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Strategy Division (HSE)  
8NW Rose Court  
2 Southwark Bridge  
London  
SE1 9HS

Emailed to: [strategy@hse.gsi.gov.uk](mailto:strategy@hse.gsi.gov.uk)

Dear Sir or Madam

**Consultation on the HSE Strategy Document**

We attach Unite the Union's response to the consultation on this strategy.

Yours faithfully

Joint General Secretaries



## **Unite response: Consultation on the HSE Strategy The Health & Safety of Great Britain\ \ Be part of the solution**

### **Introduction**

This response is submitted by Unite the Union. Unite is the UK's largest trade union with 2 million members working in the private and public sectors. The union's members work in a range of industries including manufacturing, food manufacture and distribution, agriculture, financial services, transport, print, media, construction, not for profit sectors, local government, education and the health service.

### **Summary**

- **Unite broadly welcomes the draft strategy, particularly the recognition in the strategy that unionised workplaces are safer workplaces.**
- **Unite wants to the goals to be underpinned by a workplan which fully reflects in particular strong and effective enforcement, worker involvement, equality and diversity issues and an extension of safety representatives' rights.**
- **Unite's view is that if it is to be effective the Strategy must be supported by realistic level of funding particularly in the area of enforcement activity and urges HSE to seek out such funding to ensure that the goals of the strategy are met.**
- **We strongly agree that that there is considerable scope for improvement and expansion in regulatory activity to help prevent the rising tide of occupational ill-health such as stress, cancer and respiratory diseases and deal with neglected issues such as occupational road risk.**

## **1. General points about the goals of the strategy**

### **1.1 We note this statement in the Strategy:**

*There is good evidence that workplaces with properly involved unionised safety representatives generally achieve better performance but given that today there are also many more workplaces (large and small) with non-unionised structures, we have to find new ways to engage current and future workforces.*

We agree with the statement that unionised workplaces are safer, but any new mechanisms created to encourage worker engagement must not be at the expense of existing structures. In

fact, any changes must be “resource effective” in generating responses from non-unionised structures. It is not clear how these responses will be generated and account must be taken of the fact that many “non-unionised employers” are also unwilling to join trade associations etc. The fact is there are very few occupations, or work situations, that are not represented somewhere by unionised workforces.

## **1.2 Diversity**

We are concerned that the strategy contains no specific commitment to address diversity issues such as gender, race, age, religion, and sexuality, and indeed the design of the document does not suggest that diversity issues were taken into account. This is in the context of a massive change in our workforce, and labour market conditions leading to the presence of more migrant workers but without the removal of old presumptions, for example PPE is still often provided on the basis of “one size fits all” .

We strongly support the excellent work being done by the HSE Diversity Unit and urge that this work is expanded and supported particularly in relation to encouraging more women safety representatives, which is one of the objectives of the HSE Equality Scheme.

## **1.3 Investigations and securing justice: enforcement action**

Unite strongly supports the work of the HSE and local authorities in enforcing health and safety law. But we strongly oppose a “light touch” approach, and deregulation in any form, and we condemn the drastic decline in inspections, investigations, service of notices and prosecutions in recent years. This sends out a wrong, and potentially fatal, message to employers.

Accordingly, we strongly support the commitment to enforcement action in the strategy, though more robust language will send an even stronger message to employers.

Enforcement activity should include direct enforcement of the Safety Representatives and Safety Committees Regulations 1977 (the 1977 Regulations) and we urge that the Strategy should include a specific commitment to do this.

HSE must receive adequate funding, and **make the case for** adequate funding, for all aspects of its activities, particularly direct and proactive enforcement activity.

## **1.4 The need for strong leadership - and directors’ duties**

Unite has led an ongoing campaign calling for the imposition of specific health and safety duties on company directors and senior managers.

We strongly support the aims of the Strategy but at the same time we question whether this is being achieved in practice, and whether sufficient resources are being dedicated to these aims. We will be scrutinising this very carefully in the coming months.

Though we welcome the Corporate Manslaughter and Corporate Homicide Act, this does not go far enough. At the same time the enforcement authorities rely too little on existing provisions in the Health and Safety at Work etc 1974 to prosecute directors who breach health and safety law.

