

# DECENT JOBS AND **DECENT LIVES**

A MANIFESTO FOR A HEALTH AND  
SAFETY SYSTEM **FIT FOR WORKERS**



**HAZARDS**  
CAMPAIGN

# CONTENTS

---

Executive Summary	01
End Deregulation and restore regulation and enforcement as a social good	02
Develop a health and safety system based on prevention, precaution and participation	03
Provide real, enforceable employment and safety rights to ensure good health and safety in low paid and precarious work via joint enforcement agency working	04

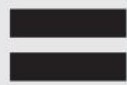
**The Hazards Campaign**, established in 1987, is a network of worker oriented health and safety centres, individual activists and groups working with workers, trade union safety reps, families and communities on all aspects of work-related safety and ill-health. It includes the Scottish Hazards Campaign, Greater Manchester and London Hazards Centres, the Asbestos Victims Support Groups, Construction Safety Campaign, Families Against Corporate Killers, trade union safety reps and specialists and the 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 Hazards Campaign Secretariat: c/o GMHC, Windrush Millennium Centre, 70 Alexandra Road, Manchester, M16 7WD, email: [info@hazardscampaign.org.uk](mailto:info@hazardscampaign.org.uk), tel: 0161 636 7557

End Deregulation  
and restore regulation  
and enforcement as  
a social good



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



A health and  
safety system  
fit for workers  
**at the heart of  
decent jobs and  
decent lives**



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





---

Three factors that make work safer and healthier are strong laws, strict enforcement and strong, active trade unions.

# EXECUTIVE SUMMARY

---

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.**

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 show 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 Regulations 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’, led to Health and Safety Executive (HSE) budget cuts of 50%, massive cuts to enforcement action, prosecutions and inspections by the HSE and Local Authorities (LAs) 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 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; improve public health; increase life expectancy and

years of healthy life; reduce poverty and inequality; and 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’.

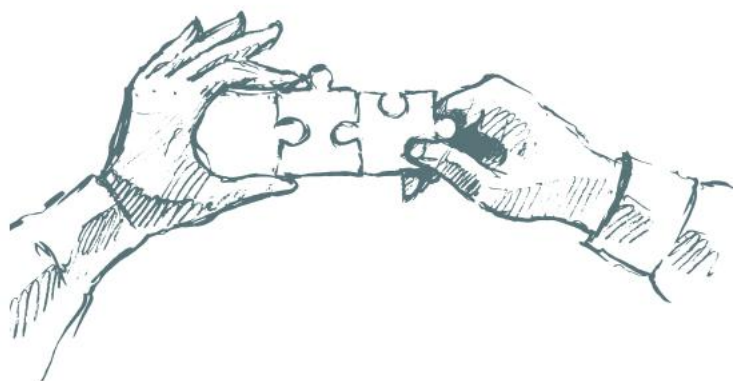
Precarious employment, zero hours contracts, temporary and agency work, the so called ‘gig economy’ and exploitation, and issues of low pay and long hours are spreading through the economy. We reject this indecent exploitative work shading into modern slavery that many employers want to become the ‘new 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 occupa-

tional 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/LAs 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 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 £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 neo-liberal 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, publicise 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 precarious work via enforcement agencies working together**

Ensure the HSE, Local Authorities and other enforcers on health and safety and employment law work together as low wages, insecure contracts and exploitation harm workers' health and prevent them from acting to protect their lives and health.

## PART 01

# REGULATION AND ENFORCEMENT **AS A SOCIAL GOOD**



# End deregulation and restore regulation and enforcement as a social good

End the whole neoliberal deregulation/better regulation agenda and dishonest rhetoric, publicise 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.**

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 negligence, 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 and hospices never can, the deadly nature of deregulation in ways that cannot be misunderstood or ignored.<sup>1</sup> The Hazards Campaign has demanded that Grenfell must be the ‘enough is enough moment’,<sup>2</sup> an end to the Better Regulation/deregulation agenda, its reversal and the restating of 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. 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, policies and legal changes made under that agenda.

## The government must:

**1.1 Reclaim regulation as a social good by collecting, collating and publicising 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 HSE does not collect or publish complete figures for work-related harm<sup>3</sup> and employers report only around 0.3% of work-related illness.<sup>4</sup> 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.<sup>5</sup> These are very high numbers 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 year<sup>5</sup> 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



**End deregulation and restore regulation and enforcement as a social good**

Reclaim regulation by collecting, collating and publicising evidence and make clear the extent of harm caused by work.

