colleagues to improve their English, literacy, numeracy and IT skills

A diagnostic has been piloted with section managers and team leaders to help determine their training needs. Employees are directed to local Adult Learning Centres for general support, and in-house English classes have also been offered. Other in-company training revolves around a mix of classroom and computer-based activities, giving those who prefer to study individually the option of working at their own pace.

07 Successful supervision



The supervisor must ensure that workers are able to understand:

- what supervisors have said about relevant safety matters
- any safety instructions or training
- what to do in an emergency
- how, when and to whom to report accidents
- what to do if they are unwell and cannot attend work, including who they must contact

Supervision of workers is very important.

HUMAN RESOURCES POLICY - MATRIX OCCUPATIONAL HEALTH

A 34-year old male worker, originally from Iraq, was regularly taking days off work, giving many different reasons. Only after his first disciplinary hearing for poor attendance was he referred to the Occupational Health Adviser (OHA).

At the meeting with the OHA, the employee looked unwell, with symptoms of tiredness, nausea, lethargy, back pain and severe headaches. He revealed through an interpreter that he had used his holidays to cover poor health, as well as taking 15 separate days of sick leave.

Further investigations revealed that he had not seen a doctor because he had not registered, and did not know where to go or how to do it. The OHA advised and arranged registration with a GP near to his home. He was seen by the GP, and diagnosed with kidney failure.

As a result of this case, advice was given to the employer's Human Resources department and supervisors about help that could have been given on induction, and the timing of the referral to Occupational Health. It was recommended that the induction programme be modified to include information on how to register with a doctor and dentist, with interpreters available to help if necessary.

It is important to set out clearly in the job descriptions of managers and supervisors the specific actions and behaviours that are required.

On initial introduction to the workplace, typical food industry hazards should be highlighted. For example, handling heavy loads, wet floors, machinery, chemicals, and workplace transport. Risks to be managed will include product integrity, hygiene, and effective communication with, and control of, employees.

On being introduced to new activities or processes, training should be given as required to cover, for example, the new machinery and/or chemicals which will be used.



07 Successful supervision



In addition to their normal supervisory role, which may include internal audits, inspections, and monitoring of accident data, managers and supervisors need to take a account of the following cultural and linguistic differences.

Religion

It is often wrongly assumed that individuals belonging to the same or related religious groups are compatible. This misperception can lead to poor working relationships and in extreme cases conflict at work. Examples include the relationships between Sunni, Shia, and Kurdish Muslims and in some parts of the UK, between Roman Catholics and Protestants.

Culture

In some cultures men do not readily accept instruction from women. This can cause difficulties where women are in supervisory or managerial roles.

Age

In some cultures older workers will not readily accept instruction from younger managers or supervisors irrespective of their qualifications or experience.

Behaviour

In Western cultures eye-to-eye contact is generally accepted as a positive behaviour, but in some Eastern cultures it may be regarded as negative or threatening and could be misunderstood. Similarly, physical contact, common in Western cultures, is unacceptable in some others.

Status

In the Hindu religion, members of higher castes may not touch members of lower castes.

Dress

Many religions have specific dress codes that can challenge general practices and policies in relation to health and safety and/or food safety e.g. wearing of particular headgear or jewellery.

Food and fasting

Some religions impose vegetarian restrictions and their followers will not wish to touch meat products. Others have specific fasting periods that need to be taken into consideration when arranging break times e.g. Ramadan.

Religious observance

Followers of some religions may need access to prayer facilities at various times of the day.

Fear of authority

Many overseas nationals have come from cultures where workers have little or no protection in law. This may lead to individuals being unwilling to voice concerns over health and safety issues, or in relation to racism, bullying or victimisation.

If these factors are not taken into account, there is the potential for workers to be injured or otherwise harmed. For example, an employee who has not eaten and is working long hours may be tired and less aware of his/her surroundings, increasing the risk of e.g. slips, trips and falls. However, care should be taken to avoid generalisations in relation to any particular culture, race or religion.

Employers who wish to find out more information on other religions may find the following sources of information useful:

Appendix 2 of the ACAS Guidance on religion and belief contains information on the most commonly practised religions and beliefs in Britain, based on the recent census: www.acas.org.uk/publications/pdf/guide_religionB.pdf

Many religions have their own websites and information on the major religions is available from the Multi-Faith centre at Derby University: www.multifaithnet.org

The Interfaith Network, working towards building better relations between the communities of all the major religions: www.interfaith.org.uk

www.startinbusiness.co.uk/hols/festivals.htm provides a list of the main holy days for the principal religions.