Reliance on voluntary action by directors and others is not sustainable, and we urge that the work on directors’ duties is delivered early in the HSE work programme associated with the strategy to enable early introduction of new legislation. If the Board is so keen on directors and managers

being held accountable for their actions, why are they so reluctant to implement legal health and safety duties on directors and others?

### **1.5 Building competence**

We strongly support the emphasis on increasing competence as training should be central to the strategy. Unite invests considerable sums in training and supporting our elected safety representatives, many of whom attain very high levels of expertise in the field and all of whom are committed to raising health and safety standards at their workplace. We estimate that 6,000 members pass through our safety rep training courses every year.

Many employers recognise the benefit to their organisation by supporting safety reps in attaining and maintaining their health and safety skills. Unfortunately many others do not, though this is a legal requirement under the 1977 Regulations .

Furthermore, very often, in our experience, little or no health and safety training is given to supervisors, line managers and others, particularly training in the consultation requirements under health and safety legislation. The result is often a lack of understanding and outright hostility from line managers when Unite safety reps (who are usually better trained) raise issues. This is clearly detrimental to good health and safety management but, importantly, is hardly encouraging to our safety reps whose activities, as is well known, are a major factor in preventing accidents and ill-health at work.

This is another reason why we feel so strongly that the HSE should make a positive commitment in the strategy and its associated workplan to enforcing the 1977 Regulations and raising awareness of the consultation requirements under health and safety law – see also our comments under worker involvement – and build this into the work programme.

We believe that training in the requirement for worker consultation issues should be mandatory on all health and safety training courses.

In relation to encouraging joint training with managers, we do believe this has a value and leads to better understanding of the workplace risks. Unite frequently undertakes joint training on employers' premises on request, as part of our own training programmes. Furthermore, the tripartite body the Quarries Joint National Advisory Committee works directly with the TUC which provides training for workers in that sector. But joint training should not be regarded as a substitute for Unite/TUC safety representative training for which trade union safety representatives are legally entitled to paid time off.

### **1.6 Involving the workforce**

Unite strongly welcomes the emphasis on worker involvement and refers also to the remarks made above under **Competence**.

We also endorse the TUC's recently launched *Safety Representatives. A Charter for Change* (January 2009) which underlines the benefits of union safety representatives and calls for more enforcement and a campaign to show employers the value of consultation. A copy of this document is enclosed.

Unite safety representatives are unpaid volunteers who take their responsibilities very seriously and who are prepared to raise issues, save lives and prevent ill-health, and regrettably often suffer intimidation and victimisation as a result. They are brave individuals who deserve all the support they can get, not just from their union, but from the HSE and others.

We must emphasise yet again the need for the inspectorate to make contact with safety representatives when they visit a workplace, support them and provide them with information as we are continuing to receive reports that this is still not always happening. The HSE's inspectorate should receive specific training on worker involvement issues and always ask at inspection visits how an employer consults their workers on health and safety matters.

To strengthen the worker involvement programme and send a strong message to employers, we urge that a senior HSE official or member of the HSE Board is appointed as a Worker Involvement Champion.

We believe that schemes such as the Workers Safety Advisor Challenge Fund should be revisited and revived. Though the WSA Challenge Fund touched on an extremely small percentage of the workplaces, our experience of partnership working with small construction employers in both the South West and Scotland and in the print industry demonstrated that the success of this initiative. Any future initiative needs to be applied universally coupled with the extension of the rights of safety representatives, particularly roving reps.

Unite has also taken part in several successful separate pilot projects involving roving safety reps in the agriculture sector, which were deemed highly successful initiatives in this sector. In addition we have at least one agreement in place involving roving safety reps in the finance sector.

We strongly believe that the law should be extended as follows:

- to provide a legal basis for roving safety representatives
- give safety representatives a specific legal right to "stop the job"
- impose a legal duty on an employer to respond to a complaint from a safety representative
- impose a legal duty on an employer to involve safety representatives in risk assessments.

### **1.7 Creating healthier, safer workplaces**

We strongly support these goals – please see remarks above

### **1.8 Customising support for SMEs**

We strongly support these goals – please see remarks above

### **1.9 Avoiding catastrophe**

We strongly support these goals – please see remarks above

### **1.10 Taking a wider perspective**

We strongly support these goals – please see remarks above.

