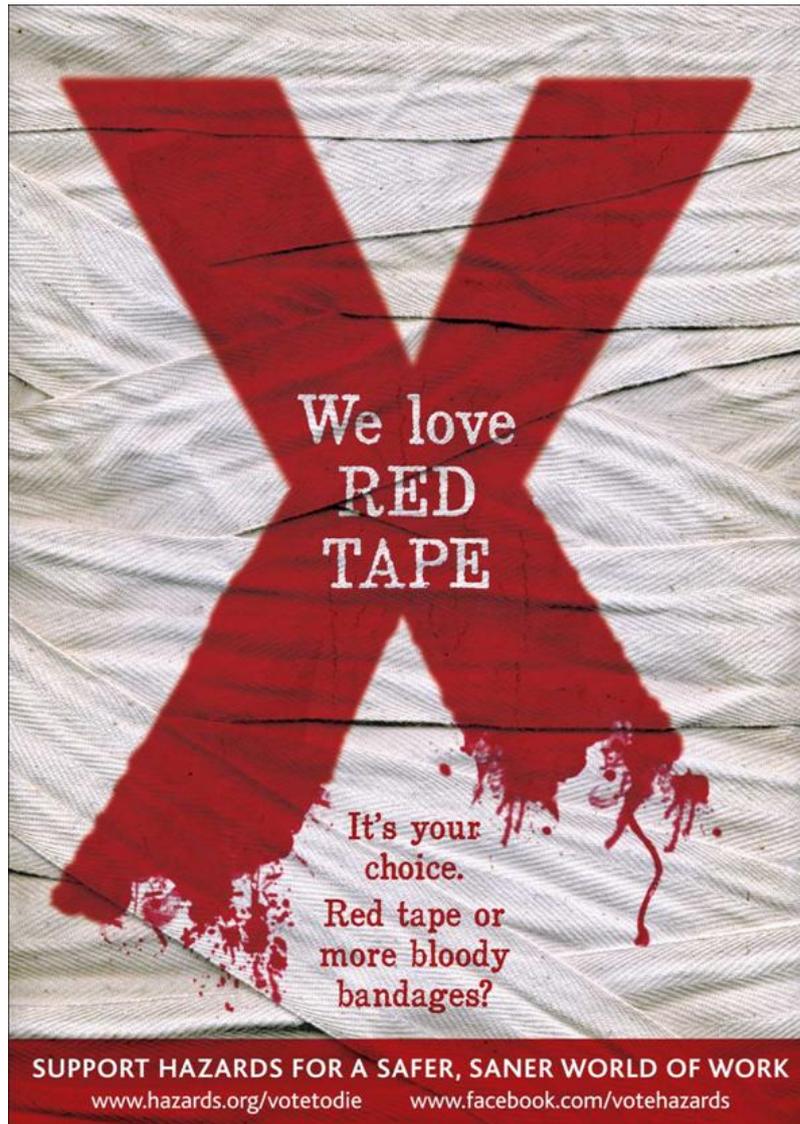


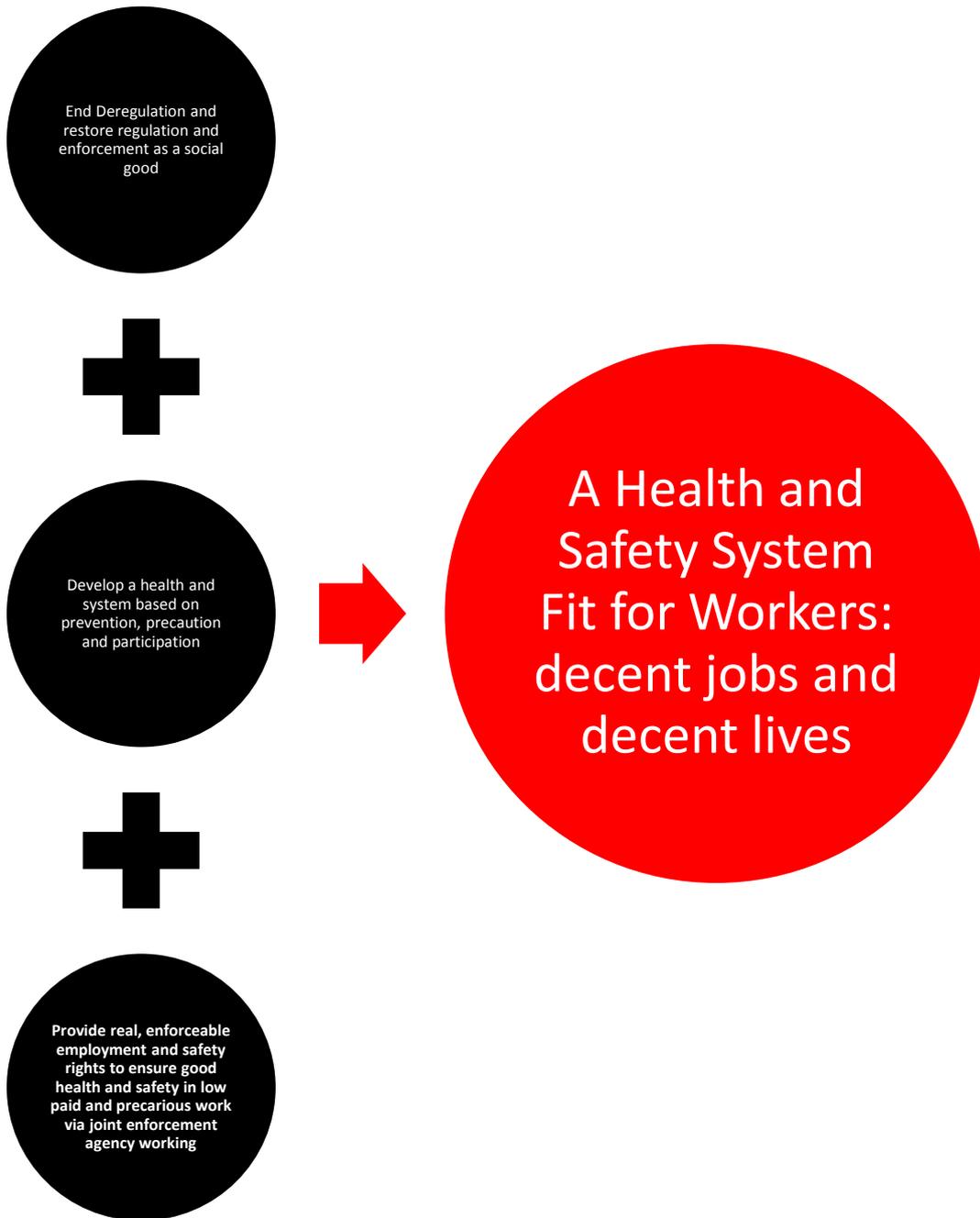
2019

HAZARDS CAMPAIGN



A MANIFESTO FOR A HEALTH AND SAFETY SYSTEM FIT FOR WORKERS: DECENT JOBS AND DECENT LIVES

The British health and safety system is broken. Workers are harmed daily just for going to work to earn a living, and many now have no realistic prospect of enforcement of their basic human right: a safe and healthy workplace.



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Executive Summary

Health and safety has been ideologically demonised as 'pointless red tape', a 'burden on business', in order to undermine its value and its essential role in protecting workers and others from unscrupulous businesses in a deregulatory process called 'better regulation'. The reality and evidence shows that 'red tape is indeed better than bloody bandages', that regulation and enforcement prevent harm and are an overall social good, saving lives, health and money. Evidence shows the three factors that make work safer and healthier are strong laws, strictly enforced and strong, active trade unions. Unionised workplaces with elected safety reps using full Safety Reps and Safety Committee Regulation rights are up to twice as safe as non-union workplaces and evidence shows that a reduction in trade unionisation has led to a significant increase in work fatalities. .

