

Good for every

Workplace regulations may not be facing radical change, but their implementation and policing certainly are. Brian Tinham reports on the price of the cuts



As the cuts slice ever deeper into virtually every aspect of the public sector, people are starting to get worried. And when it comes to workplace regulations, and in particular health and safety, they may well have good reason.

At the end of March, Chris Grayling, Minister for Work and Pensions, published his department's long awaited 'Good Health and Safety, Good for Everyone'. The report outlines several changes aimed at streamlining both the implementation and policing of workplace legislation – and, ever since, alarm bells have been ringing.

In brief, Grayling said that HSE inspections would be cut by at least a third, with future automatic visits focusing on 'high risk' locations, such as major energy facilities, as well as 'rogue employers'. The latter, he said, would have to pay for investigations into their activities, if these revealed breaches of health and safety law. Marginally less contentious, was Grayling's reiteration of a review of existing health and safety law, with a view to scrapping "unnecessary measures", and his announcement of an online advice package for small and so-called 'low risk' employers.

To say there has been uproar would be to overstate the case; there has, however, been widespread concern. Roger Bibbings, RoSPA's (Royal Society for the Prevention of Accidents) occupational safety adviser, for example, says that, as a direct result of the HSE cuts, the wider health and safety community will have to work harder.

"The HSE is having to refocus its efforts to operate within a budget reduced by 35% by 2014–15," he observes. "While we welcome the government's intention to concentrate enforcement on cowboy employers and to charge them, where necessary, for the cost ... we don't share their view that health and safety is only of concern in 'high hazard' work places."

For him and others, the worry is that industry sectors outside nuclear and offshore will receive less attention. "The perception might get around that other sectors, such as electrical distribution and agriculture, won't get caught by an inspector, so they don't need to worry. We will need to redouble our efforts to remind people of the importance of health and safety, for instance talking about the business case – making demonstration of a robust health and safety profile an essential prequalifier to getting on tender lists," explains Bibbings.

"Nor do we agree that most of the service sector is low hazard," he continues. "High risk sites, such as those covered by COMAH [Control of Major Accident Hazards] regulations, carry obvious risks, but we believe all jobs have a risk profile... We must not forget that there are still major health and safety issues to be tackled, including work-related health damage, which is now accounting for many more lives lost than injury due to accidents."

Reduced inspections

Richard Jones, policy and technical director at IOSH, the chartered body for health and safety professionals, expresses similar concerns. "IOSH is in favour of government looking to extend the recouping of enforcement costs from non-complying organisations. It will help to reinforce the business case for health and safety, and also level the playing field. But we're not pleased about the intention to reduce proactive inspections by one third," he says.

"That will mean approximately 1,000 fewer HSE inspections annually – whereas we've been campaigning for years for increased inspections. Also, we're worried about the possible exemption for employees in 'low hazard' environments implied by the minister. It lacks definition," warns Jones.

And then there is the promised streamlining of workplace regulations – the simplification for smaller companies, as enshrined in Lord Young's 'Common Sense, Common Safety' proposals, late last year. Bibbings is one among many sounding a cautionary note. He agrees that, where possible, the structure of both regulatory duties and accompanying guidance should be simplified, but, as he puts it: "We continue to take the view that there is nothing essentially wrong with the Health and Safety at Work Act, which lies at the heart of health and safety law and has proportionality built in."

IOSH's Jones also believes the risk of a single raft of accessible regulations is an "over simplification

Health and safety guidance

- ✓ HSE has launched its occupational safety and health consultants register, involving all the major organisations, to help plant managers identify useful resources. www.hse.gov.uk/oshcr
- ✓ The Engineering Council has unveiled its 'Guidance on risk' website, with basic coverage of requirements for professional engineers and useful links. Go to: www.engc.org.uk/risk
- ✓ IOSH can offer CPD on risk communications, with a course developed alongside the British Occupational Hygiene Society, and the Institute of Ergonomics and Human Factors.
- ✓ HSE HSF 65, covering health and safety management, last updated in 1997, is now nearing the end of a significant revision. Expect guidance to be more people- and outcomes-focused.

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that could erode existing employee protection in the workplace". He concedes that Ragnar Löfstedt (professor of risk management and director of Kings College London's Centre for Risk Management, who has landed the lead role) has still to put full terms of reference together, so we don't yet know which regulations will be subject to surgery. "But, with over 200 pieces of health and safety regulations currently on the statute books, he can't possibly consolidate everything. Our best guess is he will try to consolidate those around risk assessment."

Bibbings' view: health and safety professionals must be allowed a voice in any review and, in the meantime, promote awareness of risks and best practice. "With a greater emphasis at the HSE on reactive enforcement and fewer resources available for its awareness-raising role, there is now an even stronger case for it to pool its resources, and work in partnership with bodies like RoSPA, local health and safety groups etc," he advises.

That said, both men point to existing and new assistance for plant managers lacking the knowledge to manage every aspect of health and safety. Jones points to the HSE's new online 'Health and safety made simple' resource – essentially a one-stop shop of 'how to' guidance for plant managers and engineers, although aimed mostly at lower risk sites. And Bibbings adds that industry can expect a new interactive risk assessment tool for small businesses from HSE. "That will be useful to get people understanding what risk assessment is for and to get started," he explains.

"IOSH already has a number of free tools and the HSE's new site links to some of these," adds Jones. "For example, there's our Risk Assessment Route Finder, which navigates managers through the various health and safety issues and risks, including contract law. There's also our free Safe Startup tool for new businesses that have enough to worry about, without health and safety. We cover about 70 occupations and provide drop down lists for the top 10 or 12 hazards, with each taking you to a web page that highlights appropriate control measures."

So what should you be doing? First, plant managers and senior engineers need to be aware that HSE is about to refresh the doctrines around managing health and safety, recognising that it needs to be part of operational management. So you need to reassess director and senior management leadership roles, and their visibility on the shopfloor. Related to this – and again in line with current HSE thinking – you may also need to revisit competence assessments for directors, senior managers and line managers, in terms of their ability to plan, communicate and access health and safety advice.



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Above: Chris Grayling, Minister for Work and Pensions

Left: Richard Jones, policy and technical director at IOSH
Right: Roger Bibbings, RoSPA's occupational safety adviser



As RoSPA's Bibbings puts it: "Senior maintenance engineers, for example, need to become more sophisticated, in terms of consultation, worker involvement etc. The name of the game is to understand that risk assessment is not just bureaucratic; it should be in the DNA of plant operations and the business.

"To make that come alive, technicians need to take on more dynamic risk assessments, review method statements etc. Also, they need to be more committed about feeding back information from operational experience and keeping managers in the loop – particularly including near misses – so that everything relevant is investigated." **FE**