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

- End business impact targets
- End regulatory impact assessments
- End 'one in, three out' approach to regulation
- End growth duty
- End primary authority scheme
- End banning of proactive preventative inspections
- End exemption of self-employed workers

individuals harmed and their families, with only 19% paid by the employers whose negligence causes the harm.<sup>6</sup>

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 publicise 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, and expose the real risks faced by workers in different sectors and workplaces. This must 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 estimate the costs to individuals, employers and the State, and show 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-unionised workplaces. The Business Impact Target, which sets the overall goal of saving £10 billion between 2015 and 2020, privileges supposed business savings and interests over the value of regulation to health and life. It must be scrapped along with other biased instruments, the Regulatory Impact Assessments, the One-in three-out approach to regulation, the Primary Authority Scheme, and the imposition on all non-financial regulators of a ‘Growth Duty’ which forces inspectors 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 favour of businesses, potentially at the public’s expense. In 2016, the Regulations noted to have the greatest cost implication for businesses were the standardisation 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”.<sup>7</sup> 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, while not including 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’ or refuse 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.<sup>8</sup>

The Regulatory Impact Assessment appraisal process is unacceptably biased towards business, at the expense of worker safety and wellbeing. IAs 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-out.<sup>9</sup> 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 spreading.<sup>10</sup> 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 Act.<sup>11</sup> As Christine Berry of the New Economics Foundation points out, this more or less bans new regulations. It ensures that busi-

ness costs are transferred to society, where they remain, under this formula, uncounted.<sup>12</sup>

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".<sup>13</sup> '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 unev- idenced, 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 tripled and should be scrapped as it stands against regulation that protects lives and health.

#### » End the 'Growth Duty'

The 'Growth Duty' is contained in the Deregulation Act and the Regulators Compliance Code which made the first principle for the HSE & LAs that they should carry out their activities in a way that supports those they regulate to comply and 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 regu- latory function in a way which ensures that—
  - a. regulatory action is taken only when it is needed, and
  - b. any action taken is proportionate.<sup>14</sup>

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 regula- tions which interferes with their correct legal focus of regu- latory decisions on worker and public safety concerns. And even worse, it takes 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 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) financialises Local Authority regulation by allowing national businesses to shop around for a friendly enforcer and enter into com- mercial relationship with them. This 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 agree- ment with one specific Local Authority to regulate all of its sites, nationally, 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 Au- thority nominated as 'PA' and agreed through a contract. The company benefits from the lack of effective scrutiny or oversight in most of its sites which are remote from the PA. While these sites can be visited by other Local Authority inspectors, as the company has a commercial contract with one Local Authority enforcer, those other LA inspectors have to seek agreement from the Pprimary Authority LA to carry out enforcement action. As Local Authorities have suffered huge cuts to revenue generally and to enforcement especially, there is great pressure to do a financial deal and therefore to appear attractive to large national companies.<sup>15</sup>

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. More- over, 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 depart- ments 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 nega- tive effects for workers' health and safety.

#### » End the banning of proactive, preventative inspec- tions 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 proac- tive, 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 risk.<sup>16</sup>

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 Officers, 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 towers.<sup>17</sup> 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 LAs for health and safety issues has fallen by 64%, and the number of inspectors has fallen by half since 2010. The All Party Parliamentary Group (APPG) on Occupational Safety and Health expresses extreme concern about this in their report on Local Authorities and Health and Safety, published in July 2018.<sup>18</sup>

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 Whom?'<sup>15</sup>

The HSE instruction to Local Authorities<sup>18</sup> (via the HSE Local Authority Unit) to stop inspections of falsely labelled 'low risk' workplaces, and cuts to local authority budgets, with health and safety at work not being ring fenced, have 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 low paid, precarious, vulnerable non-unionised, or self-employed workers work in sectors considered low risk and are 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."<sup>19</sup> Proactive inspections keep employers alert to the need to comply with the law, can identify hazards and risks and ensure they are remedied before someone is harmed, and their banning must be scrapped.

#### » 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.<sup>20</sup> 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.



# 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 HSE/LAs 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.

The Precautionary Principle can be summarised as: "When an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically."<sup>21</sup> Much law is drafted in response to environmental and health and safety disasters, written in the blood of workers killed or made ill, and the immediate and long term environmental damage caused. Preventing occupational and environmental harm is cheaper, easier, and less dangerous in the long term than reacting to harm that already has taken place.<sup>22</sup>

The precautionary principle is the fundamental notion behind laws on hazardous waste and laws regulating the use of pesticides and was the foundation of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (1989), which sought to minimise the production of hazardous waste and to combat illegal dumping. The prevention principle also was an important element of the EC's Third Environmental Action Programme, adopted in 1983. The precautionary principle is implicit in the hierarchy of control of the Control of Substances Hazardous to Health Regulations and was adopted by UK Government Departments in 2002 following the Rio Convention in 1992.<sup>23</sup>

The Hazards Campaign thinks putting the precautionary principle at the heart of the health and safety system, alongside preventative action and the active participation of workers and unions will not only save lives and health and contribute massively to reducing pain and suffering, improve public health, improve life expectancy and years of healthy life, reduce poverty and inequality, but also save money in reducing cost to NHS and the state, and save money for employers too.