All of these positive factors- laws, enforcement and trade union organisation- have been attacked and undermined by deregulatory neoliberal governments since Thatcher's 'bonfire of regulations' to 'Better Regulation' and the 2010 Coalition Conservative-led government. This turbo-charged deregulation, with derogatory statements made by David Cameron promising to 'kill off health and safety culture for good', castigating health and safety laws as an 'albatross' and a 'millstone round the neck of business', and led to HSE budget cuts of 50%, massive cuts to enforcement action, prosecutions and inspections by the HSE and Local Authorities (L.As) and attacks on trade unions ability to protect workers over the last eight years.

No-one should be injured, killed or made ill at work in preventable incidents, and all workers should be able to go home healthy at the end of their shift, this is a basic human

right and it is the job of the state to establish a system of law and enforcement to ensure this right to life and health at work. This also makes moral, but also practical and economic sense, as poor health and safety costs British society an estimated £60 billion a year. Improving health and safety would save money for businesses, workers and their families and the overall economy, save lives and health, contribute massively to reducing pain and suffering, improving public health, increasing life expectancy and years of healthy life, reducing poverty and inequality, save money in reducing cost to the NHS, the state, and employers from work harm.

Health and safety at work is an equality and class issue: generally as your pay goes down, your risks go up. Lower paid, less secure workers face more risk of being injured, made ill, being killed at work, dying from work illness including all the major killers of heart, lung disease and cancer, and even of work-related suicide. And they are less able to protect themselves, or to complain or get their rights to safe work enforced, especially as most are not in a trade union. Hazards Magazine shows how health and safety abuses frequently overlap and interlink with other employment issues in complex ways: *'Higher paid, higher status work is relatively immune to work-related health problems- occupational injuries, cancers, nervous system disorders, suicides, reproductive problems, strain injuries and cardiovascular diseases are all concentrated in the less well remunerated work. The lower your grade, the higher the risks. You are the model worker. You will work until you drop. The pay is bad, you can't complain. You need the job. You sweat, you bleed, you break down. You are sick and tired of low pay and you may well be sick of it, warns Hazards Magazine in 'Degraded'.'*

Precarious employment, zero hours contracts, temporary and agency work, the so called 'gig economy' and exploitation, and issues of low pay and long hours is spreading through the economy. We reject this indecent exploitative work shading into modern slavery that many employers want to become the 'new normal', because it is making us sick to death.

Much of this work is enforced by under-funded local Authorities and falsely considered 'low risk' where proactive inspections have been banned. There are sectors where employers are under little or no enforcement scrutiny or pressure to tackle these risks and a huge swathe of vulnerable workers almost totally excluded from the enforcement of their right to good health and safety at work. Issues like working hours, fatigue, and low pay also need to be properly recognised as a massive occupational health problem and come under the auspices of health and safety regulation. To properly protect workers, all agencies enforcing employment and wage conditions need to come together with the HSE/Local Authorities to tackle the complex and interlinked employment and health and safety risks in these sectors.

In 2018 work still hurts and kills on an industrial scale. The Health and Safety Executive, HSE, does not collect or publish complete figures for work-related harm. The Hazards Campaign expert-based estimates are that around 1,500 people are killed by work-related incidents, 50,000 die from work illnesses, millions are made ill by work with an estimated 600 so despairing they take their own lives, and 555,000 workers self-report injuries in Great Britain every year. Almost all work injuries/illness are due to employers' mismanagement and should have been prevented by compliance with the law. Inequality and discrimination at work mean that the most vulnerable workers—the poorest, women, young, older, black and ethnic minority, migrant, LGBT workers— are at more risk of being made ill, injured or killed due to work. But due to the acceleration of deregulation in all its guises, all workers are at far more risk now than pre 2010, and adding in the effects of austerity has led to the epidemic of stress-related illnesses across all work sectors leading to long term mental ill-health. Poor health and safety costs society and the economy an estimated £30-60 billion a year as employers shift the cost of their profit-saving risks to workers their families and the state.

The current health and safety system based on laws, access to justice, enforcement and active participation of workers and their unions, has been broken by neoliberal ideology of deregulation and austerity cuts which led directly to the Grenfell fire, and the continuing unacceptable workplace toll of up to 140 people a day killed at and by work. It has been debased by lying about its value to workers and the public, changing the regulatory environment to make workers' lives and health explicitly subservient to business interests, slashing funding for its enforcement, commercialising, privatising and monetising it. To make work safer and healthier we need to

reclaim health and safety regulation, reframe it as a basic human right, a social good – we love red tape because it is better than bloody bandages - end its ideological deregulation, restore effective enforcement and remove all restrictions on trade unions to organise, educate, agitate to protect workers lives and health as a huge body of evidence attests to their impact on making work both safer and healthier. And it is also essential that the HSE/LA system is revamped as a powerful, independent occupational health and safety preventative system, linked with agencies that enforce employment laws with good health and safety conditions at its heart

To create a health and safety system fit for all workers at the heart of decent jobs and decent lives for all the Hazards Campaign calls on government to:

- 1. End Deregulation and restore regulation and enforcement as a social good.**
End the whole neoliberal deregulation/better regulation agenda and dishonest rhetoric, publicize the evidence-based case that good regulation and strict enforcement is an essential social good - good for workers, employers, society and the economy. We love Red Tape because it is better than bloody bandages.
- 2. Develop a health and safety system based on prevention, precaution and participation**
Create a fully funded independent health and safety system with strong laws, strict enforcement and empowering of trade unions and safety reps to ensure decent work and decent lives for all workers based on prevention, using the precautionary principle, and the empowerment and participation of workers to stop workplace harm.
- 3. Provide real, enforceable employment and safety rights to ensure good health and safety in low paid and precarious work via joint enforcement agency working**
Ensure the joint work by HSE, Local Authorities and other enforcers on health and safety and employment law work together as low wages, insecure contracts and exploitation both harm workers health and prevent them from acting to protect their lives and health.

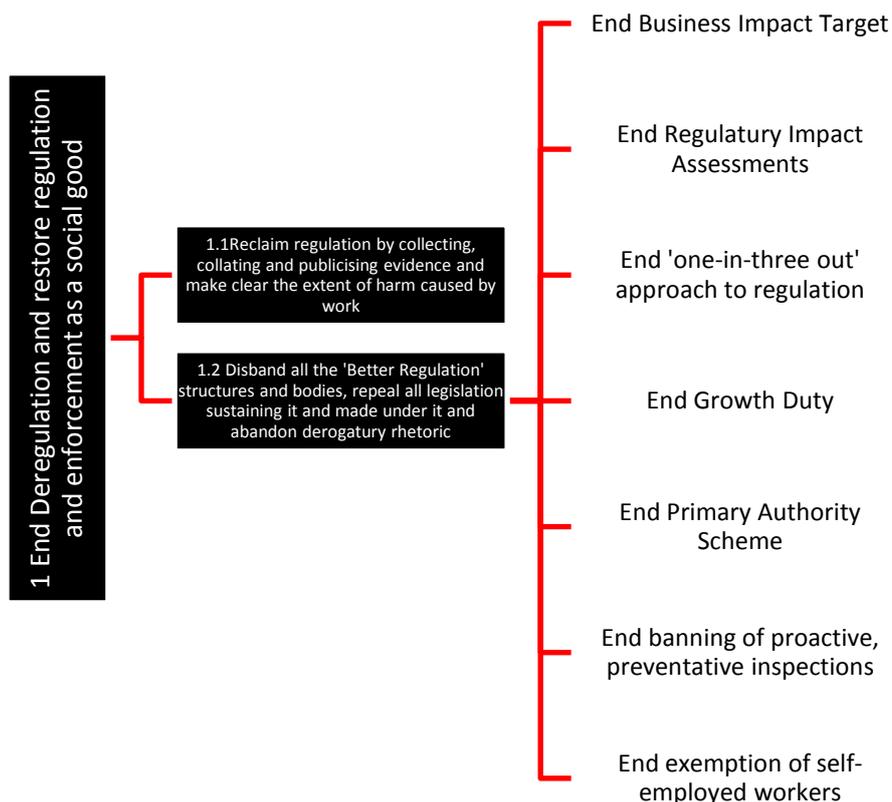
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The current health and safety system has been completely broken by the neoliberal ideology of deregulation/better regulation, based on lies against all the evidence to the contrary, plus the effects of austerity' cuts. Deregulation encompasses repealing laws and Approved Codes of Practice, dumbing down guidance, killing off tripartism and silencing workers voices in regulation and enforcement of their lives and health at work; and also more effectively slashing funding for HSE and Local Authority enforcement and by changing its nature- making business the first priority, commercialisation, privatisation and outsourcing. Deregulation also includes attacks on trade unions and restricting access to justice by which workers gain civil compensation for harm caused by negligent, and redress through Employment Tribunals for unfair treatment at work as union safety reps and workers.

