

NEC STATEMENT - HEALTH AND SAFETY AND OCCUPATIONAL HEALTH

The NEC believes that strong health and safety regulation, inspection and enforcement are crucial if the rights of workers are to be protected and the levels of occupational ill-health are to be reduced. The Health and Safety Commission figures show in 2003-04, as a consequence of work-related accidents, 235 workers were killed and 129,143 workers public suffered non-fatal injuries.

The NEC further notes research by the Health and Safety Executive showing that 70 per cent of workplace fatalities are as a result of management failures. We therefore welcome the publication of a draft bill to reform corporate manslaughter legislation.

The NEC believes that the absence of statutory directors' duties on health and safety hinders the prevention of accidents, injuries and fatalities and makes it more difficult to secure justice for the victims of health and safety breaches. Only the introduction of statutory health and safety duties on company directors and effective penalties will ensure directors can be held responsible for health and safety negligence.

The NEC is concerned over recent reports of cuts in funding for the HSE and that the Health and Safety Commission are directing the HSE to move away from enforcement of health and safety to encouragement through advice and guidance to employers. The NEC resolves to campaign for a doubling in the number of HSE Inspectors throughout the UK and an increase in funding to address the current shortage, and calls upon the TUC representatives at the Commission to insist that its focus should return to one of enforcement.

The NEC believes that there should further be improvements to rights for trade union health and safety representatives, with the right to issue provisional improvement notices, the right of access to establishments and the right to represent workers' interests, the right for workers and union safety reps to refuse to work in dangerous workplaces without the fear of victimisation or dismissal, and where an employer has been found guilty of unfair dismissal, the employment tribunal should have the right to give the worker their job back.

The NEC resolves to run effective campaigns on health and safety to ensure that industry develops enhanced standardised, recognised health and safety procedures that protect every member of the workplace.

The NEC believes that it is an indictment on UK health and safety that 27,000 workers leave employment each year due to industrial injury, employers should have the legal requirement to negotiate a policy on rehabilitation with trade unions to support workers who are sick or

suffer an industrial injury as part of mandatory health and safety policy. Anyone injured or made ill by work should be given the opportunity of rehabilitation if it will improve their quality of life, rather than because it may enable them to return to work.

The NEC believes that there should be a national rehabilitation scheme, provided through the NHS and funded by employers and the state where appropriate to provide support for injured workers. Employers should provide rehabilitation support where appropriate, with a "no blame" approach to sickness absence, and ensure necessary adjustments are made to the work environment.

The NEC totally opposes the introduction of occupational health departments becoming the first port of call for sick employees. We believe this will cause conflict of interest in the patient / doctor relationship and will take away confidentiality and trust.

The NEC notes the proposed Government reform to incapacity benefit for injured workers who cannot work due to ill health, while we welcome the proposals to assist people to find work through the proposed pathways to work we believe there should be no time limits or graduated levels for Incapacity Benefits and that claimants should not have to meet the job availability tests currently applied to JSA claimants.

The NEC believes that rehabilitation is not an alternative to industrial injury compensation, although it will understandably have an impact on compensation awards if less time off from work results, rehabilitation should be focused on personal requirement rather than employer insistence. The right to trade union advice and support in claiming compensation for industrial injury should be part of the accident reporting procedure.

The NEC notes that Amicus provides support to thousands of our members each year who are injured in the course of employment and seek to obtain compensation. We note that insurance companies are lobbying the government to introduce a new system for claims for injuries at work. We applaud the last government's cessation of this pilot scheme and oppose any procedure to deal with the investigation into Personal Injury claims which would reduce access to legal advisors, impair the claimant's ability to gather evidence of liability, or result in settlement being agreed without the benefit of independent advice for the injured worker. We believe that all Amicus members approached by insurers should seek legal advice via their union from the outset in the conduct of their claim.

The NEC notes government plans to consider an increase in the limit for personal injury claims be raised to £5,000 in England and Wales, and deplores the ongoing moves in the Scottish Parliament to do so. The NEC believes that any move to increase the small claims limit will

substantially reduce access to justice for working people because legal advice for the vast majority of personal injury claims will no longer be paid for by those who caused the injury. The NEC rejects the argument that legal costs rules should be judged by "proportionality" with the level of damages, and instead believes that they should be seen as part of the health and safety enforcement apparatus by enabling injured people to take claims, and by providing an added incentive for insurers and employers to prevent injuries occurring. The NEC accordingly calls on the Government to retain the small claims limit at £1000