



Health & Safety 'Time for Change' report TUC

To: All contacts

Key issues

Report to reclaim health and safety at work

Highlights reduction in inspection, advice and guidance and the promotion of H&S as a burden

10 measures identified to reduce death, injury and illness

1. Context

The TUC have produced a report titled 'Time for Change' looking at ensuring health and safety retains the level of importance it deserves. In the introduction it maintains that the consensus on health and safety that has existed almost unbroken since the 1937 Factories Act has, in recent years, begun to break down. Instead of viewing health and safety legislation as a necessary protection for workers, many politicians now claim that it is a "burden on business". The report can be found [here](#).

2. Background

The report states that over the past few years there has been a number of attempts to reduce the level of legal protection afforded to workers and that even more worrying, the levels of inspection by the enforcing authorities have been cut dramatically, as has expenditure on guidance and support for employers and employees. However this is at a time when health and safety protection is as crucial as ever. It notes that every year over 20,000 people die because of their work - most die from cancers, lung diseases and heart problems rather than being killed at work, but their deaths are just as tragic, and preventable.

It goes on to say that it is not just the number of deaths that is an issue, but the huge number of people made ill or injured through work. Furthermore, last year 1,800,000 were living with an illness caused by their work and about three quarters of these were injuries to the back, neck, arms and wrists, or depression or anxiety caused by stress at work. Another 115,000 workers were injured while at work to the extent that they needed to take more than three days off work.

The report highlights that the trade unions believe that there must be a sea-change in our attitude to health and safety if we are going to stop this massive health problem that costs the state billions of pounds but which claims the lives of far too many workers. It has drawn up a list of 10 simple measures which it wants to see from a future government and which it believes if implemented would have a huge impact in reducing the toll of death, injury and illness which is still an everyday part of working life for so many people. They form the basis of the report which can be found in full [here](#).

3. Recommendations

3.1 All workplaces should be inspected regularly by the enforcing authority

The report claims that inspections save lives, that there is a clear link between inspections and safety levels and that as inspections go down, injuries go up. TUC research also shows that employers are

more likely to make changes in the workplace simply because they know they may be inspected. Even the HSE's own research shows that the need to comply with the law is the biggest motivator for employers to change behaviour. It goes on to say that it is also not true that inspections are a "burden" with almost 90 per cent of employers who are visited by the HSE saying it is a positive experience.

By claiming that there is no need to inspect low risk premises, the report claims that the government's strategy is missing the whole rather than concentrating only on injury figures. It notes that high levels of stress amongst public sector workers including many who work in health and social care is one issue which is ignored as well as back pain and slips. The report states that the threat of an inspection happening only when someone is injured or killed will not act as a deterrent.

Trade unions want the HSE and local authorities to concentrate their inspection activities on those businesses where inspections will be most effective, including more inspections of all businesses with no business being exempt from unannounced inspections. This would be the most effective way of ensuring compliance with the law and also giving businesses, and workers, the support they need.

3.2 The regulations on safety representatives and safety committees should be revised to increase coverage and effectiveness

The report points to evidence of the effectiveness of health and safety representatives appointed and supported by trade unions in preventing accidents and incidents and saving hundreds of millions of pounds. Comparisons between those employers with trade union health and safety committees and those without are also highlighted. The recent Löfstedt report into health and safety was very positive about health and safety representatives and the benefits of involving the workforce; however the government has done nothing to support union representatives. Indeed the government's review of 'facilities time' will make it much harder to get people to become health and safety representatives and will also reduce their ability to be effective.

Trade unions believe that there is a need for stronger regulations that require all employers to have safety representatives if they employ more than 10 workers with large employers having to set up safety committees. There should also be a legal right for health and safety representatives to call in the enforcement authorities if an employer fails to act on their concerns.

3.3 Occupational health should have the same priority as injury prevention

The report notes that far more people are injured or killed as a result of an occupational illness than an injury. Both are preventable but employers and regulators give much more priority to the prevention of injuries in the workplace. There are around 450,000 new cases of industrial illness every year. Of those, over 70 per cent are due to stress, back pain or repetitive strain injury.