This has allowed business/employers to capture the regulatory system for profit maximisation and control, making work less safe and which led directly and publicly to the Grenfell Tower fire which killed 72 people. This made public, in a way which the deaths of workers in isolated incidents and the ill-health of workers often at home or in hospitals, hospices never can, the deadly nature of deregulation in ways that cannot be misunderstood or ignored ¹. The Hazards Campaign has demanded that Grenfell must be the 'enough is enough moment',² an end to the Better Regulation/deregulation agenda, it's reversal and the restating the case for good regulation as a social good and a human right. Most health and safety regulations are 'written in blood' and deaths of workers from past disasters and the majority of people would prefer to have rules and enforcement to keep them safe wherever they are at work, in the environment, breathing air or drinking water, using products and services, eating out, taking their kids to an amusement park, or at home in their beds.

To improve health and safety across all issues but at work especially, requires the ending and reversal of the deregulation agenda, the government must do two things: reclaim regulation as good for workers, employers, society and the economy, a social good, and stop and repeal all the deregulatory structures, polices and legal changes made under that agenda.



The government must:

1.1 Reclaim regulation as a social good by collecting, collating and publicizing the evidence for the benefits of good regulation and enforcement for all. Make clear the extent of harm caused by work, the inequalities in work-related death, injury and illness; their cost to workers and how this can be reversed by good health and safety at work.

In 2018 work still hurts and kills on an industrial scale. The Health and Safety Executive, HSE, does not collect or publish complete figures for work-related harm.³ and employers report only around 0.3% of work-related illness⁴. The Hazards Campaign expert-based estimates are that around 1,500 people are killed by work-related incidents, 50,000 die from work illnesses, millions are made ill by work with an estimated 600 so despairing they take their own lives, and 555,000 workers self-report injuries in Great Britain every year⁵. This is a terrible toll even though around 32 million are in the workforce. Almost all work injuries/illness are due to employers' mismanagement and should have been prevented by compliance with the law. Inequality and discrimination at work mean that the most vulnerable workers—the poorest, women, young, older, black and ethnic minority, migrant workers—are at more risk of being made ill, injured or killed due to work. But due to the acceleration of deregulation in all its guises, all workers are at far more risk now than pre 2010, and adding in the effects of austerity has led to the epidemic of stress related illnesses across all work sectors leading to long term mental ill-health. Poor health and safety costs society and the economy an estimated £30-60 billion a year⁵ as employers shift the cost of their profit-saving risks to workers their families and the state. Of this cost 57% is paid by the state, 24 % by the individuals harmed and their families, with only 19% paid by the employers whose negligence causes the harm⁶.

The HSE must collect full and accurate statistics on all work-related harm- deaths, injuries and illnesses in all sectors to make explicit the whole story of harm caused by work and publicises these, along with the costs to individuals, employers, society and the economy, to build public and political support for the funding of good regulation and enforcement as a social good to prevent harm and reduce costs. This reporting must also make clear the social/economic/sex/class inequalities in work-related death, injury and illness, expose the real risks faced by workers in different sectors and workplaces. Make clear that this results in massive inequalities in both short and long term health, resulting in more years of low quality life, lower life expectancy for the poorest most vulnerable workers, and the estimates of personal and state cost of this, and how good regulation and enforcement can reduce these inequalities.

1.2 Disband all the 'Better Regulation' structures and bodies, repeal all the legislation sustaining it, the specific regulations and policies made under it, and abandon all the derogatory dishonest rhetoric associated with it.

Deregulation/Better Regulation has devastated enforcement and left large groups of workers completely unprotected especially those in Local Authority enforced sector, and in precarious, low paid non-unionized workplaces. The Business Impact Target which sets the overall goal of saving £10 billion between 2015 and 2020 and privileges supposed business savings and interests over the value of regulation to health and life must be scrapped along with other biased instruments the Regulatory Impact Assessments and the One in three out approach to regulation, the Primary Authority Scheme, and the imposition on all non-financial regulatory of a 'Growth Duty' on regulatory inspectors which forces regulators to consider the implications of enforcement decisions within the context of "economic growth".

- **End the Business Impact Target (BIT)**

Introduced in 2015 and intended to cut regulatory costs for business by £10 billion between 2015 and 2020, the BIT Required government departments to assess regulations for their cost to business and underpins the whole deregulation agenda. BIT creates an institutional bias in favor of businesses, potentially at the public's expense. In 2016, the Regulations noted to have the greatest cost implication for businesses were the standardization of tobacco packaging and the prohibition of psychoactive substances.

The National Audit Office has stated: "Cost assessments tend to be an overestimate because innovation potential is rarely assessed and are routinely based on exaggerated figures from industry - in the past trade organisations have systematically inflated cost estimates to combat new regulations"⁷. The scope of the BIT cost appraisal process lends disproportionate weight to lobbying from business interests. The BIT does not account for, or attempt to mitigate, the presence of economic externalities such as public health impacts, which will be picked up down the line by the taxpayer. BIT should be scrapped as it privileges business interests in any assessment, does not include any assessment of the value of regulation that protects lives and health.

- **End Regulatory Impact Assessments (IAs)**

As part of the BIT, regulators are obliged to publish an IA alongside proposed policies or policy amendments, which sets out estimated cost implications for businesses. Social and environmental impacts are often mentioned, but not monetised, and therefore given no weight in the appraisal process - and the Regulatory Policy Committee (RPC) cannot 'red rate' a policy on these grounds. This framework means that public policies expected to save businesses money - but which also warn of public harms - may legitimately be passed. For example, the IA for the repeal of 23 local building acts across England in 2012 points to a potential "increase of approximately 3% (per thousand fires) in fires getting 'big', but was validated on the basis of estimated cumulative cost- savings of nearly £1m from removing the requirement to install smoke extractors or sprinklers in buildings.⁸

The Regulatory Impact Assessment appraisal process is unacceptably biased towards business, at the expense of worker safety and wellbeing and should be abandoned because they fail to enable adequate appraisal of policy and because they fail to adequately take into account wider societal benefits of regulation and associated long term cost saving.

- **End the One-in-One Out, One in Two out, One in Three out Approach to Regulation**

In 2011 David Cameron launched a "one-in, one-out" rule: any new regulation could be introduced only if an existing measure, with equal costs to business, was revoked. In 2013 it was escalated to one in, two out⁹. This was the doctrine cited in 2014 by the then Conservative housing minister to justify his refusal to insist that sprinkler systems be fitted to new buildings to prevent fires from spreading¹⁰. In 2015 the government ramped up the ratio to one-in, three-out, and locked it into law through the Small Business, Enterprise and Employment Act¹¹. As Christine Berry of the New Economics Foundation points out, this more or less bans new regulations. It ensures that business costs are transferred to society, where they remain, under this formula, uncounted¹².

