

## ONE JOB, TWO MASTERS

### What happened

An employee of a cooperative cut her thumb while working on a pastry production line.

### Who was involved

Bianca, a 42-year-old worker, Macedonian national, mother of two boys attending mandatory school. She lives with her family in an apartment in a village in the Langhe hills near the city of Asti (Italy). Bianca joined the services cooperative in 2007 under a seasonal contract as a packing machine worker.

*"I've been employed with Drago [the cooperative] for about 5 years."*

In 2008 her contract was changed from a temporary to a permanent one. Although she has lived for several years in Italy, Bianca understands and speaks little Italian.

*"I don't understand and speak very good Italian and I don't read."*

### Where and when

The injury occurred in the province of Cuneo, one afternoon in December 2010, in the production department of an industrial bakery. A subcontractor agreement existed between the bakery and the cooperative for the services of manual packaging of bakery products, wrapping, labelling, palletting, and portering. The work is divided in three shifts, with two daytime shifts during which 15 cooperative employees, on average, and about 10 bakery employees are present, and one night-time shift. Bianca had been working the night shift for 3 years.



Figure 1. Production department of the Le Dolcezze srl industrial bakery.

*"For the past three years I've worked steady for 6 months at the Le Dolcezze srl company in Forno. For the other 6 months of the year, I've worked in other factories that the cooperative has contracts with. Le Dolcezze srl makes biscuits and puff pastries. The cooperative employees work in various different departments of the bakery on various jobs: packaging, boxing, labelling, stock movement in the warehouse, on the production lines, and cleaning. All these jobs are carried out by the employees at Forno. Work is done in three shifts and I always work the night shift."*

### **What was being done**

During the weekend, Bianca was told by the wife of the president of Drago [the cooperative] that the following Monday she would work the afternoon shift at the bakery. When Bianca arrived at the bakery, Valeria, the cooperative foreman, sent her to work at one of the three puff pastry production lines. The production lines stand next to each other. They differ in output capacity, form of the product, and year of construction. Each line is fed by bobbins of dough, i.e., a long sheet of dough wound around the bobbin. As the bobbin unwinds, the dough is stretched out on the band, folded over on itself, then cut into small pieces to give the product its final shape. On exiting the tunnel oven, the products are packaged. All these operations are performed by the fully automated line. Bianca's job was to make sure everything proceeded smoothly up to the entrance of the tunnel oven.

*"Saturday or Sunday, I don't remember which, Ms. Antonella called to say I had to do the afternoon shift at Forno. When I came to the bakery on Monday, my colleague Valeria, an employee with the cooperative, a foreman, told me to go work on the line that cuts the dough and sends it into the oven. The bakery has three lines: the first we call the "big" line, the second the "little" line that stands between the other two, and the third the "new" line".*

*"My job was to make sure the line worked properly and to solve problems if there were any."*

### **At a certain point**

Shortly after the afternoon shift had begun, Bianca noticed that clumps were forming around the area where the dough is cut and ruining the cut and the form of the dough. She tried to call the maintenance man but could not find him. So she decided to try to fix it herself. She took a spatula and, without stopping the line, began to scrape away the dough clumps that had collected. The cutting knives descended and her right thumb came into contact with the knife blade.

*"After about a half an hour at the line on Monday, I noticed that the dough was clumping near the knives and that they weren't cutting the way they should. I tried to call Mr. Massimo, the bakery mechanic who takes care of these problems, but no one answered. So I took a spatula and tried to scrape away the clumps of dough that were forming. But while I was doing that my right hand got into the cutting area and the knife cut off the end of my thumb".*

Bianca was taken to the emergency department for treatment.

*"I looked for paper towels to close the wound, since it was bleeding badly, and I ran over to Valeria to show her what happened and she called the office so they could call the emergency services to take me to the emergency department. The people in the office said to wait because they had called Mr. Giacomo and wanted to wait till he came. So my colleague called another cooperative employee, Zako, and told him to take me to the hospital. We went in my car and Zako accompanied me to the emergency department. There they diagnosed amputation of the distal phalanx of the right thumb, medicated the wound, and placed some stitches."*

### **What came out of the investigation**

Comparison between the situation in the bakery at the time the injury occurred and Bianca's initial account differed as to whether there were safety guards around the cutting area or not. Bianca stated that there were no safety guards, whereas later inspection of the injury site revealed there were. In order to precisely determine the injury dynamics and the point at which it occurred, several inspections had to be carried out at the bakery and then integrate Bianca's first statement with her later one. Furthermore, because of Bianca's difficulty in understanding Italian, her statements were often confusing and contradictory.

