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Hazards Conference 2011

*Is the Government
destroying enforcement?*

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Enforcement works

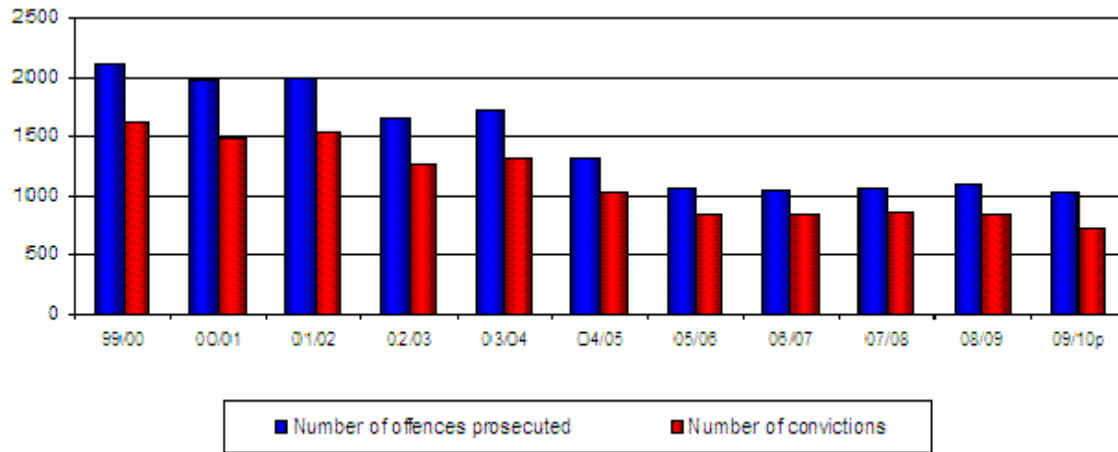
Mass of evidence that regulation and enforcement change behaviour

- USA – inspections that imposed penalties produced 22% decline in injuries compared with a 7% fall in those that simply had advice.
- Oregon – increased penalties and enforcement action reduced fatalities by 21%
- UK – research shows that lack of enforcement means that only 30% of employers comply with rules on silica. If they were enforced 745 lives would be saved.
- BIS report – “Regulations add value where they change behaviour. Changing behaviour means ensuring that organisations or individuals comply with these regulations.
- Experience of smoking, seatbelts and speeding.

Are we over-enforced?

- Can an obligation not to kill your workforce really be called a burden?
- Average business spends 20 hours and just over £350 a year on risk assessment (BIS)
- FOD made 23,000 inspections in 2008/09 for 884,000 premises!!!!
- In Europe countries with higher levels of protection and enforcement have higher productivity.

Levels of enforcement



- ❑ HSE prosecutions have fallen from 1,986 in 2001/02 to 1,026 in 2009/10
- ❑ Average fine for H&S cases - £14,614 for HSE cases and £5,607 for LA cases

What the government plans

- ❑ Published “Good Health and Safety, Good for Everyone” in March 2011
- ❑ Inspections to be reduced further by the cuts.
- ❑ No proactive inspections of “low risk premises” – this will reduce proactive inspections by a third.
- ❑ Introduce a charge for all inspectors/HSE work from when “fault” is found

What goes?

- ❑ Comparatively high risk areas where proactive intervention to be retained. The major areas for inclusion are currently considered to be construction, waste and recycling, and areas of manufacturing which are high risk e.g. molten and base metal manufacture;
- ❑ Areas of concern but where proactive inspection is unlikely to be effective and is not proposed e.g. agriculture, quarries, and health and social care; and
- ❑ Lower risk areas where proactive inspection will no longer take place. These areas include low risk manufacturing (e.g. textiles, clothing, footwear, light engineering, electrical engineering), the transport sector (e.g. air, road haulage and docks), local authority administered education provision, electricity generation and the postal and courier services.

Myth of Low Risk

- Government believes that offices, shops and schools are low risk.
- Only looks at injuries and fatality figures and ignore other preventable issues
- Offices can have higher levels of MSDs
- Schools have much higher levels of stress
- Shops have higher levels of both MSDs and violence
- Also wants to reduce enforcement “burden” on SMEs and self employed.
- Most of the most dangerous industries are mainly SMEs or self employed – construction, agriculture, fisheries and recycling.

Alternatives to enforcement

- ❑ Government wants to promote a voluntary approach and is looking at self-regulation of “good” employers.
- ❑ Leads to employers under-reporting and is a huge administrative burden
- ❑ Was a disaster when tried in USA and Ireland (both are dropping it)
- ❑ Also wants a greater role for consultants rather than inspectors. (has set up a new register)

What it will mean

- ❑ Fall in enforcement will mean increase in deaths, injuries and illness.
- ❑ HSE stated "the expected 'lower level of enforcement' would mean 'a consequent decrease in health and safety standards throughout Great Britain, with ensuing costs to society.'"
- ❑ Occupational health issues like MSDs and stress will be totally ignored.

Summary

- Enforcement and regulation work
- Workers need protection
- This is a political attack on workers rights
- Will lead to an increase in injury and disease
- It is not inevitable!