Oxford University's Smith School 2017 comparative analysis of the 'one in three out' approach in 8 countries found that: "none of the countries we review has demonstrated that this policy innovation has actually led to improvements in economic efficiency"¹³.

'One in one out' is not based on any assessments of need or value of regulation, but is purely an ideological bean counting stunt. It is unevidenced, illogical, arbitrary and ludicrous, and worse it is potentially very harmful in preventing new life and health saving laws from being introduced. One in three out is all of the above cubed and should be scrapped as it stands against regulation that protects lives and health.

- **End the 'Growth Duty'**

By scrapping the Regulators Compliance Code which made the first principle for the HSE & L.As that they should carry out their activities in a way that supports those they regulate to comply & grow. This is in conflict with regulating for health and safety of workers.

Section 108 of the Deregulation Act 2015 sets out a 'Growth Duty' for regulators:

(1) A person exercising a regulatory function to which this section applies must, in the exercise of the function, have regard to the desirability of promoting economic growth.

(2) In performing the duty under subsection (1), the person must, in particular, consider the importance for the promotion of economic growth of exercising the regulatory function in a way which ensures that—

(a) regulatory action is taken only when it is needed, and

(b) any action taken is proportionate.¹⁴

The purpose of this duty is to make health and safety (and all non- financial) regulators) consider the economic effects on the businesses they are regulating. This means that front-line inspectors must provide a rationale other than that of legal compliance with health and safety regulations and it interferes with their correct legal focus of regulatory decisions on worker and public safety concerns. And even worse, it takes is a narrow definition of economic growth, and proscribes taking into account the wider economic benefits of regulation including the number of cases of ill-health, injuries, death which may be prevented by the regulation and its enforcement.

Conversations with both health and safety inspectors and environmental pollution inspectors over cases in which we have been involved, highlight how constrained they are by this duty when considering enforcement action to protect lives and health.

- **End the Primary Authority Scheme (PA)**

The Primary Authority Scheme (PA) allows national businesses to shop around for a friendly enforcer and enter into commercial relationship with them which restricts the ability of other Local Authorities to enforce locally, to the detriment of workers health and safety.

PA allows companies—and franchises and businesses in trade associations since April 2014 – operating across more than one Local Authority area to make an agreement with one specific Local Authority to regulate all of its sites, nationally. Under the PA scheme, the company, franchise or business association can reach an agreement with one Local Authority to regulate its systems across all of its stores in every Local Authority for complying with a relevant body of law – occupational health and safety or food hygiene, for example. The company makes a payment to the Local Authority nominated as ‘PA’ and agreed through contract. The company benefits from the lack of effective scrutiny or oversight in most of its sites. While these sites can be visited by other Local Authority inspector/financialising regulation, the company has a commercial contract with an enforcer and Local Authorities compete with each other to sign up large companies to the scheme, seeking to make contracts based upon monetary exchange. As Local Authorities have suffered such huge cuts generally and to enforcement especially, there is great pressure to do a financial deal¹⁵.

In April 2014, 1,500 businesses had PA relationships across 120 Local Authorities; by March, 2017, there were 17,358 such relationships across 182 authorities. Moreover, PA now applies across a vast swathe of areas of regulation, including occupational health and safety but extending to food safety, and a wide range of regulators, from environmental health and trading standards departments to fire and rescue services and port authorities. In practice PA operates as a force against enforcement and should be scrapped by repealing the relevant sections of the Enterprise and Regulatory Reform Act 2013. It is also a mechanism to attempt to create a self-funding regulatory and enforcement system which would magnify the negative effects for workers health and safety.

- ***End the banning of proactive, preventative inspections in the vast majority of workplaces***

Proactive inspections are preventative and check up on employers’ compliance before someone is hurt or made ill. DWP Minister Grayling’s strategy ‘Good Health & Safety Good for Everyone’ published March 2011 announced the Lofsted Review of health and safety, Fee for Intervention (FFI) for HSE; and a completely arbitrary 33% cut in proactive, preventative inspections of 11,000 fewer for HSE, and 65,000 fewer Local Authority inspections. Only high risk workplaces were permitted to have proactive inspections – construction, foundries, waste and recycling and nuclear industry. All other workplaces were classed as low risk¹⁶.

From 2003/4 to 2015/16, proactive inspections undertaken by the HSE’s Field Operations Division (FOD) fell by 69%, while for Local Authority Environmental Health Officer, EHOs, total inspections fell by 69% and preventative ones by 96%. Hazards magazine found that of the 258 reported worker fatalities in the 19 months which followed this ban on proactive inspections, 53% were in so called ‘low-risk’ sectors. Outbreaks of Legionnaire’s Disease in 2012 which killed two people and made 21 people ill, were linked to a 44% drop in HSE inspections of cooling towers¹⁷. Urgent inspections of cooling towers around the London 2012 Olympic venues found 75% had dangerous levels of legionella bacteria and required remedial treatment.

The HSE carried out 18,000 inspections in 2015/16 for the approximately 900,000 workplaces for which they have enforcement responsibilities, which means that the average workplace can now expect an inspection once every 50 years. This is a decrease from once in every 38 years in 2010. Proactive inspections by Local Authorities have fallen by 97%, and overall inspections fallen by 65%. The number of enforcement actions taken by L.A.s on health and safety have fallen by 64% and the number of inspectors has fallen by half since 2010. The All Party Parliamentary Group on Occupational expresses extreme concern about this in their report on Local Authorities and Health and Safety, published in July 2018¹⁸. The latest enforcement figures for Local Authorities show that Birmingham Council which enforces in 23,000 premises made 39 health and safety visits in 2016/17; for any business that’s a chance of 1 inspection every 578 years. The APPG Report shows a much worsened situation since professor Steve Tombs wrote Better Regulation: Better for Whom¹⁵.

The HSE instructs Local Authorities to stop inspections of falsely labelled ‘low risk’ workplaces and cuts to their budgets, with health and safety at work not being ring fenced, has led to a collapse of health and safety inspections and enforcement with many LAs doing none at all, and some having outsourced it to private companies. This has left huge numbers of workers in the Local Authority enforced sector including in the so-called gig economy without any enforcement of their health and safety at work. This means that the millions of workers, including many of low paid, precarious, vulnerable non-unionised, self-employed workers are employed in sectors considered low risk and exempt from any proactive checking up on compliance by their employers. The only time they will see an inspector is when someone has already been seriously hurt. They have no way of holding their employers to account, securing the legal right to safe and healthy workplaces, or to gaining redress for the harms caused to their health and the effects on them and their families.

This level of enforcement activity cannot credibly be compliant with the commitment under Article 6 of ILO Convention 81 that: ‘Workplaces shall be inspected as often and as thoroughly as is necessary to ensure the effective application of the relevant legal provisions.’

- **End the exemption of self-employed workers from health and safety law**

Following the Lofsted Review, the HSE exempted self-employed workers 'whose work poses no threat to others' from health and safety law. Many workers are forced into bogus self-employment and while the self-employed constitute around 15 per cent of workers, HSE figures indicate that they account for 30 per cent of workplace fatalities in construction. Bogus self-employment is increasing in construction which is also the sector which kills the largest number of workers ¹⁹. It is also widespread in agency work, the precarious, so called 'gig economy' and is spreading throughout other sectors. The exemption of some self-employed workers creates a grey area, opportunities for employers to exploit and abuse, puts them and others at risk and it should be scrapped.



Regulations
protect us.

Enforcement
protects us.