## The government must:

### **2.1 Revamp 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 and act like a defender of workers with real enforcement and prosecution teeth which it is specifically tasked to use upon non-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 an ambitious plan of preventing work causing harm. For ideas about the qualities and sort of person needed, see 'Citizen Sane', by Rory O'Neill, Hazards Magazine editor.<sup>24</sup>

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

**Revamp the governance, organisation, purpose and funding of the HSE and Local Authorities**

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

**Just treatment for the victims of health and safety crime and ensuring fair treatment for all workers harmed by work**

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



## Revamp the governance, organisation, purpose and funding of the HSE and Local Authorities

Make Prevention, Precaution and Worker Participation the watchwords

Appoint an explicit champion of worker health and lives to lead HSE

Ensure HSE and LAs are fully funded

Reconstitute the HSE, made independent of political interference

Reinstatement of effective tripartite consultative processes

Restore enforcement as a major tool

Implement Precautionary Principle for all workplace hazards

Develop 'Toxics Use Reduction' measures to identify all hazardous substances

Develop sex and gender sensitive risk assessments and research programmes

Create a dynamic process for developing prevention resources and best practice, new standards, creative and innovative suggestions

### » Ensure the HSE and Local Authorities are fully funded so they can fulfil their sole health and safety duty effectively

Ensure 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.<sup>19</sup>

### » 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 all industrial sector levels to tackle all the health and safety issues 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. Numbers of prosecutions and enforcement notices taken by the HSE and Local Authorities has declined hugely over the last 10 years.<sup>25</sup>

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 publicised and on-line databases kept up to date.

For example, it is unacceptable that in the HSE current programme to #helpgbwork well and ensure workers can @Go\_home\_healthy, in tackling the three top occupational health issues: Musculo-Skeletal Disorders, Stress and Lung Disease, enforcement is ruled out as a tool for achieving change in employers' behaviour, only in the case of action on work stress.<sup>26</sup> The advice the HSE gives to Local Authorities also specifically excludes enforcement as a tool to be used to tackle work stress. This must end as stress is widespread throughout all work sectors especially in the precarious low wage economy mostly enforced by Local Authorities, and is contributing to huge levels of acute and chronic ill-health and suicide.<sup>27</sup>

### » Implement the Precautionary Principle for all workplace hazards

Prevention based on recognising risk factors and removing them should apply across 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, and prevention based on the precautionary principle 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, substituting and preventing exposure to carcinogens, mutagens, reproductive and other toxic substances to prevent cancers, reproductive harm, lung and many other work-related diseases. This will also 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.<sup>28</sup>

» **Develop sex and gender sensitive risk assessments and research programmes**

To redress the lack of action on women’s health and safety requires the HSE to undertake more research and to establish proactive, preventative action programmes on all workplace hazards, including sexual harassment and abuse, occupational cancer and other illness, musculo-skeletal disorders and stress. This will involve looking

more closely at those work sectors dominated by women workers but currently ignored. The HSE must develop sex and gender sensitive risk assessments and research into specific sex based biological issues and gender effects of job segregation, in sectors 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.<sup>29</sup>

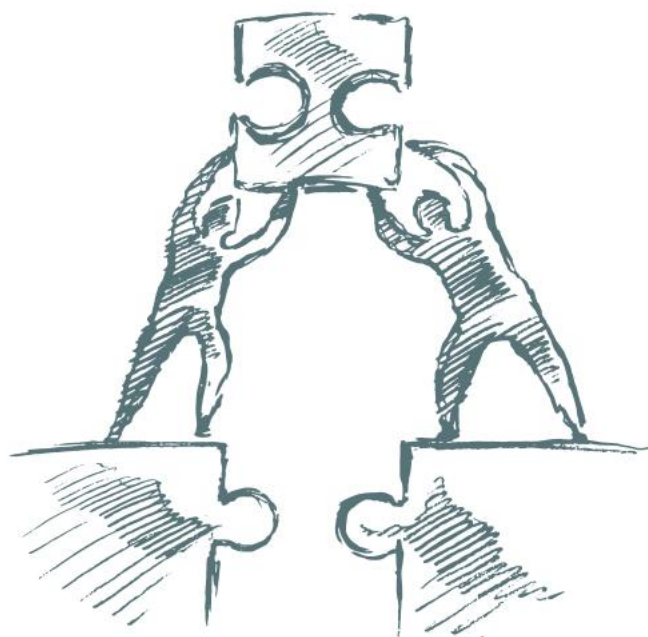
» **Create a dynamic process for developing prevention resources and best practice, new standards, creative and innovative suggestions and a reality check for the HSE via a Workers Observatory**

A Workers Observatory expert group, made up of workers and occupational health activists to support the HSE, hold it to account and keep it grounded in the reality of workers experience of hazards and risks.

