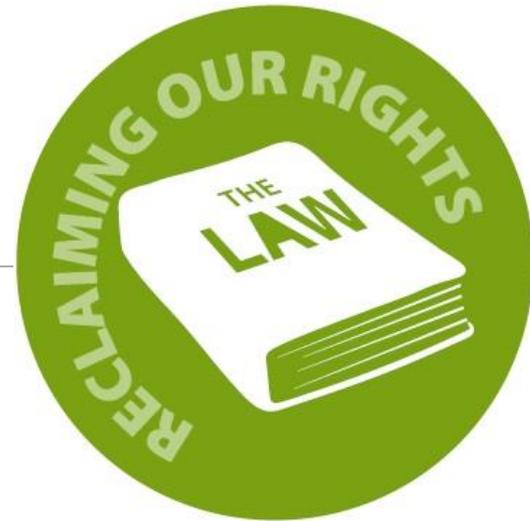


Health and safety

RECLAIMING OUR RIGHTS

PROFESSOR DAVID WHYTE, UNIVERSITY OF LIVERPOOL



Overview

Introduction: the need for change

Creating a rigorous regime of enforcement

Improving Recompense

Refocusing health and safety duties to reflect the changes in the economy

Enhancing the role of workers in the regulation of health and safety at work

Reversal of Broader Deregulation Policies

Conclusion

Introduction: the need for change

“Each and every day here in the UK a lack of good health and safety continues to lead to the deaths of 140 people in work-related incidents or because of work-related illness. The equivalent of 2 Grenfell towers...daily.”

Louise Taggart, FACK

The *idea* of regulation has been under attack for four decades

Enforcement is in many real sense now non-existent

Workers in non-unionised workplaces are in effect unprotected

A Rigorous Enforcement Regime

- The establishment of inspection and enforcement regimes that are ILO compliant
- Policies prohibiting unannounced inspections to “lowrisk” workplaces to be repealed
- Numbers of HSE and local authority inspections to be considerably increased (including those undertaken at random, rather than on (an alleged) “risk-based” basis
- Funding to recruit enough inspectors to properly enforce the law.

Improving Recompense

- Re-establishment of the right for workers to seek compensation through civil actions for breaches of statutory duty
- Universal entitlements to sick pay that amounts to a substantial proportion of normal pay
- New duties on employing organisations in respect of the rehabilitation and return to work of ill and injured workers.

Refocusing H&S Duties to reflect the 'new economy'

- HSWAct to transfer its core duty to protect workers to “businesses” rather than employers.
- This duty would cover all types of workers whose work activities are influenced and directed by said businesses.
- Where appropriate, requirements on the heads of supply chains for the management of health and safety among suppliers.

Enhancing the Role of Workers

- Trade union safety reps should have the power to inspect, and when necessary, stop the job.
- Unions should be allowed to initiate private prosecutions against wrongdoers.
- In the absence of a recognised trade union, an appropriate non-recognised one should have the right to appoint workplace health and safety representatives.
- Businesses should also have a duty to consult in respect of all workers (and not just employees) who may be affected by their activities.

Reversal of Deregulation Policies

Notably ...

- The Business Impact Target
- Regulatory Impact Assessments
- The ‘Growth Duty’
- The Primary Authority Scheme
- The One-in-One Out (OINO) Approach to Regulation

Conclusion

- This IER reform agenda entails a combination of administrative, funding and legislative changes.
- A comprehensive review akin to that undertaken by the Robens Committee - representatives from industry, trade unions and academics, with an independent chair.
- Ensuring decent work is not a radical demand – it is a matter of human rights.