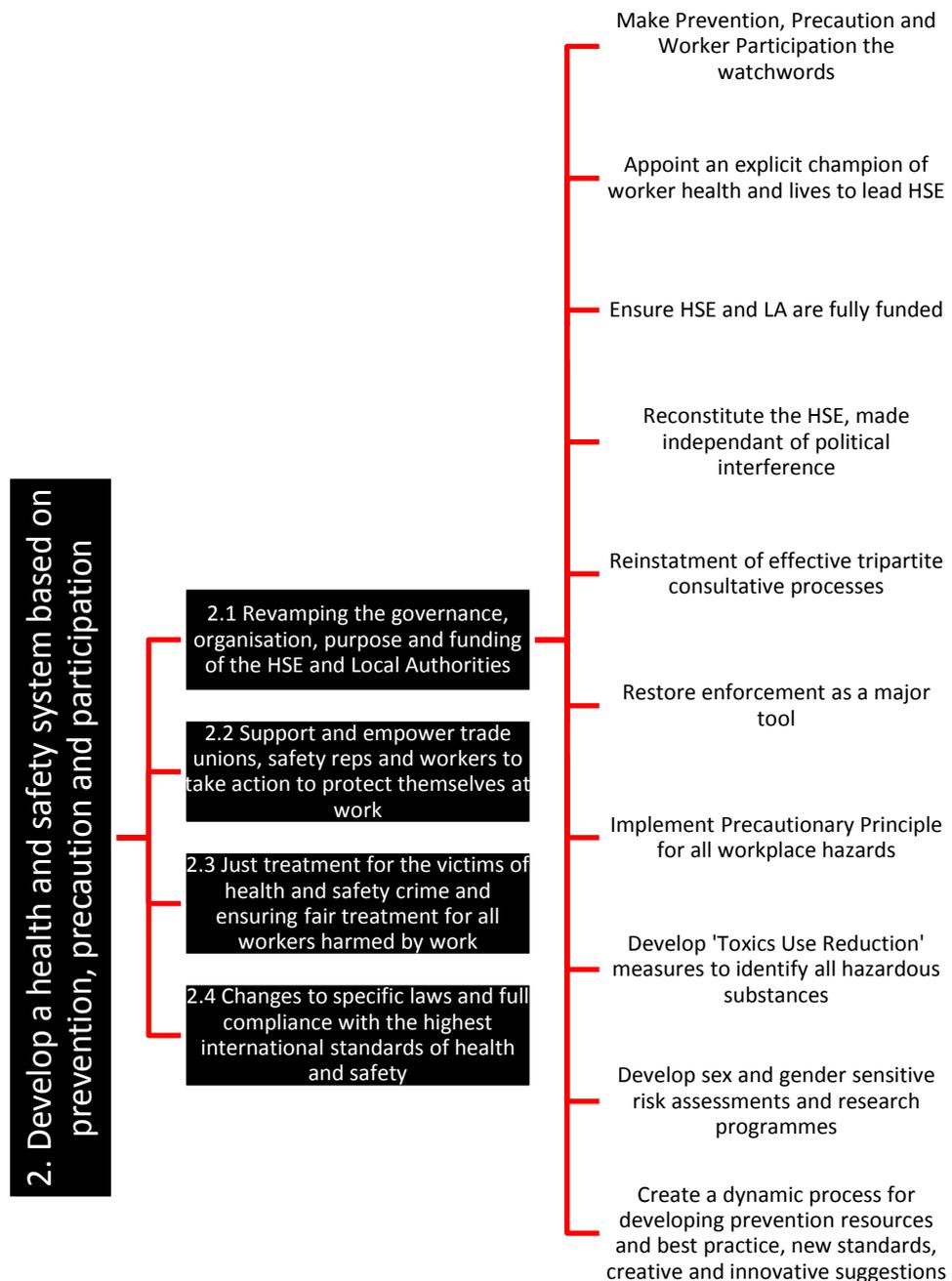
HSE – Protect us

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2. Develop a health and safety system based on prevention, precaution and participation

Create a fully funded independent health and safety system with strong laws, strict enforcement and empowering of trade unions and safety reps to ensure decent work and decent lives for all workers based on prevention, using the precautionary principle, and the empowerment and participation of workers to stop workplace harm.

The Health and Safety Executive/Local Authorities in their current state are unable to even attempt achieving the aims above. We propose a revamped, renewed HSE/LA regulation and enforcement system based explicitly on preventing harm to workers lives and health, with a strong focus on using the precautionary principle, and the participation of workers and their unions to cut workplace injuries, ill-health and deaths. This will not only save lives and health and contribute massively to reducing pain and suffering, improving public health, improve life expectancy and years of healthy life, reduce poverty and inequality, and also save money in reducing cost to NHS and the state, and save money for employers too.



2.1 Revamping the governance, organisation, purpose and funding of the HSE and Local Authorities

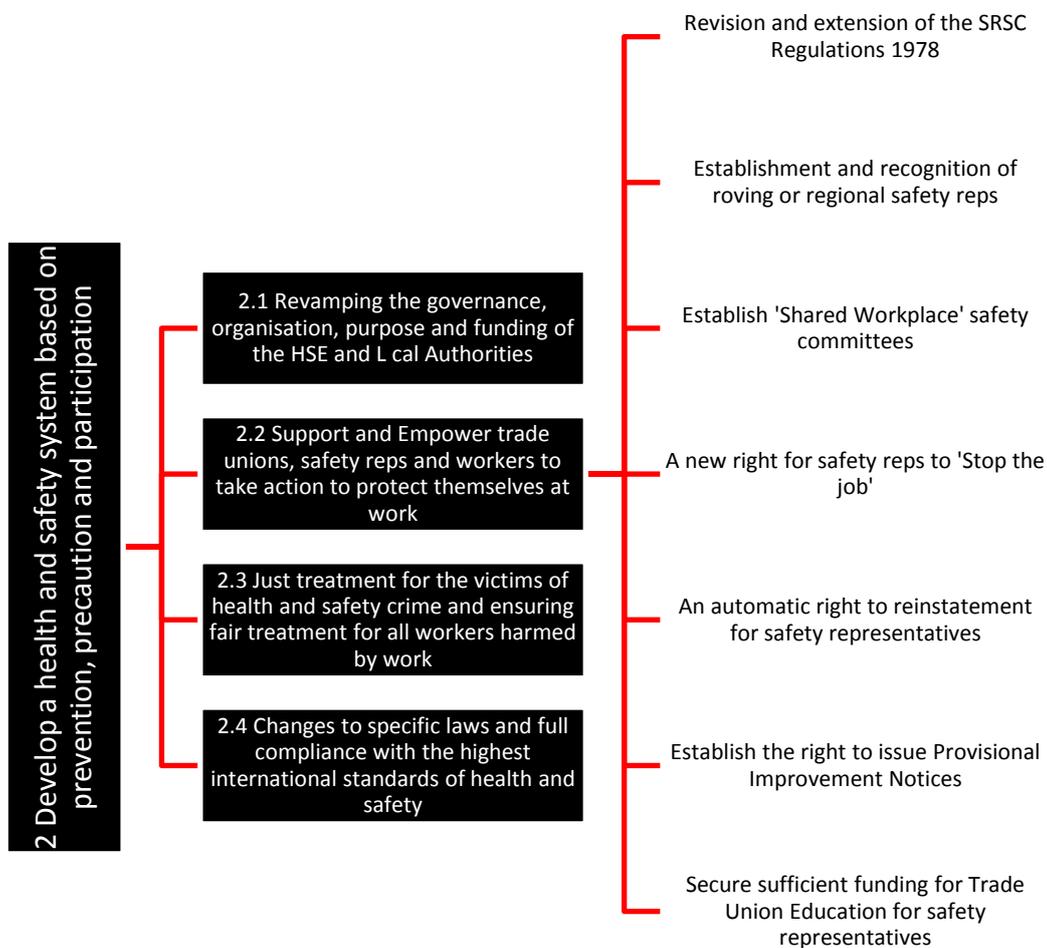
Revamp the HSE, as the head of the health and safety regulation and enforcement system, to make it look, smell and act like a defender of workers with real enforcement and prosecution teeth which it is specifically tasked to use upon-compliant, criminal employers, to achieve prevention of all types of work-related harms.