**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 – by as much as twice as safe as in non-unionised workplaces.<sup>30</sup> 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 puts their lives or health at risk.

Sharan Burrow, ITUC General Secretary wrote about the ‘Union Effect’ on International Workers Memorial Day 2018<sup>31</sup>: ‘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 record: 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.’<sup>32</sup> A September 2013 study covering 31 industrialised countries, published in the journal *Social Science & Medicine* 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.”<sup>33</sup>



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

**Revision and extension of the SRSC Regulations 1977**

**Establishment and recognition of roving or regional safety reps**

**Establish 'Shared Workplace' safety committees**

**A new right for safety reps to 'Stop the job'**

**An automatic right to reinstatement for safety representatives**

**Establish the right to issue Provisional Improvement Notices**

**Secure and sufficient funding for Trade Union Education for safety representatives**

“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 health. But it does put in sharp relief the undeniable benefit of trade unions.<sup>35</sup> 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 that this union protective effect in workplaces translates to large scale reductions in workplace fatalities and shows that attacks on trade unions in 'Right to Work', RTW, states in USA has led to an increase in deaths. 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 per cent increase in workplace mortality.”<sup>36</sup>

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 (SRSC) Regulations.<sup>37</sup>

We have just celebrated the 40th anniversary of the SRSC Regulations 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 employers and the economy millions of pounds.<sup>38</sup>

To maximise this life-saving union safety effect, government needs to remove all anti-trade union laws, enhance and extend the SRSC Regulations 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 minimum.<sup>39</sup>

**» Revision and Extension of the Safety Representatives and Safety Committee (SRSC) Regulations 1977**

To enable unions to represent workers in increasingly complex working environments where members are employed across multiple employers and staff 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**

This would 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.<sup>34</sup> 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 because of their role in representation on health and safety issues. We also call for automatic reinstatement in cases where Safety Representatives have been dismissed for “whistle-blowing” over health & safety issues.

---

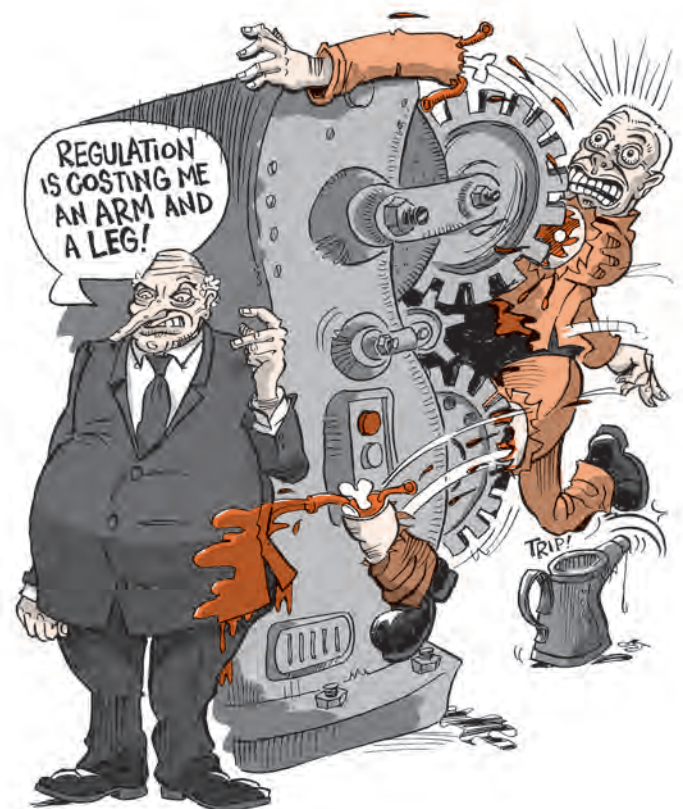
We urge early legislation to establish the right of elected safety representatives to ‘stop the job’ in circumstances where an unacceptable hazard or risk of injury or ill-health is identified. This could be achieved by a clearer definition in the Management of Health and Safety at Work Regulations.

» **Establish the Right to Issue Provisional Improvement Notices (PINs)**

PINs originated in Australia where they give safety representatives the right to impose a notice on their employers to take action over health and safety breaches. A copy of the PIN is sent to the enforcement agency, and requires the employer to act within a specified period. The TUC promoted this idea in the UK as the Union Improvement Notice.<sup>40</sup> We believe this extra power for safety representatives 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 amendment must 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



**Just treatment for the victims of health and safety crime and ensuring fair treatment for all workers harmed by work**

- Ensure a multidisciplinary, worker oriented, free NHS occupational health service
- Fair and just financial compensation for workers hurt or made ill by work
- Fair and just treatment for families of those killed by employers' negligence
- Ensure all workers have equal rights to employment protection and health and safety protection from day one
- Set up US style whistleblower hot line and protection unit within HSE with its own penalties
- Repeal all anti-trade union legislation including Trade Union Act 2016