In addition workers need access to occupational health advice as a necessary part of ensuring the long-term health of workers but very few workers have access to a fully comprehensive occupational service. A 2012 TUC survey showed that even amongst larger private employers and the public service less than half of workers had access to rehabilitation if they were injured or ill, and only 54 per cent had any form of health surveillance. For workers in small companies the position is even worse. It has been estimated that less than 10 per cent of workers have access to a fully comprehensive occupational health service through their employer.

Trade unions want to see strong regulation aimed at preventing stress, musculoskeletal disorders, bullying and violence and greater emphasis on occupational health measures. Unions also believe that all workers should have free access to both health surveillance and comprehensive occupational health provision. The savings to the economy by providing this would greatly exceed the cost as it would both reduce sickness absence as well as help prevent people becoming dependent on benefit

3.4 There should be a new, legally binding dust standard

The TUC believes that the current standards used for the assessment of dust exposure in the workplace are totally inadequate. There is now clear scientific evidence that suggests that the current UK limits for inhalable and respirable dust of 10 mg/m³ and 4 mg/m³ respectively should be much lower. This view is supported by the Institute of Occupational Medicine (IOM), an independent, non-profit organisation that works outside of government to provide unbiased and authoritative advice to decision makers and the public

Some European countries have already started reducing their dust limits and trade unions want the UK to follow. The TUC believes that there should be a precautionary standard of 2.5 mg/m³ for inhalable dust (as opposed to the current 10 mg/m³ standard) and 1 mg/m³ for respirable dust (as opposed to the current 4 mg/m³ standard) for all general dust and dusts where there is not a lower workplace exposure limit. The TUC also argues for more enforcement of the standards.

3.5 Workers should not be exposed to carcinogens in the workplace

The HSE has conservatively estimated there are around 13,500 new cases of cancer caused by work every year, with over 8,000 deaths. Trade unions have been at the forefront of the campaign against the use of carcinogens in the workplace.

The report states that where possible carcinogens should be removed from the workplace completely, by changing the process or substituting the carcinogen with another material. In some cases that is not practical, but in these cases the worker should be fully protected from exposure. Examples of when a cancer-causing agent may not always be able to be removed, but exposure by a worker to any risk can be reduced, are quarry workers to silica and mechanics to diesel exhaust.

3.6 There should be a legal maximum temperature in the workplace

The report states that it is usually accepted that people work best at a temperature between 16°C and 24°C, although this can vary depending on the kind of work being done with the risk of dizziness, fainting, heat cramps or worse consequences if the temperature rises. There is no maximum temperature for workers, although the Workplace (Health, Safety and Welfare) Regulations state the temperature inside workplace buildings must be "reasonable".

Trade unions want to see a legal maximum temperature for indoor work of 30°C (27°C for those doing strenuous work), so that employers and workers know when action must be taken. It should be stressed that this is intended as an absolute maximum rather than an indication that regular indoor work at just below 30°C would be acceptable. There should also be a legal duty on employers to protect outside workers by providing sun protection, water, and to organise work so that employees are not outside during the hottest part of the day

3.7 There should be increased protection for vulnerable and atypical workers

There are a large number of workers who are more vulnerable for a variety of reasons notes the report maybe needing extra or different protection. European regulations recognise the specific needs of young workers and pregnant women, but other groups that may be more at risk include migrant workers, domestic workers, some disabled workers, home workers, lone workers and people on short-term contracts.

Trade unions would want to see a strengthening of the Gangmasters Licensing Authority with an extension to other areas. Greater resources must also be given to enforcing employment rights for vulnerable groups, with a joined-up approach, so that those who enforce the minimum wage, working time and health and safety regulations co-operate to ensure that all workers have a safe workplace.

3.8 There should be a legal duty on Directors

The report states that although there is a positive duty on employers such as companies and public bodies to ensure, as far as is reasonably practicable, the health, safety and welfare of all his employees, there is no such duty on directors of companies.

Trade unions want a new general duty on directors, under the Health and Safety at Work Act, backed up with an Approved Code of Practice which spells out exactly what directors should do. This new duty would be the biggest driver yet in changing boardroom attitudes towards health and safety.

