

Total suck up

The government is introducing a corporate crime bill with no jail terms for corporate criminals. The Health and Safety Executive is ripping up large chunks of its "naming and shaming" database. And the next official health and safety visit you get may be from an "adviser" not an inspector. *Hazards* editor Rory O'Neill investigates the watchdog that doesn't want to bite.

It is easy to criticise the Health and Safety Executive (HSE). It has a tough job, few resources and faces conflicting pressures from unions, campaigners and employers.

But a *Hazards* investigation of HSE's recent practice – including a forensic examination of its recent policy statements and a series of Freedom of Information Act requests – reveals HSE's leadership is making up policy on the hoof and tripping over itself to accommodate a deregulatory push from government and the employer lobby. Here's *Hazards'* top 10 reasons HSE sucks.

1 A criminal record

HSE is to ditch from its naming and shaming 'prosecutions' and 'notices' database all records more than five years old, if a company has managed to remain out of the Crown Court in the intervening period. Improvement and prohibition notices have never been before the courts, so will be erased as a matter of routine. The database is now

five years old and the cull of records has started.

In fact, as naming and shaming goes this is already about as criminal friendly as it gets. There is no list, for one. There is a database, and if you are motivated to search it you can find the information.

2 HSE loves bosses

HSE is less shy about praising employers. BP, a company that has received seven figure safety fines in the UK and the US in the last four years (*Hazards* 91) and is currently subject to a US criminal investigation for safety crimes (page 32), is the recipient of priceless HSE PR, showcased on its corporate responsibility webpages as an example of director leadership. Other safety criminals highlighted include Esso and serial offender Grampian Country Foods Ltd.

HSE has also quietly forgotten the findings of its own April 2004 poll which found most employers believe health and safety regulations don't hamper their business (*Hazards* 91). Instead, to the delight of CBI, IoD and other

business lobby groups, it is fishing desperately for ways to remove the "burden" of safety regulation from business. In December 2005, it tried to ensure there were no new safety duties or jail threats for company directors (page 13).

3 See no evil

HSE is in denial. Its 'Health and Safety Statistics 2004/05' report, published in November 2005, claims "2 million people were suffering from an illness they believed was caused or made worse by their current or past work."

The HSE figures grossly under-estimate the true toll, with tens of thousands of cancer cases overlooked and several top occupational diseases affecting hundreds of thousands missed entirely (*Hazards* 92). Accidents too are under-estimated. A study published in January 2006 by the Farmers' Union of Wales, for example, found almost 90 per cent of accidents were not reported to HSE. And HSE's accident figures discount the biggest single cause of workplace fatalities, occupational road traffic accidents.

4 Don't look now

HSE doesn't know what it is doing. In November 2005, *Hazards* used the Freedom of Information Act to ask for the number of workplace inspections undertaken by HSE inspectors. HSE said this information "is not held by the Health and Safety Executive."

When workplaces do get a visit, inspections aren't what the used to be. Inspectors are now under instruction to undertake quickie topic based inspections, just checking on certain priority hazards. And

investigating serious injuries isn't so important anymore. HSE union Prospect says current HSE inspection criteria mean an employee could suffer a scalping, serious multiple fractures or lose the top of up to three fingers before an enquiry is even launched in his or her workplace (*Hazards* 84).

5 Reluctant regulator

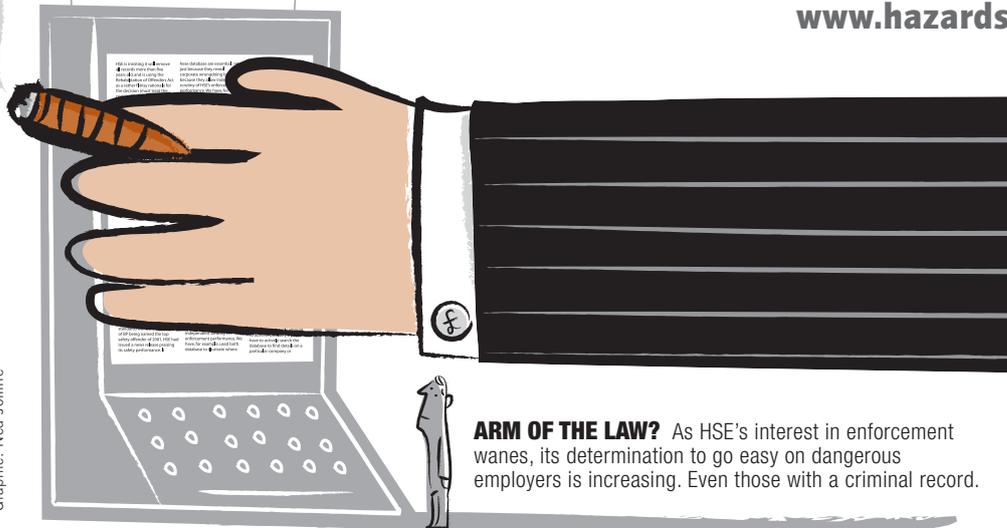
HSE's 'Offences and Penalties Report 2004/05' shows a 35 per cent fall in prosecutions of employers in the past three years (*Hazards* 92). HSE brought 712 prosecutions in 2004/05, down from 928 in 2003/04. Total prohibition and improvement notices issued dropped to 8,445 in 2004/05, from over 11,000 the previous year and over 13,000 in 2002/03.

