

suva



Black Friday

A film about responsibility in occupational safety

Information and tips for presentation



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Technical note:

You can choose between the Swiss German, Standard German, French, Italian and English language versions.

1 What it's about

The film depicts two groups of problems

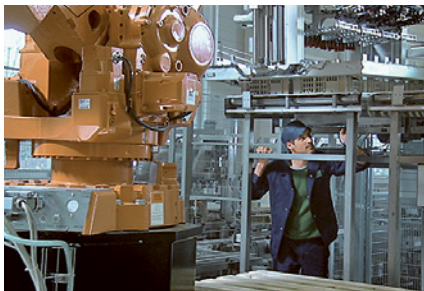
- Occupational safety and health protection are a matter for management. But many people in management roles aren't sufficiently aware of the ins and outs of this area of responsibility. They're often unaware that the law clearly places this responsibility onto the employer.
- It is forbidden to defeat safety equipment. In spite of this, safety equipment in machines and installations is defeated in half of all companies. This often results in serious or even fatal accidents.

In the film «Black Friday», Peter Meier remembers the day when, with his boss's permission, he disabled the safety equipment on a robotically assisted production line – the day that changed his life forever. What led up to this accident? And who is responsible?

The film is designed to provoke discussion about responsibility for health and safety at work. The intention is to motivate management and employees to abide by safety regulations and recognise their responsibility in this area – not just because it's the law, but also out of an understanding and respect for the consequences of accidents.

2 Messages behind the film

- Occupational safety is a matter for management.
- The manager bears responsibility for:
 - workplace safety
 - making sure safety regulations are followed
 - safe behaviour
- Defeating safety equipment is dangerous and not permitted.
- A culture of safety will only be put into practice if the board of management and supervisors want and require it and, if necessary, enforce it with all means at their disposal.
- Supervisors do not only bear a legal and commercial responsibility, but also an ethical one.
- Compromising on safety to save money is not worth it.



3 Target groups and objectives

The film is aimed first and foremost at people in management roles:

- business owners and CEOs
- managers and line managers
- safety officials

The aim of the film is to

- make the target groups aware of hazards and the consequences of risky behaviour
- motivate the target groups to recognise their responsibilities
- convince the target groups to enforce safety regulations consistently
- make the target groups aware of the dangers of defeating or overriding safety equipment

Apart from managers, the film is also aimed at all employees.

The aim is for them to

- learn to recognise hazards and not underestimate them
- respect the safety regulations and use safety equipment correctly



4 Tips for film presentation

«Black Friday» is an awareness-raising film. It doesn't offer any solutions but rather provokes discussion. This means viewers can draw their own conclusions about the situation in the company.

Preparation

- Consider what objectives you would like to achieve by showing the film.
- Order the information resources that will help you in good time.
(Leaflets, posters, checklists etc, see chapter 6)
- Invite the managers and employees to the presentation with plenty of notice, remembering to inform them of the event's objective at the same time.



Presentation followed by a discussion/workshop (approx. 30 mins)

- After the presentation, ask the participants what stood out to them and write their points down on a flipchart. Add any points that weren't mentioned (see «Messages behind the film» on page 5).
- Invite the participants to discuss the situation in your own company:
 - Are there times when supervisors don't enforce safety regulations or tolerate non-compliance with safety regulations? What are the reasons for this?
 - Which safety regulations are consistently enforced in the company?
- Next, ask the participants what they would do to avoid a similar incident, especially with respect to deficiencies within their own company.
- Define the measures required to remedy the issues discussed. Provide ongoing updates about progress in implementing the planned measures.



5 Information on the content

It's Friday, the weekend is just around the corner, when production manager Ruedi Mäder receives an unexpected, high-priority order. Mäder finds a way to fit the order into the already fully stretched production capacity without any night or weekend work. But then there's an unexpected disruption with one of the production robots, jeopardising the entire order.

Peter Meier, who knows the production robot like the back of his hand, suggests disabling the unit's safety equipment so he can reach inside. Under the pressure of the situation, Mäder agrees. The concerned warning of Mr Grau, the safety officer, is ignored.

After the accident, Peter Meier is paralysed. His supervisor Ruedi Mäder loses his job and is sentenced to one year in prison. He will have to live with the responsibility for what happened to Peter Meier and the consequences for him and his family for the rest of his life.



5.1 Responsibility in emergencies

Occupational safety is a matter for management. The employer is responsible for ensuring that the workplaces, tools, devices and equipment do not endanger the safety and health of employees and that they themselves behave safely.

The employer usually delegates certain tasks of this nature to employees in supervisory roles. This does not, however, absolve the employer of his duties with regard to occupational health and safety (Art. 7, Verordnung über die Unfallverhütung, VUV [Ordinance on the Prevention of Accidents and Occupational Diseases] and Art. 7, Verordnung 3 zum Arbeitsgesetz, ArGV 3 [Ordinance 3 to the Employment Act]).