3.9 Health and safety should be a significant factor in all public sector procurement

The report claims that over the years there have been a number of attempts to use public sector procurement as a way of ensuring that all contractors comply with appropriate health and safety standards as well as many local authorities and other public bodies make health and safety a requirement for contracts. Unfortunately in practice this seems to be having little effect in improving health and safety performance across public sector projects. Recent research by the HSE suggests that, in many projects, not even the minimum requirements are being met and even where they are, little is done to monitor outcomes and performance.

The report notes that the public sector should be a major force in setting best practice and driving up standards in areas such as health and safety but that this is not happening. Even when assurances are given on health and safety, once the contract is agreed there is little evidence that significant steps are taken to ensure that the contractor is complying with the requirements. In addition, most tendering processes simply ask for the legal minimum rather than seeking to get good practice. In the very few cases where health and safety has been a significant part of a process significant gains have been made. The best example was the Olympic Park construction project where high standards of health and safety were not only built into the contracts but the client ensured that they were met rather than depending on the contractors to deliver. As a result the London games had the best health and safety record of any modern Olympics.

Given the number and value of public sector contracts, public procurement could be a major way of raising standards throughout a range of industries such as construction, waste and recycling, catering and IT so helping to reduce deaths, injuries and illnesses.

Trade unions want new regulations ensuring that all public contracts, not only in construction, have high health and safety standards built into them and that the client should be required to monitor performance throughout the life of the contract. Those contractors who consistently fail to meet the standards should not be allowed to compete for any public sector work until such time as they have systems in place to deliver safely.

3.10 The UK government should adopt, and comply with, all ILO health and safety conventions.

The International Labour Organisation sets international standards on a range of issues, including health and safety. ILO Conventions are agreed by representatives of the world's governments, employers and workers annually. The standards provide a basic minimum for labour standards across the world and are an important means of ensuring that countries ensure a certain level of protection for workers including in the area of health and safety.

The UK government has refused to ratify a number of Conventions among those that have not been ratified are ones on asbestos, dock safety, construction, agriculture, chemicals, home work, mining and domestic workers. It has also refused to ratify treaties on inspections, occupational health provision and even the general convention on health and safety and so claims the report, it is not willing to guarantee UK workers the basic rights that have been agreed internationally.

Trade unions believe that the UK government should show its commitment to health and safety by ratifying all ILO conventions on health and safety and once it has done so, should review UK law to make sure that it is fully complying.

4. APSE Comment

APSE welcomes the general ethos of this TUC report to once again highlight health and safety as a significant issue and to dispel the myth that it is 'a burden on business.' The costs of not putting in place adequate health and safety arrangements on top of the moral implications of exposing the workforce and public to risk.

Local authorities and other public sector providers take their health and safety responsibilities very seriously. They do have their share of accidents and incidents but in most cases the policies and procedures in place are first rate and help to protect the workforce and service users from reasonable risk. This is of course a responsibility for both managers and staff and procedures should be in place to provide guidance and support for all involved.

However this report does act as a good prompt to local authorities to review the arrangements they have in place to ensure they are adequate and appropriate. For example, safety representatives supported by trade unions and safety committees may have disappeared from some local authorities. Attempts should be made to reinstate these arrangements. The profile and scale of occupational health services should be considered to see whether it is appropriate or overshadowed by arrangements directed towards the prevention of injury.

Issues such as temperature and exposure to dust and carcinogens are issues about which local authorities must remain vigilant and the vast majority do so. The issue of procurement and its role in promoting health and safety is one where councillors have an important role to play. They must ensure contracts have relevant health and safety clauses, that clients monitor them, that contractors meet them and that there are penalties in place if they are not met. Local authorities are sector leaders in terms of health and safety and they are in apposition to promote further good practice in the private sector.

Local authorities with their responsibilities towards staff and service users must be planning for their responsibilities over the long term especially in times of financial austerity. The costs of managing an incident are far less than those of prevention.

Phil Brennan
Principal Advisor