Repeal all laws such as Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LAPSO)<sup>41</sup> and recent Civil Liability Act 2018, 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 Reform Act 2013 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 '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.<sup>42</sup>

**» 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, fair financial compensation and support for all family members affected. Legal aid for representation at inquest is not usually available for work-related deaths but is essential so that families can find out how and why their loved ones died and be on equal financial terms with the employers who can pay for legal counsel. Financial compensation is needed for all affected family members not just those legally dependent. Unmarried partners, siblings and parents of young workers, can find their lives completely turned upside down, be unable to work due to the death, and suffer complex grief and severe mental ill-health for long periods which puts the whole family including children at risk.

**» Ensure all workers have equal and enforceable 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, all workers should be protected and able to enforce their rights from the day they start work. This should include the right 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 so risk losing their jobs. In the case of a Construction Waste Recycling Co in London, migrant

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. This service should also be available to provide preventative advice and support to workers and employers across all workplace hazards..

**» Fair and just financial compensation for workers hurt or made ill by work**

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 three 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!<sup>43</sup>

» **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.**

Trade unions save lives and health at work. Anti-trade union legislation interferes with their ability to represent, organise and protect their members, and for health and safety purposes, other workers in the workplace, and must be scrapped to enable the full union safety effect of cutting injuries by up to half and improving health.

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

» **Corporate Manslaughter and Corporate 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 Corporate Homicide Act 2007 and Health and Safety at Work Act 1974 currently fail to do this. Families Against Corporate Killers warned that as published the Corporate Manslaughter and Corporate Homicide Act 2007 would betray workers and fail to hold employers to account for their decisions that kill.<sup>44</sup> No large companies have been prosecuted under the Corporate Manslaughter and Corporate Homicide Act 2007 and there have been no prosecutions brought against any company for Corporate Homicide in Scotland. A consultation on changing the law in Scotland is on-going.<sup>45</sup>

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 officers 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 actions that result in harm and death.

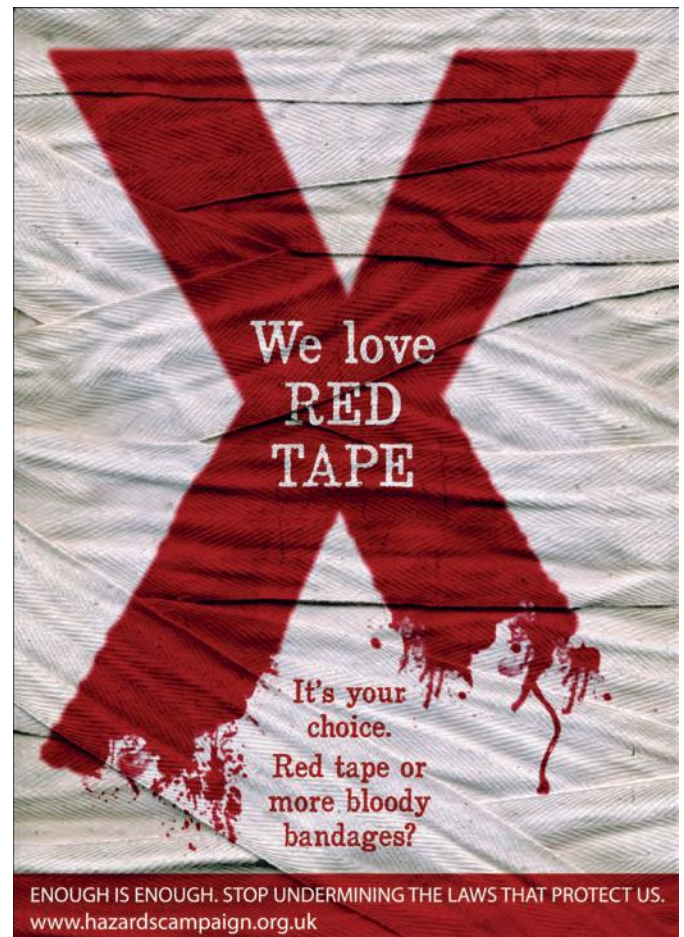
» **Guarantee full ratification and compliance with all ILO Conventions on Occupational Health and Safety**

» **Guarantee that post Brexit, no existing health and safety regulation, standards or laws on workers' rights will be removed or reduced**<sup>46</sup>

» **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 it also restricts workers from being able to protect themselves.<sup>47</sup>



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

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

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

Ensure that all post-Brexit trade treaties will include the highest and enforceable standards

Ban forced zero hours and other insecure contracts and implement a living wage of at least £10 hour

Use public spending power to drive up health and safety standards

A Just Transition policy and unit

Ensure Employment Tribunal Fees are not reintroduced

» **Use public spending power to drive up health and safety standards**

Employers with poor health and safety harm workers and impose costs on the whole of society and should not be rewarded. Public spending should only be awarded 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.<sup>48</sup>

» **A Just Transition policy and unit**

Changes to work must be fair and just to all workers, especially the most vulnerable. A Just Transition policy and unit would 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.<sup>49</sup>

» **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 employment tribunal 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,<sup>50</sup> but there are reports that the government plans to reintroduce them.

