

HEALTH AND SAFETY

What “Brexit” would mean

Introduction

Since Britain joined the EU in 1973 European regulation has played an important role in protecting working people from exploitation and combating discrimination. The biggest change in respect of health and safety was the 1989 Health and Safety Framework Directive which establishes broad-based obligations for employers to evaluate, avoid and reduce workplace risks.

A range of related other directives cover the management of specific workplace risks such as musculoskeletal disorders, noise, work at height or machinery, as well as the protection of specific groups of workers (such as new or expectant mothers, young people and temporary workers). Specific regulations cover areas such as construction work, asbestos, chemicals, off-shore work, etc.

41 out of the 65 new health and safety regulations introduced between 1997 and 2009 originated in the EU. However, there has been a considerable reduction in pace as the European Commission has adopted a more anti-regulatory approach, in part due to pressure from successive UK Governments. The number of new directives has halved in the past five years and this trend seems set to continue, as the European Commission’s most recent Work Programme abandoned 80 health and safety proposals and introduced just 23.

Benefits of EU Membership

It is difficult to state exactly how many lives have been saved, or how many illnesses have been prevented because of EU legislation. In the year that the Framework Directive and six-pack came into force there were 368 worker fatalities in the UK. Last year there were 142. What is noticeable is that the decline in deaths has plateaued since 2010. The same is true of occupational illnesses. This is the period during which there has been a reduction in the level of regulatory activity from the European Commission, although it also corresponds with a decline in inspection activity in the UK.

A European Commission review of all the 24 main Directives on health and safety conducted in 2015 concluded that the EU framework is coherent with few overlaps. The regulations have also been transposed

into national states with very few problems. Overall the effect is good, especially for workers' health and safety, and there is no evidence of the regulations being what the Government calls a "burden", or cost, and instead are a benefit to business. These regulations cover many of the most important sectors or risk factors that lead to death injury and ill-health in the workplace such as chemical safety, carcinogens and musculoskeletal disorders. They also cover machinery safety and personal protective equipment which means that there are minimum and understandable standards that exist across Europe and which have helped prevent the importation and use of substandard or dangerous equipment.

If the UK withdraws from the EU

It is unclear what the situation will be if the UK votes to leave the EU. The UK has however indicated that it wants to reduce existing EU protection including repealing a number of directives or parts of directives and removing the requirement for employers to provide eyesight tests for display screen equipment users, and the need for small, low risk businesses to make a written risk assessment.

The Governments current deregulatory proposals were written in the context of remaining within the EU. If Britain were to leave, depending on any agreement with the EU, then further reductions are certainly likely.

Conclusion

In recent years, EU-led improvements in health and safety protection have been more limited than in the past, but the overall contribution of EU regulations on health and safety to the UK workforce is substantial. As shown by the recent evaluation of EU regulations, the overall package of directives is practical, fit for purpose, and, more importantly, effective. It is clear that EU membership continues to deliver wide-ranging protections to UK workers, and the UK Government should, not only continue to be part of the European process, but should more actively engage and support an improved and revitalised package of measures aimed at tackling the huge burden of occupational illnesses that are being experienced both in Britain and across the EU.

For more information go to www.tuc.org.uk/euref

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