- ***Make Prevention, Precaution and Worker Participation the watchwords and mandate of the HSE, Local Authority and all agencies enforcing any areas that affect health and safety at work***
- ***Appoint an explicit champion of workers health and lives to lead HSE as Chair/CEO***
Appoint a person who is a champion of workers health and lives, knowledgeable about all aspects of health and safety, skilled in preventative, precautionary and workers participatory approaches, to lead HSE as Chair/CEO and implement ambitious plan of preventing work causing harm. For ideas about the sort of person needed, see Citizen Sane, Rory O'Neill Hazards Magazine editor set out the qualities and ideas needed ²⁰.
- ***Ensure the HSE and local Authorities are fully funded so they can fulfill their sole duty effectively***
Funding to ensure sufficient and well trained specialist inspectors, technical and back up staff for both the occupational safety and health aspects of the work, to carry out proactive inspections, reactive inspections, enforcement action, and to meet ILO standards for the number of inspectors per 100,000 workers, and for levels of inspections and enforcement ²¹.
- ***Reconstitute the HSE, make it independent of political interference.***
Restore full and effective tripartism with equal representation of workers, employers and the government on the HSE Board. In recent years there have not been 3 worker representatives on the HSE Board and government has rejected TUC nominees. Include lay worker union safety reps as well as full time trade union representatives. Ensure that organisations working with families of those killed by work, such as Families Against Corporate Killers, and those injured and made ill by work are represented on the HSE Board and that the views of those harmed by work are sought and included in all relevant consultative processes.
- ***Reinstatement of effective tripartite consultative processes at industrial sector level to tackle all the health and safety issue in that sector with ambitious preventative programmes***
- ***Restore enforcement as a major tool to increase employer compliance and prevention to cover all workers and workplaces.***
The evidence shows that strict enforcement of strong laws works to make workplaces safer and healthier but numbers of prosecutions and enforcement notices taken by the HSE and Local Authorities has declined hugely over the last 10 years ²².

The HSE and Local Authorities must be fully funded so they are able to increase the number and frequency of proactive/preventative inspections and scrap the arbitrary and inaccurate 'low risk: high risk' rating for workplaces, and ensure that all workers are covered as currently large numbers of workers are in falsely labeled 'low risk workplaces' where there is effectively no enforcement of their health and safety. The HSE and Local Authority EHOs must be able to respond rapidly to reported problems, provide rapid remedy for unsafe practices that puts workers at risk, and act as an effective deterrent to non-compliant/criminal employers. Name and shame employers' health and safety crimes more effectively to act as a deterrent, and ensure full details of enforcement actions, prosecutions and relevant reports are fully publicized and on-line databases kept up to date.

It is unacceptable that in the HSE current programme on tackling the three top occupational health issues: Musculo-Skeletal Disorders, Stress and Lung Disease, enforcement is ruled out only in the case of action on work stress as a tool for achieving change in employers behaviour to #helpgbwork well and ensure workers can @Go_home_healthy. The advice the HSE gives to Local Authorities also specifically excludes enforcement as a tool to be used to tackle work stress ²³. This must end as stress is widespread throughout all work sectors especially in the precarious low wage economy mostly enforced by Local Authorities, and in contributing to huge levels of acute and chronic ill-health and suicide ²⁴.

- **Implement the Precautionary Principle for all workplace hazards**
This should include work-stress factors, ergonomic risks for musculo-skeletal disorders, and harmful substances including carcinogens, mutagens and reproductive toxins, work practices and equipment, bullying, sexual harassment etc, and make removal of potential hazardous factors from all workplaces the priority.
- **Develop 'Toxics Use Reduction', TUR, measures to identify all substances hazardous to health**
Using the principle of no hazard no risk, use TUR to reduce the number and amount of chemicals used in workplaces and fully implement the Control of Substances Hazardous To Health Regulations Hierarchy of control by eliminating, substitute and preventing exposure to stop cancers, lung and many other work-related diseases and reduce the impact of workplace activity on external air, water and soil pollution and community ill-health. Urgently eradicate asbestos from schools other public buildings, then all workplaces and homes. Tackle exposure to air pollution as a workplace issue ²⁵.
- **Develop sex and gender sensitive risk assessments and research programmes**
On all workplace hazards and risks which include sexual harassment and abuse, occupational cancer and other illness, such as musculo-skeletal disorders and stress, to redress the lack of research on women's health and safety and establish proactive, preventative action programmes. This will mean undertaking more research in those work sectors dominated by women workers but currently ignored such as cleaning, care work, the beauty sectors, in the gig economy but also across all sectors to redress the ignoring and invisibility of impacts of work on women workers ²⁶.
- **Create a dynamic process for developing prevention resources and best practice, new standards, creative and innovative suggestions and a reality check for the HSE via a Workers Observatory**
A Workers Observatory expert group, made up of workers and occupational health activists to support the HSE, to keep their feet to the fire and grounded in the reality of the workplace



2.2. Support and empower trade unions, safety reps and workers to take action to protect themselves at work

There is a vast body of evidence that trade union organisation makes work safer and healthier union safety effect by as much as twice as safe as in non-unionised workplaces²⁷. No other factor has anywhere near this positive impact. Unions also make work fairer. Therefore trade unions role in health and safety must be enhanced and extended so they can even better represent, protect workers and enable more active worker involvement. This includes enhancing laws and policies that give workers the right to know the risks of their work to their health; the right to participate in decisions about risk assessments, the way the work is organised and the safety precautions taken; and the right to refuse dangerous work that outs their lives or health at risk.

Sharan Burrow, General Secretary of the ITUC on International Workers Memorial Day 2017 on the Union Effect²⁸:
'If you want better pay, more job security, lower injury and ill-health rates and better terms and conditions at work, then unions have a proven track record²⁹ in a virtuous circle, unions make workplaces fairer, which makes the union voice stronger, which makes workplaces safer. Wherever there is an active union presence, this union effect is likely to be observed – and there are economic benefits too. A September 2013 study covering 31 industrialised countries, published in the journal Social Science & Medicine³⁰ concluded: "Union density is the most important external determinant of workplace psychosocial safety climate, health and GDP." The paper added "worker health is good for the economy, and should be considered in national health and productivity accounting. Eroding unionism may not be good for worker health or the economy either".

"Unions narrow workplace inequalities, with a concomitant benefit to health. In a harsh economic climate unions continue to make work fairer. The same collective strength that delivers better wages also makes work safer and healthier. "It is an indictment of the economic and political process that globalisation has seen a fragmentation of work and a decimation of work rights, causing inevitable harm to public health³¹. But it does put in sharp relief the undeniable benefit of trade unions³². It's not 'just about wages, or equality or safety. It is about dignity and respect at work. The shame is that without unions this basic decency is in increasingly short supply.'

Recent evidence confirms this union protective effect in workplaces translates to large scale reductions in workplace Fatalities and shows that attacks on trade union unions in 'Right to Work', RTW, states in USA has led to an increase in deaths³³. The author Michael Zoorob of Harvard University calculated 'the effect of a 1 per cent decline in unionisation attributable to RTW is about a 5 per cent increase in the rate of occupational fatalities'... "I find that diminished union membership due to right to work legislation as led to a 14.2 percent increase in workplace mortality".