## PART 03

---

# ENFORCEABLE RIGHTS TO ENSURE **HEALTH AND SAFETY IN LOW PAID AND PRECARIOUS WORK**



# Provide enforceable rights to ensure health and safety in low paid and precarious work

---

Health and safety abuses frequently overlap and interlink with other employment issues in complex ways. Government must ensure the HSE, Local Authorities and other health and safety and employment law enforcing agencies work together using strict enforcement actions as low wages, insecure contracts and exploitation, harm workers' health and prevent them from being able to act to protect their lives and health.

Issues such as working hours, fatigue, and low pay should also be properly recognised as health and safety issues and come under the auspices of health and safety regulation.<sup>51</sup> The employment and safety regulatory agencies must provide real, enforceable rights to all workers and especially to this most vulnerable group via joint working. This will also require enforcement agencies to be easily accessible to workers with issues about their employers' compliance with health and safety law which is putting their lives or health at risk, and to respond with action.

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 – many of whom carry out virtually no workplace health and safety enforcement and some have out-sourced their regulatory duties to commercial companies – and falsely considered 'low risk' where proactive inspections are banned. This has left a huge swathe of vulnerable workers almost totally excluded from any enforcement of their right to good health and safety at work.

The Hazards Campaign supports the Institute for Employment Rights 'Manifesto for Labour Law'<sup>52</sup> in establishing a Ministry of 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 support the more proactive and enforcement oriented joint working of health and safety regulators in collaboration with other employment agency enforcers. However, the HSE and Local Authorities must retain their independence and their health and safety specialisation.

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 LA Environmental Health Officers, who are now mostly generalist food safety, environmental pollution and health and safety inspectors.<sup>15</sup> This has been detrimental for workers' health and safety.

To provide real, enforceable employment and safety rights to ensure good health and safety in low paid and precarious work will require:

» **Bringing all the workplace health and safety regulators/enforcers under the umbrella of the revamped and reinvigorated HSE (as laid out in Section 2 above)**

Reinvigorated, fully funded, independent of commercial interests health and safety enforcement agencies, charged with a similar mission to protect lives and health above all business interests, fully funded and empowered to use their full enforcement powers against negligent employers, should be brought together under the guidance of the HSE with extended and reinforced protocols for joint working and intelligence sharing.<sup>53</sup> Since the Lofsted Report, the HSE oversees the health and safety at work regulatory functions of Local Authority Environmental Health Departments through the Local Authority Unit.<sup>54</sup> The overseeing umbrella be extended to include, but not exclusively, for health and safety regulatory purposes, the Air Accident Investigation Branch, Civil Aviation Authority, Marine Accident Investigation Branch, Maritime and Coastguard Agency, Trading Standards, Building Control, Office of Rail and Road, Care Quality Commission.<sup>54</sup>

» **Pulling together 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**

The Health and Safety Executive – acting as umbrella for all the health and safety regulators – should then work more closely with other employment and health and safety enforcement agencies under the umbrella of the Ministry of Labour/Labour Inspectorate, to address the complex and inter-related employment and health and safety problems of workplaces, especially in the low pay precarious economy. This would include, but not exclusively, the Employment Agency Standards Inspectorate; Her Majesty's Revenue and Customs national minimum wage inspectorates; and the Gangmasters and Labour Abuse Authority (GLAA), and any other relevant agencies.<sup>51</sup>

This would involve teams of different specialist inspectors working under the umbrella of a Ministry of Labour/Labour Inspectorate, bringing their own specialist skills to better resolve complex workplace issues but retaining

their own specialist enforcement areas, and using strong powers of enforcement as their main tool – proactive and reactive inspections, improvement and prohibition notices, and prosecutions – to provide real, enforceable right to a safe, healthy workplace for the most vulnerable low paid, precarious mostly non-unionised workers. The protocols for tackling labour abuse by joint working and intelligence sharing need to be extended and reinforced and enforcement used as a major tool to protect workers.

» **Ensuring easy access to safety and employment regulators for vulnerable workers**

Workers in low paid and precarious work without the protection of a recognised trade union, risk victimisation by their employers including losing their jobs, or not being given sufficient hours, if they raise health and safety issues with them. These vulnerable workers especially need to have easy access to regulators who cover safety and employment issues and who have a duty to respond to ensure that these workers have real, enforceable rights to a safe and healthy workplace.

