

HAZARDS CAMPAIGN

VOTE TO SAVE YOUR LIFE AT WORK



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Hazards Campaign Election Demands on all parties

Lobby your parliamentary candidate and party leaders on the demands listed below which would improve health and safety, save lives and money. Reject deregulation and cuts in enforcement which are based on false information and failed models, and will endanger even more lives, demand big improvements.

Acknowledge the real harm caused by work and publicise the real risk to workers

More killed at work than in war or knife crime every year.

Publicise the evidence about who pays and refute burdens on business myths

'Who Pays? You do!' Employers pay less than 25% of the harm they cause.

Increase enforcement activity to end the current enforcement crisis

Only 1 in 13 major and fatal injuries investigated and no action at all is taken in 98% of cases.

No deregulation of health and safety

There is less regulation now than when the Tories were in power 15 years ago.

End employer accountability deficit by giving directors legal duties for health & safety

Fining businesses does not stop them killing again like serial killers, or liquidating the company and escaping Scot free, unless directors are held to account.

Support the union safety effect - increase enforcement of SRSC Regs and extend the union safety effect

Union workplaces are twice as safe and healthy, all workers should benefit from the union safety effect.

The election debate is ignoring the dire state of workplace health and safety, in which lawbreaking by employers is rife, harm caused by work far greater than reported, where enforcement has virtually collapsed, and while employers externalise the £30 billion burden of their law breaking on to us, directors are largely unaccountable for their actions and decisions. Yet the three biggest party manifestos have nothing positive to say about making workers safer but there are negative proposals about reducing the 'burden of regulations' on business. They grossly underestimate the total harm done by work; the real cost and who pays it; the collapse in enforcement or the need to support the life saving work of trade unions and safety reps. The Conservative manifesto contains worrying commitments to reduce regulations and enforcement. This is backed up by policy documents, recent speeches by David Cameron, Ken Clarke and Lord Young, and think tank reports which all swallow the business lobby red herring that health and safety regulations and enforcement are a 'burden on business' which must be cut immediately. As evidence they quote dubious tabloid headlines and apocryphal stories. The Liberal Democrat manifesto weakly echoes these sentiments. The Labour party manifesto has little to say on workers' safety and health. They have presided over a collapse in enforcement while in government, and recently rejected implementing positive legal duties for health and safety on company directors as recommended by Rita Donaghy in a government commissioned report into the appalling record of the construction industry, 'One death is too many'. The Tory party proposals are the most dangerous as they propose to deregulate health and safety and cut enforcement and will put workers lives and health at even greater risk.

In their 'Regulation in a post bureaucratic age' policy document, the Tories want to cut health and safety laws, cut enforcement and trust employers to comply with health and safety on the strength of auditors that employers will pay for; and they want to stop government inspectors from having access to workplaces. Their proposals for 'taming the regulators' include "replacing regulator run public teams of inspectors with a model closer to financial controls and auditors". Exactly the same model which gave us Enron, Madoff, Lehman's and the worldwide recession which has destroyed jobs and livelihoods across the globe and which we will all be paying for with reduced public services and higher taxes for years. The USA Voluntary Protection Programmes (VPPs), the models the Tory's propose, have been criticized for being ineffective and having higher administrative costs. OSHA launched an investigation to address the problems in VPPs due to concerns that audits were fixed and oversight minimal. The Tory's also want to

review all health and safety laws, cut those they think unnecessary, put time limits on others, and to pass no new laws until an old one is removed. They even want people to vote for the laws they want repealed!

These plans feel like 'Back to the future' as under the Tory's in the mid 1980s self regulation was attempted when construction giant Costain was exempted from HSE inspections because it argued its safety management structure and accident record were better than the rest of industry. The trial was quickly abandoned when a worker was killed on a Costain site. Tory plans for deregulation also echo the drive to make a 'bonfire of regulations' led by the same man who is currently reviewing health and safety regulations, Lord Young, then plain Mr Young. Unions mounted a 'Deregulation Kills' campaign and in the end not one H&S regulation was found unnecessary, the bonfire was a damp squib. The threat today is greater as the Labour government has followed deregulation with 'better regulation' and 'light touch regulation', reduced enforcement and damaged tripartite structures, but we must oppose this deadly deregulation.

The facts don't back up the Tory claims of over regulation, the TUC has examined HSE and government reports and finds that due to HSE removing old regulations and replacing them with sets of modern regulations, we now have 46% less regulation than 35 years ago and 37% less than 15 years ago when the Tories were in power!