The film demonstrates that, after an accident, it is established precisely who bore responsibility for it and that those directly responsible are held to account. The production manager Ruedi Mäder is sentenced for allowing the automated machine to be bypassed. CEO Paul Egger was unaware that the safety equipment was being bypassed.

The film assumes that Egger accepted his responsibilities: He appointed a capable safety officer and production manager and ensured they were sufficiently trained and monitored to a reasonable degree. For these reasons, Egger does not get prosecuted under law.

5.2 Legal principles

The following legal principles apply to the topics explored in the film:

Employer

The employer is obliged to implement all measures which experience has shown to be necessary, in line with the state of modern technology and appropriate for the circumstances (Art. 82 para. 1, Bundesgesetz über die Unfallversicherung, UVG [Federal Act on Accident Insurance]).

The employer must also ensure that protective measures and safety equipment are not prevented from being efficacious (Art. 3 para. 2, VUV) and that the employees abide by the occupational safety measures (Art. 6 para. 3, VUV).

Work equipment fitted with safety equipment may only be used if the safety equipment is enabled or, in special operation modes, protection is guaranteed by other means (Art. 28 para. 4, VUV).

Employees

Employees are obliged on their part to assist their employer. In particular, they must use personal protective equipment and make correct use of safety devices. They must not remove or modify them without the employer's permission (Art. 82 para. 3, UVG).

The employer must not hinder the efficacy of safety equipment (Art. 11 para. 1, VUV).

5.3 Potential consequences

Actively defeating safety equipment or allowing it to be defeated can have serious legal consequences, under both the Swiss Criminal Code and Swiss civil law in terms of liability to pay damages:

Whoever wilfully or through negligence endangers the life and limb of other people by damaging, destroying, removing, rendering unusable, deactivating or failing to install legally required safety equipment designed to prevent injuries shall be liable to a custodial sentence not exceeding three years or to a monetary penalty (Art. 230, Swiss Criminal Code).

Any person who causes injury to the person or the health of another through negligence is liable on complaint to a custodial sentence not exceeding three years or to a monetary penalty (Art. 125 para. 1, Swiss Criminal Code).

Damages not covered by insurance (e. g. compensation for pain and suffering) may be claimed via civil proceedings, in particular against the employer (Employer's liability, Art. 55 para. 1, Swiss Code of Obligations).

5.4 Occupational safety is worth it

Accidents cause a great deal of suffering and serious accidents in particular entail serious negative consequences for the relatives or those left behind by the injured person. The film makes it clear that supervisors have both a legal and ethical responsibility for the health and integrity of their employees.

Reasons such as time pressure or pressure to perform, saving time, convenience and underestimation of risk are often cited as reasons for contravening safety regulations or defeating safety equipment.

But taking risks isn't worth it. Accidents are expensive and serious accidents always lead to large production downtime and costs. The film shows that the amount of time expected to be saved by the defeat was nullified by the ensuing accident. The order couldn't be delivered and the customer cancelled the purchase.

6 Additional information

- What are your duties in the field of occupational safety and health protection?
Information leaflet, 24 pages, www.suva.ch/sba140.e
- STOP defeating safety equipment
Check list, www.suva.ch/67146.d (in German),
- Promoting safe behaviour. Information leaflet, www.suva.ch/66111.d (in German)
- «They just don't want to!» – really? Motivational tips for occupational safety. Leaflet, www.suva.ch/66112.d (in German)
- Rules create clarity. Developing and enforcing safety rules and codes of conduct in small and medium-sized enterprises.
Leaflet, www.suva.ch/66110.d (in German)
- Organising safety – a central task for every company. Information leaflet, www.suva.ch/66101.d (in German)
- Identifying hazards and planning measures using checklists.
www.suva.ch/67000.d (in German)
- It'll never happen to me! What to do about dangerous behaviour in the workplace? Information leaflet, www.suva.ch/sba157.d (in German)
- Safe behaviour. Check list, www.suva.ch/67044.d (in German)
- Information about the «STOP defeating safety equipment» campaign: www.suva.ch/schutzeinrichtungen (in German), www.stop-defeating.org/en

Legal and regulatory texts on occupational safety and health protection:
www.fedlex.admin.ch

Address for information resources:

Suva, Health Protection
P.O. Box, 6002 Lucerne
www.suva.ch



The Suva model

Four basic pillars



Suva is more than just insurance; it combines prevention, insurance and rehabilitation.



Suva returns its profits to its insureds in the form of lower premiums.



Suva is managed by social partners. The balanced composition in the Suva Council of employer, employee and federal representatives lends itself well to broad-based, sustainable solutions.



Suva supports itself, it does not receive any public funding.



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Download

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Title

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«Black Friday»

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