---

## References

1. Hazards Magazine Blue Murder: <http://www.hazards.org/votetodie/bluemurder.htm>
2. Ecard We love red tape it's better than bloody bandages: <http://www.hazardscampaign.org.uk/postcard>
3. HSE does not produce an overall figure for work-related fatalities in Great Britain, UK Statistics Authority recommends they 'investigate the feasibility of producing statistics on the total number of work-related injuries and fatalities' Report 42: <http://www.hse.gov.uk/statistics/pdf/assessment-report-42.pdf>
4. HSE defends its impotence in the losing battle against work's illnesses: <http://www.hazards.org/workandhealth/doctorno.htm>
5. The Whole Story <http://www.hazardscampaign.org.uk/blog/the-whole-story-work-related-injuries-illness-and-deaths>
6. Costs to Great Britain of workplace injuries and new cases of work-related Ill Health – 2016/17 <http://www.hse.gov.uk/statistics/cost.htm>
7. The Business impact target; Cutting the cost of regulation: <https://www.nao.org.uk/wp-content/uploads/2016/06/The-Business-Impact-Target-cutting-the-cost-of-regulation.pdf>
8. Department for Communities and Local Government (2012) Removing inconsistency in local fire protection standards: Final impact assessment, London: Department for Communities and Local Government: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/8398/2063452.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/8398/2063452.pdf)
9. <https://www.gov.uk/government/collections/one-in-two-out-statement-of-new-regulation>
10. <https://www.theguardian.com/commentisfree/2017/jun/15/grenfell-tower-red-tape-safety-deregulation>
11. Small Business, Enterprise and Employment Act <http://www.legislation.gov.uk/ukpga/2015/26/contents>
12. <https://www.opendemocracy.net/neweconomics/grenfell-ending-murderous-war-protections/>
13. Hahn, R. and Renda, A. (2017) Understanding Regulatory Innovation: The Political Economy of Removing Old Regulations Before Adding New Ones, Working paper available at SSRN: <https://ssrn.com/abstract=3022552>.
14. <http://www.legislation.gov.uk/ukpga/2015/20/section/108/enacted>
15. Better Regulation: better for whom? Professor Steve Tombs: <https://www.crimeandjustice.org.uk/publications/better-regulation-better-whom>
16. Hazards Magazine: Public Peril <http://www.hazards.org/deadlybusiness/publicperil.htm>
17. Hazards Magazine: Outbreak <http://www.hazards.org/infections/outbreak.htm>
18. [https://www.tuc.org.uk/sites/default/files/APPG\\_Local\\_Authorities\\_Report\\_2018\\_AW.pdf](https://www.tuc.org.uk/sites/default/files/APPG_Local_Authorities_Report_2018_AW.pdf)
19. ILO Convention 81 <https://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/labour-inspection/lang--en/index.htm>
20. <http://www.unitetheunion.org/news/construction-bogus-self-employment-rises-again/>
21. Precautionary Principle <https://www.britannica.com/topic/environmental-law/Principles-of-environmental-law>
22. European Environment Agency 'Late Lesson from early warnings': <http://www.eea.europa.eu/publications/late-lessons-2>
23. Interdepartmental Liaison Group on Risk Assessment the Precautionary Principle: Policy and Application 2002 <http://www.hse.gov.uk/aboutus/meetings/committees/ilgra/pppa.htm>
24. Hazards Magazine: Citizen Sane <http://www.hazards.org/votetodie/citizensane.htm>
25. HSE, Enforcement in Greater Britain: <http://www.hse.gov.uk/statistics/enforcement.pdf>