Appendix i



LEGISLATION
(A) Health and Safety
Section 2 (2)(c) of the Health and Safety at Work etc Act 1974 requires that employers provide “such information, instruction, training and supervision as is necessary to ensure, so far as is reasonably practicable, the health and safety at work of.... employees.”

The requirement is supplemented by Regulation 10 of the Management of Health and Safety at Work Regulations 1999, which requires employers to provide their employees with comprehensible and relevant information on, amongst other things:

- (a) the risks to their health and safety identified by risk assessments;
- (b) the (relevant) preventive and protective (control) measures.

The supporting Approved Code of Practice to the regulations goes on to say that ‘the information provided should be pitched appropriately, given the level of training, knowledge and experience of the employee. It should be provided in a form which takes account of any language difficulties. Information can be provided in whatever form is most suitable in the circumstances, as long as it can be understood by everyone. For employees with little or no understanding of English, or who cannot read English, employers need to make special arrangements. These could include providing translation, using interpreters or replacing written notices with clearly understood symbols or diagrams’.

Duty holders can face a fine of up to £20,000 on conviction in the Magistrates Court or an unlimited fine if the prosecution is referred to the Crown Court. There are also provisions under the legislation for individuals on conviction to be imprisoned for up to two years.

(B) Discrimination Legislation

Employers have a duty under the Race Relations Act 1976 (as amended) (“RRA”) and under the Employment Equality (Religion or Belief) Regulations 2003 (“Religion or Belief Regulations”) not to discriminate against workers on the grounds of race, ethnic and national origins, religion or colour. Both pieces of legislation provide protection to a wide category of individuals, including (but not limited to) job applicants, employees and contract workers.

Furthermore, both the RRA and the Religion or Belief Regulations apply to all stages of the employment relationship including:

- recruitment
- the terms and conditions of employment
- benefits provided during the course of the employment relationship
- promotion and training
- dismissal
- post-termination discrimination/harassment

An employer can be vicariously liable under the legislation for the actions of its employees unless it can show that it took all reasonable steps to prevent the discrimination from occurring. Such steps would include training employees on their legal obligations, having in place an up to date equal opportunities policy and regularly monitoring its effectiveness. There is no limit on the amount of compensation that can be awarded in the event of a successful claim, including an award for injury to feelings.

An employer’s motive will also be irrelevant in determining whether or not discrimination has occurred. Accordingly, employers need to be careful when balancing their obligations under the health and safety legislation to ensure that they do not unintentionally discriminate against workers because of concerns, for example, as to whether a particular candidate whose English may be weak, is able to understand oral instructions or any health and safety notices on machinery.

(C) Conduct of Labour Providers

The Conduct of Employment Agencies and Employment Businesses Regulations 2003 (“the Conduct Regulations”) aim to secure the proper conduct of labour providers and to protect the interests of both business and work-seekers.

The main body of these Regulations came into force on 6 April 2004.

In short, they require labour providers to act to ensure that a work seeker is suited to a vacancy, in terms of experience and qualification and to establish with the employer that any risks arising from the employment have been controlled. There is an ongoing duty on the labour provider to inform the employer should it receive information which suggests that the work seeker may in fact be unsuited to the role.

The entering into a service level agreement with a labour provider can give effect to these Regulations and allocate responsibility for other responsibilities within the employer function.

Appendix ii



REASONABLE PRACTICABILITY - FOODCO LTD

The phrase 'reasonable practicability' essentially means that the employer should balance the risk against the steps needed to avoid or control it. The greater the risk the more should be done to eliminate it. Where a risk is insignificant and the costs (in time, effort or money) involved in adopting measures to eliminate or control it are high, those controls need not be implemented. Where a risk is high and the costs of eliminating or controlling it are minimal, those measures would be seen to be reasonably practicable.

FoodCo Ltd has engaged agency workers in order to meet increased orders. The company is aware of its duty to inform its food handlers of the dangers that forklift trucks pose in the workplace. During induction training, they warn them of the need to observe segregation. Refresher training is carried out at appropriate intervals. They have also adopted physical segregation using bollards and hatched areas.