## **2. The questions**

### **2.1 Do you support the goals as set out in the strategy and are there any omissions?**

We generally support the goals as set out in the strategy but also refer you to comments above in relation to omissions and other matters

### **2.2 How can you/your organisation help us deliver the goals?**

Unite is already working and has worked for many years on a number of areas covered in the strategy. These include:

Investing massive resources in training and supporting many thousands of elected Unite safety representatives.

Unite safety representatives raise issues of concern, ensure that accidents and near misses are reported and help prevent accidents and occupational ill-health in numerous ways which have been well documented in research, including the HSE's own research.

Representing Unite and the TUC on a wide range of HSE advisory committees and other tripartite bodies and also internationally at European level and in other arenas such as the International Labour Organisation and through international trade unions and trade union federations.

The union devotes considerable resource and staff expertise in this work as we strongly believe that tripartite activities do drive up health and safety standards.

We also believe that the HSE is generally very good at facilitating and supporting tripartism and that the resources they devote to this work are well spent. The HSE Board needs to ensure it is engaging fully with its existing structures, and especially its tripartite committees. The HSE Board needs to fully embrace the work of such committees and make it clear that the HSE Board is listening to what they are saying.

Supporting safety representatives with advice and guidance from Unite health and safety advisors and Unite regional officials.

Producing a wide range of health and safety guidance booklets and other materials, often in collaboration with HSE and other bodies.

### **2.3 Can you identify others who have a role to play in delivering the goals as set out in the strategy?**

Employers are responsible for preventing injury and ill-health at work, and the strategy will only be effective if a strong message is sent to employers that they must work with employees, and comply with their legal responsibilities to do so.

### **2.4 Who else should HSE and local authorities be engaging with to help deliver the goals in the strategy?**

The draft strategy at pages 6-7 identifies the main groups which should be engaged in delivering the strategy.

The HSE should also be taking a much more high profile role in researching, identifying and providing guidance on new hazards such as nanotechnology and engage more at European level.

We welcome closer working between the HSE and Local Authorities which we hope will benefit sectors such as transport/retail and the delivery chain. We look forward to participating in more joint work producing guidance, such as the HSE toolkit on managing work-related violence in licensed and retail premises.

The HSE should be working more closely with other government departments and interested bodies in relation to urgent issues such as occupational road risk

## **2.5 What should HSE and local authorities do differently to help deliver the goals of the strategy?**

We are pleased to see the commitment to enforcement as the first goal set out in the strategy. We believe that, as discussed above, that the enforcement strategy should be revised to ensure it is more effective and more wide ranging.

Unite research supports the need for this. The Unite report, Lack of Investigation 2001-2007 (copy enclosed) published in 2008 found that there had been a significant fall in investigations by the HSE of major injuries, over-three day injuries, dangerous occurrences and injuries to members of the public during the period 2001-2007 and 2001 itself provided a low baseline as comparison. This is supported by HSE's own figures. This low level of enforcement is not acceptable to our members.

HSE and local authorities should also be ensuring that full and accurate statistics on injuries and ill health are recorded. This is not the case at present particularly in relation to occupational diseases such as cancer. Enforcement action should be focused on issues such as under-reporting which is recognised as a huge problem.

HSE must ensure that its statistical information is properly publicised, as we have noticed that this is now not always the case.

Agriculture is an example. In the past, a booklet was produced showing the statistics and including case studies illustrating the cause and effect of incidents. This is no longer available. This is very disappointing for a highly dangerous industry which is known for its high incidence of fatalities, including children, and we urge that the HSE takes every opportunity to publicise the statistics and the lessons to be learned from them.

## **2.6 What parts of which goals in the strategy are best delivered by others?**

We refer to comments made elsewhere in this response.

## **2.7 What can your own and other organisations do differently to help in the delivery of this strategy?**

We will continue with the work that we have undertaken for at least the last 30 years in training and supporting our safety representatives, producing guidance and campaigning on health and safety issues on behalf of our members, and acting to prevent workplace injury and ill-health.

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