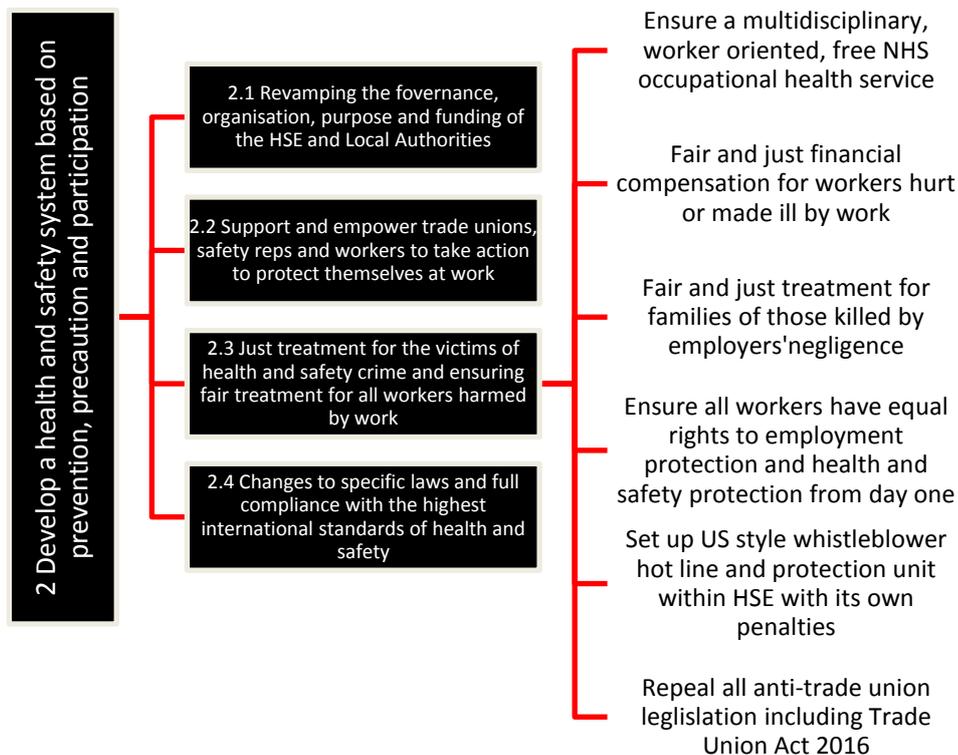
Unions create the safety effect by educating, agitating and organising; negotiating and collective bargaining and taking action but mainly through the work of elected union safety reps using the full duties and functions of the Safety Representatives and Safety Committees RSC Regs³⁴.

We have just celebrated the 40th anniversary of the SRSC Regs and the TUC made clear the great achievements of the over 100,000 trained union safety reps nationwide, who are delivering impressive and often life-saving benefits, including reducing injuries at work, reducing levels of ill-health caused by work, encouraging greater reporting of injuries and near misses, making workers more confident, helping to develop a more positive safety culture in the organisation, and saving employer and economy millions of pounds³⁵.

To maximise the life-saving union safety effect government needs to enhance and extend the SRSC Regs and back it up with proactive, strict enforcement. This will have far bigger impact on reducing workplace harm than any other factor, and must include the organisational demands of the Hazards Campaign charter as a minimum³⁶.

- **Revision and extension of the Safety Representatives and Safety Committee Regulations 1978**
To enable unions to represent workers in an increasingly complex working environments where members are employed across multiple employers and staff work may work in isolated and hazardous conditions. The SRSC Regs need revision and modification to extend the scope and benefit of safety representatives into the whole of the economy, and they must be rigorously enforced.
- **Establishment and Recognition of Roving or Regional Safety Reps** to guarantee trade unions a right to access workplaces and representation to workers in all sectors especially construction, agriculture, homeworking, hotel and catering, retail and service industries, where workers are widely dispersed. Changes in the economy, such as casualisation, contracting-out and agency working zero hours, bogus self-employment and the 'gig' economy, mean that roving reps are now needed in many more workplaces to ensure equality of union representation.

- **Establish "Shared Workplace" Safety Committees**
The SRSC Regulations do not provide for safety committees on sites or in organisations where the employees of more than one employer are working. This is becoming an increasing problem in the public sector where the trend towards appointing contractors and the out-sourcing of services and manufacturing is growing.
- **A New Right for safety reps to "Stop the Job"**
Individual workers have the right to remove themselves from work that puts them in imminent danger new Ref 34. We urge early legislation to establish the right of elected safety representatives to "stop the job" in circumstances where an unacceptable hazard or risk of injury or ill-health is identified. This could be achieved by a clearer definition in the Management of Health and Safety at Work Regulations.
- **An Automatic Right to Reinstatement for Safety Representatives**
We urge changes in the unfair dismissal law to provide for mandatory reinstatement of safety representatives proved to have been dismissed over representation on health and safety issues. We also call for automatic re-instatement in cases where Safety Representatives have been dismissed for "whistle-blowing" over health & safety issues.
- **Establish the Right to Issue Provisional Improvement Notices Provisional Improvement Notices (PINs)**
PINs originated in Australia where they give safety representatives the right to impose a notice to take action over health and safety breaches, on their employers. A copy of the PIN is sent to the enforcement agency, and requires the employer to act within a specified period. The TUC took this up as Union Improvement Notices ³⁷. We believe this would radically improve health and safety and reduce the likelihood of serious accidents and injury.
- **Secure and sufficient funding for Trade Union Education for Safety Representatives** Amend the SRSC Regulations to strengthen the provisions for training of Safety Representatives, and roving and regional representatives, by removing the qualification "as may be reasonable in the circumstances" in Regulation 4(2)b and making training mandatory. The SRSC Regs. should be amended to provide for appropriate cover for reps undertaking their duties and training so they can exercise their right to attend independent TU Education courses. This right must also be supported by adequate funding to trade unions and the TUC to establish an expanded range of courses to provide this independent, regularly up-dated, training for Safety Representatives on new legislation, latest standards and good practice including the training of safety representatives in the use of PINs/UINs.



2.3 Just treatment for the victims of health and safety crime and ensuring fair treatment for all workers harmed by work and the families of those killed by work

- **Ensure a multidisciplinary, worker oriented, free NHS occupational health service**
Most workers and especially the lowest paid, most vulnerable and most exposed to risk of injury and illness, have no access to occupational health services. An NHS occupational health service must be easily and rapidly accessible by all workers harmed by work to treat them, help them recover and get back to work safely.
- **Fair and just financial compensation for workers hurt or made ill by work**
Repeal all laws such as LAPSO, Legal Aid Sentencing and Punishment of Offenders Act 2012 ³⁸ and current Civil Liability Bill which cut, cap and restrict legal aid necessary for workers to claim civil compensation for personal injury and illness at work, and the Enterprise and Regulatory Reforms Act which removed civil and strict liability for health and safety, imposing an impossible burden on workers to prove negligence at work when making a claim for personal injury/illness. End to the two times, doubling of risk rule in civil compensation claims and the Industrial Injuries Disablement Benefits scheme in favour of best practice compensation including rebuttal presumption where possible ³⁹.
- **Fair and just treatment for families of those killed by employers' negligence**
This must include funding for support from organisations such as Families Against Corporate Killers, free legal representation at inquests, and financial compensation for all affected family members not just those legally dependent. Ensure legal aid for representation at inquests so that families can find out how and why their loved ones died and be on equal terms with the employers who can pay for legal counsel. Make compensation available for all those affected by the traumatic work-related death of a family member, not just those legally financially dependent. Ensure that unmarried spouses, siblings and parents of young workers whose lives may be completely turned upside down, unable to work due to the death are fairly financially compensated.
- **Ensure all workers have equal rights to employment protection and health and safety protection from day one** whether part-time or full-time, temporary or permanent, no matter what type of organisation they work for, including to report employers non-compliance anonymously without risk of losing their jobs so that all workers whoever they are and wherever they work have the same rights and protections – all workers' lives matter.
- **Set up US style whistleblower hot line and protection unit within HSE with its own penalties**
The current system of 'raising concerns' is extremely hard to find, and use and does not work as employees at risk of damage to their health and safety but not in a union have to raise issues with the very manager/employers who are harming them before the HSE will look at the issue, and risk losing their jobs. In the case of a Construction Waste Recycling Co in London, migrant workers mostly from Peru were engulfed in construction dust waste, without proper exhaust ventilation, adequate PPE or welfare facilities. They had to go on strike for 3 weeks to get improvements and a 'concern' raised with HSE only resulted in a request to employer to reduce the size of the waste dump! ⁴⁰.
- **Repeal all anti-trade union legislation including the Trade Union Act 2016 which restricts or prevents the ability of trade unions to organise and take action, up to and including strike action, in protection of workers and members' rights to safe and healthy workplaces.**