However, the company assumed that their English language training was understood by their Eastern European workers. They did not take steps to test the workers' understanding of the safety measures, nor did they consider the need for a translator or the need to communicate the hazards pictorially.

When one of their Polish staff was hit by a forklift truck and taken to hospital, the Health and Safety Executive (HSE) investigated the accident. HSE formed the view that FoodCo Ltd had failed in its duty to ensure, so far as was reasonably practicable, the safety of that individual. They said it would have been reasonably practicable to ensure that he understood the hazards he faced in that workplace. The company was prosecuted under the HSWA 1974 and twelve months later was fined £15,000 in the local Magistrates Court and required to meet the costs of the HSE's investigation.

Information and guidance on managing health and safety

HSE Publications

Essentials of Health and Safety at Work (1994)

0 7176 0716X £5.95

Management of Health and Safety at Work Regulations 1999: Approved Code of Practice and Guidance (2000)

0 7176 2488 9 £8.00

HSG183 Five Steps to Risk Assessment: Case Studies (1998)

0 7176 1580 4 £6.75

INDG163: Five steps to Risk Assessment (Free leaflet)

INDG259: An Introduction to Health and Safety: Health and Safety in Small Businesses (Free leaflet)

Also available in Chinese, Turkish, Gujarati, Punjabi, Urdu and Bengali

INDG275: Managing Health and safety: Five steps to success (Free leaflet)

INDG322: Need help on health and safety?: Guidance for employers on when and how to get advice on health and safety (2000)

Leaflet - Free single copy

INDG343: Directors' responsibilities for health and safety (2001)

Leaflet - Free single copy

Reduce risks, cut costs: the real costs of accidents and ill health at work (2002)

Leaflet - Free single copy

Further information and guidance available from:

HSE Infoline

Tel: 0845 345 0055

E-mail: hseinformationservices@natbrit.com

www.hse.gov.uk

Copies of the above publications available from:

HSE Books

PO Box 1999, Sudbury, Suffolk CO10 2WA

Tel: 01787 881165 Fax: 01787 313995

E-mail: hsebooks@prolog.uk.com

www.hsebooks.co.uk

Appendix iii



1. Health and Safety Policies

- Must be created and endorsed by senior management.
- Must specifically recognise multicultural workforces and be reflected in all Human Resource policies.
- Must be communicated to all employees in a manner that ensures all personnel understand the policy and its implications.
- Must be promoted in induction processes and communicated in (all) relevant languages.
- Should be posted on notice boards in relevant languages.

2. Organisation

- Clarify the roles and responsibilities of managers and supervisors including specific issues and responsibilities in respect of multicultural workers.
- Train supervisors and managers in human/behavioural factors in preventing accidents, and issues relevant to diverse cultures and languages.
- Ensure managers and supervisors understand essential health and safety, employment and discrimination legislation and their application to the whole workforce.
- Ensure effective supervisory and monitoring arrangements are in place.
- Implement procedures to deal with staff, supervisors or managers who do not comply with arrangements for managing multicultural workers.

3. Planning & Implementation

- Establish Action Plans to meet policy requirements at site and department levels.
- Establish Reactive performance indicators to enable monitoring of incidents involving all workers.
- Establish Active performance indicators to ensure arrangements are complied with.

These may include:

- Induction training
- On job training
- Pre-employment health screening
- Training records
- Safety inspections

4. Monitoring and Auditing Compliance

- Allocate resources to collect, collate and analyse Reactive and Active performance indicators.
- Monitor performance indicators monthly and identify any trends/issues directly associated with multicultural workers.
- Update senior management on performance at regular periods.
- Implement procedures for action where trends are unacceptable e.g. where high levels of accidents to multicultural workers have been identified.
- Implement audit procedures to ensure that the systems and procedures in place for managing multicultural workers are effective and complied with.

6. Review

- Carry out regular reviews involving site management to consider Reactive and Active performance indicators and audit findings.
- Implement any recommendations that will improve the management of multicultural workers.

Guidance on creating a positive health and safety environment in a multicultural workplace



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This document will be available online at www.nwfoodalliance.co.uk, and will continue to develop as more examples of good practice are collected. Any comments or input should be submitted via info@nwfoodalliance.co.uk

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