The real harm caused by work

Regulation and enforcement of health and safety at work is intended to provide a safe and healthy workplace for all workers, as a right not a privilege. However the current state of affairs is very far from providing this protection to all workers. Many more people are killed and harmed by work than is currently officially reported, and many more than in war, or knife crime. Government, through the Health and Safety Executive, give a very skewed and limited picture of the damage done by work every year. They say 180 people died in workplace incidents and 8,000 died from workplace cancers in 2008/09, when the true figures are much higher and the overall picture much grimmer. A more realistic estimate, which includes work-related road-traffic deaths (1,000), air and sea incidents, suicides attributed to work-related stress and members of the public killed by work activities, is 1,500-1,600 in incidents per year. Including those who die from illnesses caused by their working conditions the total could be as high as 50,000 a year. Government has long been criticised for under-estimating deaths from work-related cancers which even the most conservative estimate by global experts is about 18,000 each year 'The Whole Story' http://www.shponline.co.uk/article.asp?article_id=8265&viewcomment=1

Current enforcement crisis

According to the HSE the vast majority major and fatal injuries at work are due to failures of management of health and safety by the employer. So most workers do not die of mystery ailments, or in tragic 'accidents', they die because an employer decided their safety just wasn't that important a priority. Employers can do that as the chance of being caught and punished are low. According to Hazards Magazine's examination of HSE figures, the chances of an employer being inspected to check if they are complying and protecting workers is less than once in 14 years (though recent HSE figures suggest this is worsening); if they are not complying and kill or seriously injure someone then the chances of that being investigated are only 1 in 13, and even then 97.7% of such injuries result in no HSE enforcement action at all being taken, not improvement or prohibition notice, or prosecution. 'Escaping scrutiny' Hazards magazine 108 <http://www.hazards.org/deadlybusiness/escapingscrutiny.htm>

HSE and Local Authority enforcement action of all types have collapsed in recent years according to criminal law experts in 'Crisis of Enforcement', Professors Tombs and Whyte state: *"Investigations and inspections have fallen at unprecedented rates as political and resource pressures have taken their toll on the day to day work of the inspectorate; the percentage falls in enforcement activities from already low absolute levels, can hardly be described as anything other than a collapse."*

The UK is also not, as is frequently claimed by government and politicians, at the top of the league, not even making it into the top 20 for occupational health and safety performance according to Health and Safety Risk Index published by risk analysts Maplecroft in Jan 2010. Using broader yardsticks than the HSE, the UK managed just 30th in the world out of 176 countries assessed, putting it mid point in 'low risk countries'. Among the OECD countries the UK is ranked a lowly 20th.

'The state we're in' Hazards magazine 109 <http://www.hazards.org/deadlybusiness/thestate.htm>

Publicise the evidence about who pays and refute burdens on business myths

Health and safety 'Burdens on business' is the mantra of the British Chambers of Commerce (BCC) and the wider business lobby. This is echoed by the government and forcefully championed by the Conservative party and their think tanks. According to 'Who Pays? You do!' by Rory O'Neill, editor of Hazards magazine, the BCC claimed in March 2009 that 10 workplace safety regulations imposed a cumulative burden on business of over £21.5 billion, with an annual recurring cost of £2.2 billion. The 10 regulations cover issues such as working time, chemicals, asbestos, explosives, biocides, work at height, vibration and noise, plus occupational exposure limits and the Corporate Manslaughter Act. None of these are trivial or unnecessary as they cover hazards which can kill, injure and make workers very ill. In their cost calculations the BCC fails to take any account of the money saved by complying with these regulations in reduced sickness absence, more productive staff, retention of skilled staff, avoiding safety fines, compensation and increasing insurance premiums. Good health and safety must be good business, but they prefer to ignore these savings. They also ignore the costs of non-compliance in killing and injuring workers. A Government regulatory impact assessment in 2006 put the total costs of non-asbestos occupational cancer deaths each year, at between £3 billion and £12.3 billion, which is clearly more than the BCC annual 'burden on business' of £2.2 billion, AND the HSE accepts it has seriously underestimated workplace cancer deaths. Add on to that the HSE's 2008 economics briefing estimate of £1.5 million total costs for each workplace fatality, AND annually this alone would come to more than the BCC burden if we take the Hazards estimate of 1,500 -1,600 killed each year.

This trumps the BCC "burdens" claim with official evidence, but it is worse than that. Who pays the cost of workplace death, injury and ill-health? Those killed by negligent employers pay the ultimate price and their families pay an incalculable cost for the rest of their lives. The HSE estimates the annual total cost to society of occupational ill-health and injury, almost all due to management failures, at between £20 and £30 billion. Of that the employers who create 100% of the risk pay less than 25% of the cost, 'The costs to employers in Britain of workplace injuries and work-related ill-health in 2005/06' HSE September 2008 The victims and families pay, then the state, and last the culprits who caused the damage. While bleating about the burden of complying with sensible H&S law, employers externalize the costs on to all of us. Victims and their families pay twice! In cash terms employers get off lightly, in human terms they just don't suffer at all.