And HSE has unleashed its own brand of non-inspector, a new breed of low cost HSE compliance assistance officer on the loose in workplaces with no enforcement rights or role. On top of this, HSE is haemorrhaging experienced staff. Staffing levels have fallen for three successive years, with just 3,903 staff in post on 1 April 2005. In 1994, HSE had 4,545 staff.

6 Cash giveaway

There's plenty of HSE cash for consultants, though. HSE contractor Promotion Logistics received £12.5m for work running from 2002 to the end of 2008. McKann Erikson bagged £3.77m for a three-year project. Scientific research for HSE can also be lucrative. WS Atkins received over £2.4m between 2000/01 and 2004/05, BOMEL Ltd received over £2.9m, and

Graphic: Ned Jolliffe



ARM OF THE LAW? As HSE's interest in enforcement wanes, its determination to go easy on dangerous employers is increasing. Even those with a criminal record.

GOVERNMENT LAUNCHES BACK TO WORK DRIVE

The government is to reform incapacity benefit with the aim of getting one million claimants back to work within a decade. The Welfare Reform Green Paper was launched on 24 January by work and pensions secretary John Hutton. The changes will mean eligible claimants who refuse to take part in back-to-work schemes risk losing part of their benefits. There will also be moves to get a million older people and 300,000 single parents back into work.

Mr Hutton told MPs the aim was to reduce the number of new claimants, to provide greater help to those on the benefit to return to work, and to give more support to the most severely sick and disabled. GPs will be encouraged to help ensure their patients are able to work, with the appointment of employment advisers in their surgeries. The government said part of the reforms would be a £360m national roll out of the pilot back-to-work Pathways to Work scheme by 2008.

TUC general secretary Brendan Barber commented: "There are enough positive proposals to give a guarded welcome, but real concerns, particularly about how the plans will work in detail, remain." He added: "We very much welcome the extension of Pathways to Work. The pilots have shown that many claimants can be helped back to work." He warned, however, that it "was hard to see how a more ambitious programme of support can be reconciled with the government's arbitrary job cut target in the DWP."

Mark Serwotka, general secretary of the civil service union PCS said the DWP's Pathways plans were "both people and resource intensive, running contrary to its job cuts programme. The real fear is that due to a lack of staff the emphasis will be very much focussed on the big stick approach rather than the carrot." And Phil Gray, chief executive of physios' union CSP, said: "The reality is that without serious investment in rehabilitation and physiotherapy in particular, these great ideas will fail."

A new deal for welfare: Empowering people to work, Green Paper, January 2006.
www.dwp.gov.uk/aboutus/welfarereform

Hazards website
www.hazards.org/workandhealth
www.hazards.org/sickness
www.hazards.org/rehab

Sercu Assurance over £3.5m.

HSE Infoline – a privatised advice line related to HSE in name only – in 2000/01 received £581,000. By 2004/05, this had risen by almost 50 per cent to £829,000.

7 You do it

HSE strategy documents show the safety watchdog is bounding away from its inspection and enforcement role and into compliance assistance and advice. HSE's draft "simplification" plan (page 14), published in November 2005, identifies under anticipated "outcomes" the 33 per cent reduction in inspections sought by the Hampton report, the government's deregulation template (*Hazards* 91).

Already some retail companies are taking part in a pilot opt-out from inspections and enforcement (page 13). And HSE's LOPP scheme could put 1 million workers outside HSE's enforcement reach (page 38).

8 Pilot privatisation

Workplace Health Connect, an entirely private occupational health initiative run entirely on public funds, runs from February 2006 with

a two year £20m budget (page 20).

It will undertake 5,700 enforcement free workplace visits, working out at £3,500 a time. Most of its functions are jobs that would normally fall to HSE – the only part that is missing is enforcement. But unlike HSE, Workplace Health Connect will only respond to approaches from employers. It bars direct contact from employees.

9 Blind faith

HSE is pursuing the self-regulatory approach with evangelical zeal, despite overwhelming evidence showing the combination of rigorous inspection and enforcement is the most effective way to ensure workplace laws are observed (*Hazards* 88).

It is the vanguard for the government deregulation message, despite a July 2004 Work and Pensions committee report (*Hazards* 87) dismantling and rejecting every major tenet of its "2010" strategy (*Hazards* 89).

10 Tomorrow's world

It could get worse. It may be the next health adviser visiting your workplace will have no interest at all in the risks

you face because of the job you do. The government's October 2005 'Health, work and well-being' strategy is encouraging a wholesale workplace assault on "lifestyle" health risks (page 20).

Exercise, healthy diet and an end to those bad personal habits are going to be the order of day. But making the job healthy and safer will be, increasingly, off the menu.



28 APRIL Start planning now for Workers' Memorial Day, the biggest event in the union safety calendar. You can get posters (free), forget-me-knot ribbons (£25 per hundred), bumper stickers (£1) and further details from the Hazards Campaign, telephone 0161 636 7557. www.hazardscampaign.org.uk