26. <http://www.hse.gov.uk/aboutus/strategiesandplans/health-and-work-strategy/index.htm>
27. Hazards Magazine on Stress <http://www.hazards.org/stress/mentalhealth.htm> ; Suicidal Work, the Last Goodbye: <http://www.hazards.org/suicide/suicidalwork.htm>
28. Air pollution is a trade union issue: <http://www.hazardscampaign.org.uk/blog/tag/greener-jobs-alliance>
29. Sex/gender sensitive risk assessment checklist TUC GOSH: <https://www.tuc.org.uk/resource/gender-checklist-occupational-safety-and-health>
30. Hazards Magazine, 'The Union effect': <http://www.hazards.org.unioneffect/>
31. Sharan Burrow general Secretary ITUC International Workers Memorial Day [https://www.ituc-csi.org/IMG/pdf/28\\_april\\_2018\\_en.pdf](https://www.ituc-csi.org/IMG/pdf/28_april_2018_en.pdf)
32. The Union Advantage: How Unions make work better and society fairer TUC, 2014: [https://www.tuc.org.uk/sites/default/files/TUC\\_UnionADV.pdf](https://www.tuc.org.uk/sites/default/files/TUC_UnionADV.pdf) .
33. Maureen F Dollard and Daniel Y Nesar 'Worker health is good for the economy: Union density and psychosocial safety climate as determinants of country differences in worker health and productivity in 31 European Countries' *Social Science & Medicine*, volume 92, pages 114-123, September 2013: <https://www.sciencedirect.com/science/article/abs/pii/S0277953613002621>
34. Michael J Wright 'The decline of American union is a threat to public health', *American Journal of Public Health*, volume 106, number 6 pages 968-969 June 2016: [https://ajph.aphapublications.org/doi/full/10.2105/AJPH.2016.303217?utm\\_medium=email&utm\\_source=ajphotoemail&utm\\_campaign=ajphjune2016email&utm\\_content=uniondecline](https://ajph.aphapublications.org/doi/full/10.2105/AJPH.2016.303217?utm_medium=email&utm_source=ajphotoemail&utm_campaign=ajphjune2016email&utm_content=uniondecline)
35. 'The union dividend: it reaches beyond members', CEPR, September 2015: <http://cepr.net/blogs/cepr-blog/the-union-dividend-it-reaches-beyond-members>
36. Michael Zoorob, Harvard University 'Does 'right to work' imperil the right to health? The effect of labour unions on workplace fatalities': <https://oem.bmj.com/content/early/2018/06/13/oemed-2017-104747>
37. Hazards Campaign Safety Representatives and Safety Committees Regulations guide: <http://www.hazardscampaign.org.uk/wp-content/uploads/2018/08/safetyrepstoolkit.pdf>
38. Hazards Magazine: It's down to you: <http://www.hazards.org/unioneffect/downtoyou.htm>
39. Hazards Campaign Discussion Document Nine demands to organise around: <http://www.hazardscampaign.org.uk/blog/nine-demands-for-organising-around-safety-hazards-campaign-discussion-document>
40. Hazards Magazine: Union/Provisional Improvement Notices: <http://www.hazards.org/notices/>
41. Legal Aid, Sentencing and Punishment of Offenders Act LAPS0 2012 <http://www.legislation.gov.uk/ukpga/2012/10/contents/enacted>
42. Hazards Magazine: Robbed: bloody bandages but no compensation <http://www.hazards.org/votetodie/robbed.htm> ; <http://www.hazards.org/cancer/hsecriticism.htm> <http://www.hazards.org/compensation/meantest.htm>
43. Film of Orion Waste Recycling See film <https://www.facebook.com/uvwunion/videos/1735066916561540/>
44. FACK PR What about the workers? 24.7.07: <http://www.hazardscampaign.org.uk/fack/news/whataboutworkers.htm>
45. Culpable Homicide (Scotland) Bill Consultation Paper 2018 [www.parliament.scot/S5MembersBills/CULPABLE\\_HOMICIDE\\_draft\\_4.pdf](http://www.parliament.scot/S5MembersBills/CULPABLE_HOMICIDE_draft_4.pdf)
46. Hugh Robertson TUC: <https://www.tuc.org.uk/blogs/why-no-deal-brexithreatens-health-and-safety-standards>
47. Hazards Magazine: Degraded <http://www.hazards.org/lowpay/degraded.htm>
48. Blacklisting the blacklists: how to use ethical procurement to achieve justice for blacklisted workers: <https://www.leighday.co.uk/LeighDay/media/LeighDay/documents/Employment/Blacklisting-the-blacklists.pdf?ext=.pdf>
49. TUC Just Transition: <https://www.tuc.org.uk/research-analysis/reports/tuc-climate-change-and-%E2%80%9Cjust-transition%E2%80%9D>
50. UNISON Victory to end Employment Tribunal Fees: <https://www.unison.org.uk/news/article/2017/07/tribunal-fees-victory/>
51. HSE 'Tackling labour abuse - joint working and intelligence sharing': <http://www.hse.gov.uk/foi/internalops/og/og-0087.pdf>
52. Institute for Employment Rights Manifesto for Labour Law: <http://www.ier.org.uk/manifesto>
53. HSE 'Is HSE the correct enforcing authority for you?': <http://www.hse.gov.uk/contact/authority.htm>
54. HSE and Local Authority (LA) regulators working together: <http://www.hse.gov.uk/lau/index.htm>



# HAZARDS CAMPAIGN

The Hazards Campaign  
c/o Greater Manchester  
Hazards Centre  
Windrush Millennium Centre  
70 Alexandra Road  
Manchester, M16 7WD

---

☎ 0161 636 7557  
✉ [info@hazardscampaign.org.uk](mailto:info@hazardscampaign.org.uk)  
🏠 [www.hazardscampaign.org.uk](http://www.hazardscampaign.org.uk)  
🐦 @hazardscampaign  
📘 We didn't vote to die at work

---

