

# Health & Safety Crisis

## Swindon TUC Health & Safety Briefing

Swindon TUC and local unions are meeting with Swindon MP Michael Wills on Friday April 25<sup>th</sup> to discuss what the unions consider to be a crisis in the regime of Health & Safety inspection and enforcement. We were hoping for this to take place on Workers Memorial Day but Mr Wills could not make it on that day. WMD is an event organised by the unions to commemorate workers killed and injured at work, often owing to the negligence of employers.

The importance of Health & Safety is often downplayed or has scorn poured on it by the media, identifying it with 'PC' (political correctness), and the odd incident such as children being prevented from playing conkers because of the risk to them.

In fact, Health & Safety is a crucial part of the work of the trades unions, which protects workers from injury, illness, and sometime death, which they suffer as a result of work. It is a well-known fact that the chance of an accident is 50% less likely to occur in a unionised workplace as compared with a non-union one.

Health & Safety legislation imposes a duty of care on employers for their workers. However, too often these responsibilities are either ignored or the workplace Health & Safety system which is in place, is shoddy. Too often union Health & Safety reps have to struggle to take advantage of their legal rights because employers obstruct their work when it costs money and takes reps away from their day job.

The Health & Safety Executive is one port of call for reps when management is obstructive. Moreover, it is responsible for investigating deaths and serious accidents. However, owing to the cuts that have been imposed by the government the HSE cannot do the job that it is supposed to do. Hazards magazine reports that:

"HSE's desperately poor safety enforcement record just took a turn for the worse. Now 9 out of 10 major injuries don't result in an investigation, HSE inspections have hit a new low and the last two years have seen the worst enforcement performance on record. *Hazards* editor Rory O'Neill says only dangerous employers now have reason to feel safe."

The statistics are worrying:

- **Fatalities are Up** – 241 worker deaths in 2006/07 compared to 217 in 2005/06, an 11 % increase. It should be born in mind that workers (who drive for a living) who die in road accidents are not counted as 'workplace deaths'.
- **Inspections are down** - 41,496 HSE inspections in 2006/07 compared to 54,717 in 2005/06, a 24 per cent decrease. In 2001 workplaces could expect a visit every 7 years, This has now risen to every 14.5 years.
- **Investigations down** – the proportion of reported serious injuries investigated by the HSE is down to 11% in 2005/06 from 13% the previous year.
- **Prosecutions remain low** - 1,056 offences were prosecuted by HSE in 2005/06 compared to 1,320 in 2004/05, a fall of 20 per cent. Convictions dropped by 10 per cent. Provisional figures for 2006/07 show a minor improvement in prosecutions and convictions, but the last two years remain the worst on record.
- **Enforcement notices remain low** - notices issued by HSE in 2005/06 compared to 8,471 in 2004/05, a fall of over 22 per cent. Prohibition notices were down by 18 per cent and improvement notices by 24 per cent. The provisional total notices figure rose to 8,071 in 2006/07, but the last two years remain the worst on record.
- The HSE's 'decision reporting forms' reveal the number of incidents so serious investigation should follow automatically but where no investigation has occurred because of "inadequate resources" has increased from 207 in 2005/05, to 255 in 2005/06 and to 307 in 2006/07.
- There are serious concerns that the enforcement crisis at HSE will worsen, as further funding cuts

bite. HSE has already lost over 250 jobs since April 2006 and faces a further 100 job losses in the second half of the financial year. HSE is grappling with the news that the anticipated 15 per cent budget cut by 2011 to meet Treasury efficiency targets may in fact be larger still.

- Since 2002, HSE has lost over 1,000 posts as a result of government spending cuts; HSE union Prospect says the organisation now employs fewer than 3,250 staff, down from over 4,000 when Labour took office.

These statistics indicate that HSE is an organisation which cannot cope with the amount of work it has. Government cuts mean that the overwhelming majority of serious accidents in the workplace are not being investigated. That inevitably means that negligent employers are not subject to the necessary action to call them to order and to force them to carry out their legal responsibilities.

In June 2007, the Health and Safety Commission (HSC) followed HSE's recommendation and said there would be no new rights for safety reps, following a "consultation" in which 9 out of 10 respondents supported increasing the rights of union Health & Safety reps. The move came after the CBI "strongly opposed" the new rights, safety minister Lord McKenzie said in an 8 June 2007 letter to NUJ general secretary Jeremy Dear.

Lord McKenzie said:

"HSC cannot make changes without broad stakeholder agreement to them and the lack of consensus between the social partners on this issue means that no progress can be made on any regulatory changes."

So there can be no changes unless the employers agree!

We believe that:

- The cutbacks which have adversely impacted on the HSE should be halted, and indeed reversed.
- The rights of Health & Safety reps should be reinforced.
- 'Roving Reps' (or Workers Safety Advisers) should be recognised in law.

**Swindon TUC**  
**April 13<sup>th</sup> 2008**

### **Notes:**

Workers Memorial Day is an international trade union event, taking place annually on April 28<sup>th</sup>, organised to commemorate those killed and injured needlessly in the workplace, and to campaign for effective Health & Safety legislation and a rigorous inspection regime.

See material on **International Workers Memorial Day**

<http://www.hazards.org/wmd/index.htm>

Below is material which explains the impact of negligence on the part of employers and a slack H&S regime.

### **Too young to die**

A young worker between 16 and 24 is injured every 12 minutes, seriously injured every 40 minutes and killed every 4 weeks. Read the stories of those workers whose young lives have been needlessly cut short.

<http://www.hazards.org/2young2die/index.htm>

### **Safety repressed**

Despite a consultation on the role of safety reps the government has failed to strengthen reps rights and failed to challenge the obstructions employees place in the way of reps having the time to carry out their role.

<http://www.hazards.org/safetyreps/safetyrepressed.htm>