2.4 Changes to specific laws and full compliance with the highest international standards of health and safety

- **Corporate Manslaughter and Culpable Homicide Act 2007 and Health and Safety at Work Act 1974 must be reviewed and amended to add positive Directors Duties.**

We need laws which will deliver equality justice and deterrence and both the Corporate Manslaughter and Culpable Homicide Act 2007 and Health and Safety at Work Act 1974 currently fail to do this. No large companies have been prosecuted under this act and there have been no prosecutions brought against any company for culpable homicide in Scotland. A consultation on changing the law in Scotland is on-going

The Health and Safety at Work Act imposes duties (to provide a workplace free from risk to health, safety and welfare so far as is reasonably practicable), on the employing organisations not on those responsible (Directors) for making all the decisions which lead to good or bad health and safety at work. Directors can be prosecuted if the company has breached regulations but that is after an offence has been committed and someone has been hurt or killed. Positive duties on directors/senior officer to ensure the health, safety and welfare of workers and others, will enable them to be

held to account preventatively, before anyone is harmed, as well as enabling individual decision making officers in large companies to be held properly to account for their action that result in harm and death.

- **Guarantee full ratification and compliance with all ILO Conventions on Occupational health and safety**
- **Guarantee that post Brexit, no existing health and safety regulation, standards or laws on workers' rights will be removed or reduced** ⁴¹.
- **Ensure that all post-Brexit trade treaties will include the highest and enforceable standards to protect workers' health and safety as well as environmental, social and other rights and standards.**
- **Ban forced zero hours and other insecure contracts and implement a living wage of at least £10 per hour.**
Low pay and insecurity is a health and safety problem in itself causing work-stress that can lead to depression and anxiety, and high blood pressure and heart disease, and also restricts workers from being able to protect themselves ⁴².
- **Use public spending power to drive up health and standards**
Including only awarding public contracts to companies which recognise trade unions and where workers confirm they have good records of health and safety compliance, are not health and safety criminals, or blacklisters, or can prove they have owned up, paid up and cleaned up.
- **A Just Transition policy and unit**
To cover the effect of moving to zero carbon policies to tackle climate change and air pollution; automation and other technological and political changes which ensure justice and fairness including across sex, class and race.
- **Ensure employment tribunal fees are not reintroduced**
Workers must not be priced out of seeking justice when they've been treated unfairly by an employer over health and safety and other workplace issues, as they were when fees were introduced in 2013 and claims registered decreased by 80%. Fees were ruled unlawful by the Supreme Court in 2017 in a case brought by UNISON, ⁴³ but there are reports that the government plans to reintroduce them.



3. Provide real, enforceable employment and safety rights to ensure good health and safety in low paid and precarious work via joint enforcement agency working

Ensure the HSE, Local Authorities and other health and safety and employment law enforcing agencies work together as low wages, insecure contracts and exploitation, harm workers health and prevent them from being able to act to protect their lives and health. Health and safety abuses frequently overlap and interlink with other employment issues in complex ways. One of the biggest scourges of workers safety and health is precarious employment, zero hours contracts, temporary and agency work, the so called 'gig economy', 'modern slavery' and exploitation, and issues of low pay and long hours. Much of this work is enforced by under-funded Local Authorities and falsely considered 'low risk' where proactive inspections are banned, leaving vulnerable workers in sectors where health and safety is effectively unenforced. Where they are not adequately tackled this has left a huge swathe of vulnerable workers almost totally excluded from the enforcement of their right to good health and safety at work. Issues like working hours, fatigue, and low pay should be properly recognised as health and safety issues and come under the auspices of health and safety regulation ⁴⁴.

The Hazards Campaign supports the Institute for Employment Rights 'Manifesto for Labour Law' ⁴⁵ in establishing a Ministry for Labour to focus on issues relating to work and workers. We support the development of sectoral collective bargaining which must include high health and safety standards. We would agree that pulling all the health and safety regulatory authorities and all those who have a role in regulating employment laws under the umbrella of the Ministry of Labour is a good idea, however the HSE and LA must retain their independence and their health and safety specialization. While regulators working collaboratively across these areas is important it is also essential that there is no watering down of the specialist health and safety knowledge, skills and expertise of HSE inspectors so that all inspectors become generalist Labour inspectors. This is what has happened to L.A. EHOs who are now mostly generalist food safety, environmental pollution and health and safety inspectors, see Professor Steve Tombs "Better Regulation: Better for whom?". This has been detrimental for workers' health and safety. ¹⁵

Teams of different specialist inspectors working under the umbrella of a Labour Inspectorate, bringing their own specialist skills to better resolve complex workplace issues but retaining their own specialist enforcement areas would be a better way forward. The Hazards Campaign recommend that all the workplace health and safety regulators/enforcers be brought under the umbrella of the HSE with similar mission to protect lives and health above all business interests. The HSE, Local Authority Environmental Health Departments, The Employment Agency standards Inspectorate; Her Majesty's Revenue and Customs national minimum wage inspectorates; and the Gangmasters and Labour Abuse Authority (GLAA) extending the protocols for tackling labour abuse by joint working and intelligence sharing ⁴⁶. And then that the Health and Safety Executive works with other employment and health and safety enforcement agencies under the umbrella of a Labour Inspectorate, under the auspices of a Ministry for Labour, to address the health and safety problems of workplaces and especially the low pay precarious economy.

HSE is currently an arms-length governmental organisation under the auspices of the Department for Work and Pensions and there has been considerable political interference in its operation and mission. We propose that:

- the HSE falls under the umbrella of a Ministry of Labour and operates alongside the Labour Inspectorate, cooperates with all the other agencies that enforce health and safety and employment/exploitation issues, but retains its integrity, independence and health and safety specialisms.
- the work of Local Authority EHOs in enforcing health and safety at work should come under the HSE and the Labour Inspectorate umbrella.
- the HSE is reconstituted as an independent organisation, run by a fully and effectively tripartite board with fully effective tripartite consultation processes, with an ambitious champion of preventative and participatory workers' health and safety as Chair and CEO, and given the sole mission to prevent injuries, ill-health and deaths at work, with funding and authority to act, to reduce the terrible toll of work on workers lives and health,
- there should be representatives on the HSE Board of families of those killed by work, and representatives of those injured and made ill by work.

The Hazards Campaign, established in 1987, is a network of worker oriented health and safety centres, individual activists & groups working with workers, trade union safety reps, families & communities on all aspects of work-related safety & ill-health. It includes the Scottish Hazards Campaign, Greater Manchester & London Hazards Centres, the Asbestos Victims Support Groups, Construction Safety Campaign, Families Against Corporate Killers, trade unions safety reps and specialists and award-winning Hazards Magazine. The Hazards Campaign brought International Workers Memorial Day to the UK in the 1990s, and runs the annual Hazards Conference, attracting 350 – 400 safety reps. The 29th Hazards Conference, Hazards 2018, was held 27-29th July at Keele University with 350 union safety reps and activists participating. see #Haz2018

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