



# DEREGULATING HEALTH & SAFETY AT WORK

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# THE CONTEXT

- THE ROBENS REPORT 1972
- HEALTH & SAFETY AT WORK ETC ACT 1974
- THE EUROPEAN DIMENSION – THE “SIX PACK” - 1992



# THE SIX PACK

- GENERAL RATHER THAN INDUSTRY SPECIFIC
- GOAL SETTING RATHER THAN PRESCRIPTIVE
- RISK ASSESSMENT AS THE CORNERSTONE



# RISK ASSESSMENT

- RISK ASSESSMENTS DO NOT PREVENT ACCIDENTS
- RISK ASSESSMENT AS A PROACTIVE SYSTEM
- RISK ASSESSMENT AS A “BLUEPRINT FOR ACTION”



# ENFORCEMENT

PRIMARY AND SECONDARY AIMS –  
ENFORCEMENT AND COMPENSATION

HEALTH AND SAFETY EXECUTIVE AS  
THE PRIME INSTRUMENT OF  
ENFORCEMENT



# HSE

IN THE PERIOD 2000 – 2009:

- 69% FALL IN NUMBER OF INSPECTIONS
- 63% FALL IN NUMBER OF ACCIDENT INVESTIGATIONS
- 48% FALL IN PROSECUTIONS

# AND WORSE TO COME

- REDUCE UNANNOUNCED INSPECTIONS BY ONE-THIRD
- 35% CUT IN FUNDING

REGULATION WITHOUT  
ENFORCEMENT



# THE IDEOLOGY OF THE THREAT

- “OVER REGULATION STIFFLES COMPETITIVENESS”
- “GOLD-PLATING OF EU DIRECTIVES”
- “DROWNING IN RED TAPE” – THE SMALL BUSINESS AGENDA





# COMMON SENSE, COMMON SAFETY

OCTOBER 2010 – A REPORT BY LORD  
YOUNG OF GRAFFHAM

A CONFUSED AND INCOHERENT  
REPORT – NOT EVIDENCE BASED

CONFUSION – “SMALL AND MEDIUM  
SIZED ENTERPRISES” / “LOW RISK  
ENTERPRISES”

# LORD YOUNG'S RECOMMENDATIONS

- HSE SHOULD PRODUCE CLEAR SEPARATE GUIDANCE FOCUSED ON SMALL & MEDIUM SIZED ENTERPRISES
- THE CURRENT RAFT OF REGULATIONS SHOULD BE CONSOLIDATED INTO A SINGLE SET OF REGULATIONS



- THE UK SHOULD TAKE THE LEAD IN COOPERATING WITH OTHER EU STATES TO REDUCE THE BURDEN ON SMALL ENTERPRISES
- RIDDOR – ACCIDENTS SHOULD BE REPORTABLE AFTER 7 DAYS, RATHER THAN 3



# “THE RED-TAPE CHALLENGE”

- UNDER AUSPICES OF THE CABINET OFFICE
- “ONE IN-ONE OUT”
- “PRESUMPTION THAT ALL BURDENSOME REGULATIONS WILL GO”



# LOFSTEDT

- APPOINTED BY DWP IN MARCH 2011
- TO REPORT BY END OF OCTOBER 2011
- “TO CONSIDER THE OPPORTUNITIES FOR REDUCING THE BURDEN OF HEALTH AND SAFETY LEGISLATION ON UK BUSINESS”

# TRADE UNION SUBMISSIONS

- THE WHOLE AGENDA OF THE REVIEW IS MISCONCEIVED
- VOLUNTARY OR SELF-REGULATION DOES NOT HAVE A GOOD HISTORY
- ALL REGULATIONS WERE PASSED FOR A PURPOSE



# THE LARGE EMPLOYER RESPONSE

- EG THE BRITISH CERAMIC CONFEDERATION – IN RESPONSE TO THE QUESTION, HAVE HEALTH & SAFETY REGULATIONS IMPROVED HEALTH & SAEFTY – “AN EMPHATIC YES”

# THE SMALL EMPLOYER RESPONSE

POORLY ARGUED AND  
CONTRADICTIONARY DEMANDS

- “TELL US WHAT TO DO”, BUT “KEEP IT SIMPLE”
- “INDUSTRY SPECIFIC”, BUT “CONSOLIDATE REGULATIONS”





# THE REALISTIC THREAT

- THE EUROPEAN LAW PROBLEM
- THE SMALL BUSINESS EXCEPTIONS
- POWERS OF SAFETY REPS
- FURTHER CUTS TO ENFORCEMENT