No Deregulation of H&S which is every worker's human right not a privilege

The Hazards Campaign opposed deregulation under previous governments and we oppose it whether it is called 'better regulation', 'light touch regulation' or 'right regulation.' It is all aimed at reducing the protection at work that is every workers legal right, not a privilege. We all know now where deregulation and light touch regulation of financial business have led us - to a hellish global recession which will kill millions worldwide and is destroying jobs and families across the UK and threatening to make reduce our health and safety even more.

The facts don't back up the Tory claims of over regulation, which seem to rely more on the tabloid 'elf and safety gorn mad' headlines and apocryphal 'conkers bonkers' stories than on the evidence. The TUC has recently examined HSE and government reports, and finds that due to HSE removing old regulations and replacing them with sets of modern regulations, we now have 46% less regulation than 35 years ago and 37% less than 15 years ago when the Tories were in power! 70% of people in Britain agree they benefit from regulation. www.hazards.org/deadlybusiness

End the personal accountability deficit: give directors positive legal duties on health and safety

Company directors should have a positive legal duty to be responsible for the health and safety practices in their organisations and if they discharge those duties negligently they should be liable to manslaughter and other charges and to face prison sentences if convicted. Drunk, dangerous or careless drivers and teenage goodies all face the full force of the law if their behaviour hurts someone and face manslaughter charges if they kill someone. More people are sent to prison each year for cruelty to animals, than have EVER been imprisoned for killing workers. Employers are not held individually accountable in the same way and deny or evade responsibility time and again. Some get off Scot free by liquidating their companies. When the company is fined for killing workers, this does not make them change their ways as the serial offenders, serial killers and maimers such as Corus, Biffa, and others show. Here are just a few examples of how employers get away with it and why directors' duties are essential to protect workers lives.

Andrew Hutin was killed along with colleagues in the explosion in Blast Furnace 4 at Corus in Port Talbot. Eventually Corus were found guilty of H&S offences and fined £1.3 million and £1.7 million in cost. A bigger than usual fine but small beer for Corus's turnover, and the sting in the tail is that Corus got a new blast furnace worth £75 million from the insurance. No director of Corus was held responsible in any way.
<http://www.hazardscampaign.org.uk/fack/about/andrewhutin.pdf>

Since then Corus has shown that large fines do not deter and has gone on to kill more workers and injure others. In a recent six week period, Corus was fined £240,000 for not preventing the death of Ross Beddow, which followed two other fines for serious incidents that luckily did not kill, and news today (23rd April) is that a worker has been killed at their Scunthorpe works. Corus has 16 separate entries in the HSE prosecution database for death and injury and 24 entries in the notices database since 2001 which includes more avoidable deaths.
<http://www.hazardscampaign.org.uk/docs/personalaccountability.htm>; <http://www.hazards.org/corus>

Biffa Waste Services Ltd. was recently fined £280,000 for not preventing the death of Dennis Krausslar. And their abysmal record is illustrated by 5 separate entries in the HSE prosecutions database and 16 in the notices database which include incidents that led to three more avoidable deaths.
<http://www.hazardscampaign.org.uk/docs/personalaccountability2.htm>

The case of North West Aerosols illustrates the problems of having only voluntary guidance for directors rather than legally binding directors' duties. NW Aerosols filled aerosols containers with LPG and other gases. The LPG lines when not in use were not properly sealed. The electrical system for controlling the plant was chronically faulty. Christopher Knoop and 3 colleagues came to work one morning and tried to solve the system problems but a spark ignited the LPG gas that had seeped into the factory, and a fire ball killed Christopher and severely injured his 3 workmates. The company employed about 60 people but the three directors immediately put it into liquidation. The HSE charged the company with two H&S offences yet the three directors who made all the decisions never appeared in any court. In June 2008 the company was found guilty and fined £1 for each of two H&S offences, and £1 in costs. This gross injustice allowed the three directors responsible for the negligence, of which the company was found guilty, to totally escape any charges and get off Scot free.
<http://www.hazardscampaign.org.uk/fack/news/nwaerosols.htm>

Support union safety effect

The 'union safety effect' is very big and is evidenced by studies which show workplaces with active trade union system and safety reps have less than half the injury rate of workplaces without this, and it also positively affects health at work. *'Unions lower the odds of injury and illness when compared to arrangements that merely inform employees of occupational health and safety issues'* found one study. A government investigation found the savings to society from the activities of union safety reps – fewer sick and injured workers - runs to £hundreds of millions every year. None of the big three parties mention the life saving effects of safety reps working voluntarily, nor do they propose measures to support them by enforcing employers compliance with the legal duties to enable them to work well. The Safety Representatives and Safety Committee Regulations (SRSCR) which give safety reps their rights to operate, and give employers duties to consult, inform and provide facilities, are very poorly enforced with no prosecutions and very few enforcement notices ever issued. These regulations must be more actively enforced to enable safety reps to do their life and health saving work. There is also no mention in any manifesto of extending the massive positive 'union safety effect' to non organised workplaces through schemes such as roving reps. www.hazards.org/unioneffect

Front page cartoon by Andy Vine.

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