

# Health and safety Time for change

*Reclaiming health and safety at work*



## Health and Safety Inspections.

### Why all workplaces need to be inspected regularly.

For health and safety laws to be effective, employers must know that if they do not obey the law they could face prosecution.

In the past, enforcing bodies such as the HSE, Local authorities and the Office of Rail Regulation used a mix of proactive inspections (these are routine and often un-announced), and reactive inspections (after an incident is reported). The HSE used a ratio of 60% proactive to 40% reactive. Those workplaces that were most likely to have problems were visited more often and occasionally there would be a “blitz” of a certain industry such as construction to try to improve standards. Overall proactive inspections aimed to target where they would be most effective, but no workplace was free from the possibility of an unannounced inspection. This was generally accepted as being the most effective way of ensuring that employers complied with the law and at the same time bringing those who broke the law to justice.

The concern from unions and many safety campaigners was simply that there were not enough inspections. In 2011 the TUC produced a report which showed that in 1999/2000 the number of inspections made by the HSE Field Operations Division (with excludes the major hazards sectors) inspectors was 75,272. In 2008/09 the number of recorded inspections was 23,004. This is a fall of 69.5% in 10 years. The number of premises that are covered by the Field Operations Division is 884,000 covering 15 million workers. This means the average premises could expect a visit by an HSE inspector once every 38 years<sup>1</sup>.

Since then however the situation has become even worse.

### Government cuts to inspections

In March 2011 the Government issued instructions to the Health and Safety Executive to stop all proactive inspections<sup>2</sup> in a wide range of industries including postal services, transport (including docks), education, electricity, light engineering, textiles, health and social care. They say that this will reduce the number of inspections by 11,000 a year. The reason that they

give, in most cases, is that the premises are “low risk”. In fact many of the sectors identified have much higher levels of ill-health caused by work than those that are still to be inspected.

The government has also told local authorities to stop most of their pro-active inspections. It is already estimated that for 2012/13 local authorities will have reduced their pro-active inspections to 16,400. This is a reduction of 86% in just three years. This number is likely to fall even further in future years as a result of a proposed Local Government Code.

What this means is that those sectors with the highest levels of occupational illnesses such as back pain, RSI, asthma, dermatitis, and stress are almost all ones which the regulators are no longer allowed to inspect proactively. Because most of these illnesses are never reported to the HSE there is no longer any incentive on employers to take action to reduce them.

Injuries will certainly go up in those sectors where proactive inspections are being banned. After all, if employers only face an inspection if they report an injury or fatality, it is not likely to act as a deterrent as most employers always think that “it will never happen to me”. It may however mean that when it does happen it is less likely to be reported.

## **Evidence that inspections work**

There is a lot of evidence that an inspection, or the possibility that an inspection could take place, does change the behaviour of employers.

In 2012 three separate research reports were published in the USA. One of those showed that, in California companies subject to random inspections showed a 9.4% decrease in injury rates compared with uninspected firms in the four years following the inspection. With no evidence of a negative impact on jobs, employment, or profitability of the inspected firms, the decrease in injuries led to a 26% reduction in workers' compensation costs – translating to an average saving of \$350,000 per company<sup>3</sup>. Researchers in Pennsylvania found that health and safety inspections which resulted in penalties reduced injuries by an average of 19-24% annually in the two years following the inspection<sup>4</sup>. Washington State researchers also found that safety inspections made a significant contribution to reducing workers' compensation rates and costs in the year following an inspection<sup>5</sup>.

In the UK, convincing evidence of the impact of inspection was produced by researchers who made 41 visits to small hairdressing firms in six geographical areas. They found that Local Authority inspections improved compliance with electrical safety requirements<sup>6</sup>.

Research by the TUC<sup>7</sup> has also shown that inspections work. In a survey of over 1,800 health and safety representatives, 53% stated that their employer make improvements to their health and safety practices because of the possibility of a visit by an inspector.

## **Inspections are positive for both workers and business**

The reason for the Government's demands that regulators cut inspections is nothing to do with the cuts, not is it based on any kind of evidence about effectiveness. The decision to stop proactive inspections is because the government believes that inspections are a “burden” on

business. This is nonsense. Only employers who are breaking the law have anything to fear from an inspection. The vast majority of inspections do not lead to a prosecution, but to the employer being given advice and support on improving their health and safety. In fact 89% of employers who are visited by the HSE say it is a positive experience<sup>8</sup>. Additionally, a CBI survey of business views of the HSE, conducted before the Government stopped pro-active inspections, found that “business regards fair enforcement as the principal focus of the HSE and is generally satisfied with the quality of service provided by the HSE”<sup>9</sup>.

Inspections also help produce a “level playing field”. Employers who invest in health and safety often complain that their competitors get away with cutting corners. Having regular inspections ensures that this does not happen.

***Trade unions want the HSE and local authorities to concentrate their inspection activities on those businesses where inspections will be most effective but no business should be exempt from unannounced inspections. We want to see more inspections of all businesses. It is the most effective way of ensuring compliance with the law and also giving businesses, and workers, the support they need.***

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<sup>1</sup> All figures from HSE reports

<sup>2</sup> Good Health and Safety, Good for Everyone, DWP March 2011

<sup>3</sup> <sup>1</sup>Levine, D, Toffel, M., Johnson, M. Randomized Government Safety Inspections Reduce Worker Injuries with No Detectable Job Loss, Science 18 May 2012: Vol. 336 no. 6083 pp. 907-911

<sup>4</sup> Haviland, A. M., Burns, R. M., Gray, W. B., Ruder, T. and Mendeloff, J. (2012), A new estimate of the impact of OSHA inspections on manufacturing injury rates, 1998-2005. Am. J. Ind. Med.. doi: 10.1002/ajim.22062

<sup>5</sup> Foley, M., Fan, Z. J., Rauser, E. and Silverstein, B. (2012), The impact of regulatory enforcement and consultation visits on workers' compensation claims incidence rates and costs, 1999-2008. Am. J. Ind. Med.. doi: 10.1002/ajim.22084

<sup>6</sup> Fairman R and Yapp C (2005), Making an impact on SME compliance behaviour: An evaluation of the effect of interventions upon compliance with health and safety legislation in small and medium sized enterprises. HSE

<sup>7</sup> Focus on health and safety: TUC biennial survey of safety representatives, TUC 2012

<sup>8</sup> <http://www.hse.gov.uk/risk/attitudes.htm>

<sup>9</sup> CBI survey

[http://www.cbi.org.uk/ndbs/positiondoc.nsf/1f08ec61711f29768025672a0055f7a8/7814B721C966690080256E1D00347D55/\\$file/hsesumm160104.pdf](http://www.cbi.org.uk/ndbs/positiondoc.nsf/1f08ec61711f29768025672a0055f7a8/7814B721C966690080256E1D00347D55/$file/hsesumm160104.pdf)