*"At the bakery there are three production lines: the first one we call 'big', the second we call 'small', and in between is the third we call 'new'. I had to work on the 'new' line."* Witness statement.

*"In addition to the statements I have already made, I wish to point out that I injured myself on the 'small' and not on the 'new' line, as I had erroneously stated."* Witness statement.

*"[...] I tried to call Mr. Massimo, who is the mechanic of the Le Dolcezze srl bakery and who deals with these problems, but no one answered."* Witness statement.

*"I wish to point out in addition that Mr. Massimo, who I mentioned in previous statements, is not the mechanic of the bakery but rather deals with production."* Witness statement.

Despite the misunderstandings and contradictions (presence of safety guards on the production line before or after the injury), the safety guards on the "small" production line, site of the injury, were insufficient. The cutting area was enclosed on its sides by a protection grille but the exit area was closed by a tilting metal frame door with a transparent plexiglass window. The door had no safety sensors and the closure was secured with a thumbscrew. This mechanism can be easily mishandled and needs no key or other tool to open it. There were, however, emergency buttons in the cutting area which, had they been activated, could have stopped the production line. The other two production lines were sufficiently equipped with safety systems: the cutting area was enclosed on all sides by a metallic protection grille and interlocking devices associated with guards. The line Bianca was injured on was the only one with a plexiglass guard.

The Le Dolcezze srl company agreed to lend the Drago cooperative the "small" production line for temporary use. This line had safety issues, however. In addition, the bakery and the cooperative employees would alternate using the line. The weekly work shifts were planned by the bakery's head of production, specifying the number of cooperative employees that were to work during which shift on which production line. The president of the cooperative decided which workers would be sent to work at the bakery.

### **How it ended**

The National Institute for Insurance against Accidents at Work (INAIL) awarded Bianca disability status of 3%. For many months after the injury, she was not called by the cooperative unless for occasional work. The employer of the cooperative was accused of having exposed workers to equipment not compliant with safety regulations and to have miscalculated the risk of injury. Both claims were settled. The managing director of Le Dolcezze srl was accused of having lent an unsafe piece of equipment. The company revoked the loan agreement but did not pay the sanction. The formal and "de facto" employer of the company was accused of having exposed his employees and those of the cooperative to equipment not conform with safety requirements and not to have correctly evaluated the risks involved. The prescriptions were not fulfilled.

### **Recommendations**

These recommendations were developed by a community of practice from a collection of injury narratives that were then revised by the story author.

Maintaining equipment and machinery safe for use according to current norms of workplace health and safety is essential to minimize the risk of injuries. This should be coupled with a method that best identifies and evaluates the risks present in the workplace so as to select the most appropriate prevention and protection measures. Furthermore, people need to be trained and informed about workplace risks and correct work practices.

Particular attention should be taken in cases involving foreign workers who have a poor or no knowledge of Italian. In such instances it is difficult to determine what type and degree of training they may have received. In the present case, poor comprehension led to misunderstandings and contradictory statements. It would therefore be preferable to use the simplest language possible, avoiding technical, legal, and regulatory terminology.

Another important aspect of this case is the presence of subcontractors working within a company. Collaboration between employers in writing up the Interference Risk Assessment Document, i.e., an assessment statement of interference risk, is a formal normative requirement and an important aid in the management of safety as regards external contractors. The document lists the risks associated with different activities performed within a given workplace area, the minimal precautions, and the rules for eliminating or minimizing the consequences of such risks. Again, in the present case, exchanging information on how to work on the production line, the risks involved, what to do in case of problems, and clearly establishing the roles and duties of workers could have made the injury more difficult and less likely to occur.

The use of worker cooperatives is very often a cover for furnishing manual workers under a seemingly regular service contract. This arrangement is highly convenient for businesses as it ensures workforce flexibility, wherein the number of cooperative workers sent to a company matches the momentary demand for labour. Another convenience for the company is that the responsibility for worker safety falls upon the cooperative employer. In the present case, the Le Dolcezze srl company and the Drago cooperative had a contract for the rental of a specific area of the production department, where the cooperative would have its workers work. In addition, there was also a temporary loan agreement for use of some of the bakery equipment, including the three production lines. Actually, however, the cooperative and the bakery workers worked together in various parts of the production department of the bakery. In addition, the three production lines were used by all workers, indiscriminately of work shift, equipment, and specific job assignments. The cooperative did not work autonomously. The skilled workers of the cooperative and of the bakery worked together. This situation contrasted with the supplier's service contract stipulated by both parties. In such situations, clarification on types of employment contracts needs to be sought from the staff of the provincial Department of Labour.

**Key words:** occupational injury; severe injury; accident at work; prevention; amputation; cooperative; industrial bakery.