



The Relentless Reform of Health and Safety

Enterprise and Regulatory Reform Act: impacts and effects
Institute of Employment Rights, Liverpool 11 June

The Reality of Declining Enforcement: the pre-Coalition Years 1

HSE activity over last decade (1999/2000-09/10):

- > 69% fall in inspections
- > 49% fall in investigation of major injuries (by 09/10, less than one in nine investigated)
- > 29% fall in the number of all types of enforcement notice
- > 48% fall in prosecutions (by 09/10, there were 546 HSE prosecutions)
- > The average penalty on conviction under HSWAct in 2008/09 was £5,607 (£4,595 in 99/00)
- > Average penalty on conviction in 2008/09 following fatality was £69,327 (£29,652 in 99/00)

The Reality of Declining Enforcement: the pre-Coalition Years 2

(from Tombs and Whyte, 2010)

- Around a quarter of deaths result in prosecutions
- 0.66% of major injuries result in prosecutions
- 0.04% of over 3 day injuries result in prosecution
- Much less than 0.01% of work-related ill health and occupational diseases prosecuted?

Occupational Health and Safety Enforcement (England, Scotland and Wales)

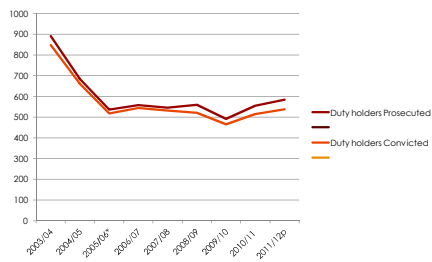


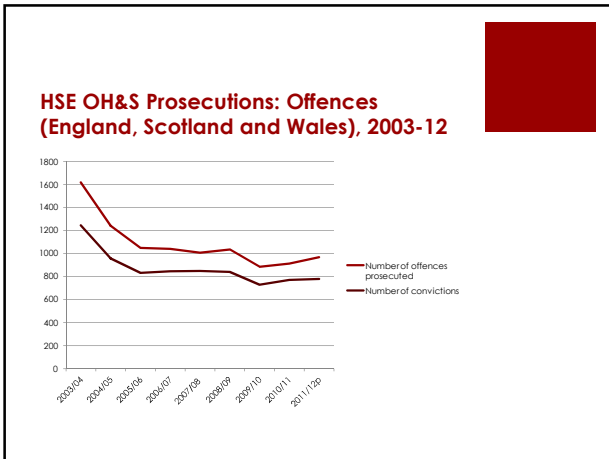
- HSE - 850,000 premises, approx 1400 'inspectors'
- EHOs – approx 1.1 million premises, less than 1,000 'inspectors' – and this number now in rapid decline: eg. In Liverpool there are no EHOs whose primary responsibility is H&S enforcement

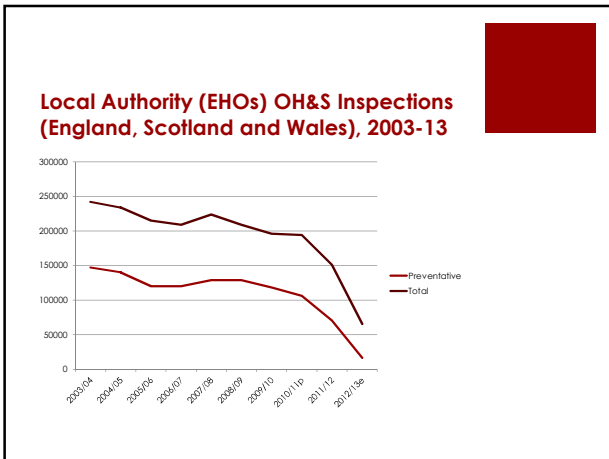
HSE OH&S Inspections (England, Scotland & Wales), 2003-2013

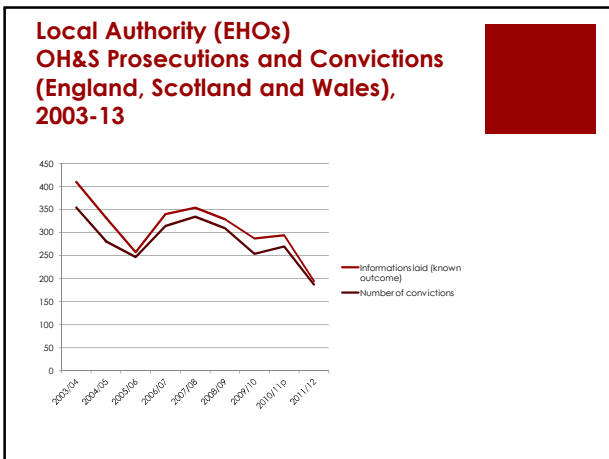


HSE OH&S Prosecutions and Convictions: Duty Holders (England, Scotland and Wales), 2003-12









The Coalition and Health and Safety



More work towards less regulation and less enforcement:

- > Rhetoric
- > Institutions within and of Government
- > Legal reform
- > Reviews

The big 'low risk' lie



- Key government 'inquiries' (Young, Löfstedt etc.) validate 'low risk' concept
- Ending of proactive inspections in low risk workplaces done by subversive policy not legislation or parliamentary process
- DWP list of 'low risk' workplaces' quickly extended (includes most manufacturing, docks, quarries, as well as all of the workplaces outside the HID responsibilities; see Hazards, January 2013)
- Hazards analysis - 53% of deaths occurred in those workplaces now falsely classified as 'low risk', and in which proactive, preventative inspections are now banned - none of this justified by HSE using a health and safety rationale (O'Neill, 2013)

In Conclusion...



- > The vast majority of workplaces now exempt from routine inspection by HSE and Local Authorities
- HSE haemorrhaging staff – 20% decline since 2010 and more cuts due.
- Prospect estimated 90 per cent of HSE occupational health inspections will now cease.
- > Post-crisis 'settlement' leaves capital less vulnerable to demands for social protection – the idea and practice of regulation thoroughly undermined ideologically and materially
- > Once regulation and enforcement are problematic, less can never enough
- > The 'free' market and the 'free' corporation require a great deal of state work.
