

Scotland Bill

Scottish Hazards

About Scottish Hazards

1. The Scottish Hazards Campaign was established in 1993 to act as a focal point for those committed to improving workplace health and safety. It has grown to include:
 - trade union branches, health & safety representatives and officials;
 - safety officers;
 - specific campaigns, e.g. Families Against Corporate Killers, RSI support groups and asbestos campaigners;
 - occupational health professionals; and
 - politicians and community groups.
2. While continuing to campaign for improved worker health and safety in Scotland, we have registered Scottish Hazards as a Scottish Charitable Incorporated Organisation and are progressing plans to establish a health and safety advice centre for workers. We also join internationally with others to campaign for improved working conditions throughout the world.

Devolution of Health & Safety Regulation & Enforcement

3. We believe the Scotland Bill should be amended to provide for the devolution of occupational health and safety regulation and enforcement. This would need to be supported by necessary control over fiscal levers to enable, in particular, the establishment of a Scottish enforcement body. We made a submission to this effect to the Smith Commission: <https://www.smith-commission.scot/wp-content/uploads/2015/01/B00201.pdf> . This submission now updates and supplements that which we made to Smith and should be read in conjunction with it.
4. With health, justice, the environment and local government devolved, the lack of devolution of health and safety leaves a dangerous lacuna when it comes to preventing death, injury and illness amongst the Scottish population . As stated by Charles Woolfson and Matthias Beck in their paper entitled “The Scottish Safety Anomaly”¹:

“Scotland has a Minister of Health, with a broad portfolio of authority. It is paradoxical that the Minister’s brief for the health of Scotland’s population should stop at the factory gate and office door – precisely

¹ Scottish Critical Policy Studies, Position Paper No.3.

where the majority of the working population spends most of its waking hours.”

The Scottish Anomaly

5. As noted in our Smith submission, the level of work-related fatalities and major injuries in Scotland has been consistently higher than that of Great Britain as a whole. In the most recent figures released by the HSE for 2014/15², the rate of fatalities in Scotland as a 5 yr average is 0.76 per 100,000. This compares with figures of 0.49 for England and 0.53 for Great Britain as a whole.
6. It should also be noted that these are the figures for worker deaths investigated by the HSE. This does not take account of members of the public killed in work-related incidents, which for 2014/15 tragically includes the deaths of Keane Wallis-Bennett who died aged 12 as a result of an incident at Liberton High School, and Preston Flores, who died aged 7 after being doused in petrol obtained from a council van in Aberdeen.
7. The whole story on work-related deaths in Scotland can only be told once account is also taken of those killed at sea (investigated by the Marine Accident Investigation Branch), as a result of air accidents (investigated by the Air Accident Investigation Branch), or as a result of driving for work (investigated most likely by Police Scotland). Therefore, for 2014/15 (leaving aside the question of why it was not investigated by the HSE at the time³), the whole story would also include the six people who died as a result of the Glasgow bin lorry crash.
8. When account is also taken of those who commit work-related suicide, and those who die as a result of work-related illness or disease, academics and trade unions report that a conservative estimate of work-related deaths in Scotland is 2000 per year. However, we believe the number could be more than double that. Hilda Palmer of UK Hazards has undertaken a study of deaths and estimates the whole story across the UK to be approximately 1600 who die annually in work-related incidents and another 50,000 who die as a result of work-related illnesses⁴.
9. If the figure for Scotland were to be extrapolated simply using a population percentage of 8.3%, this would mean 132 die annually in work-related incidents, and another 4150 dying from work-related illnesses (which may in itself be another underestimate).

² <http://www.hse.gov.uk/statistics/pdf/fatalinjuries.pdf>

³ <http://www.hazardscampaign.org.uk/fack/news/binlorrycrash.htm>

⁴ See further an article by Hilda Palmer of the Greater Manchester Hazards Centre and the national Hazards Campaign: <http://www.shponline.co.uk/features/features/full/the-whole-story>

10. The government and HSE explanation for Scotland's poorer record is that Scotland has a higher percentage of workers in highly hazardous sectors. While that may be part of the reason, we do not accept it as a full explanation and believe that other factors are involved, with research indicating that some of these factors may be: lower prosecution rates and lower levels of fines; a concentration of areas of high unemployment; and the additional difficulties in enforcement caused by Scotland's geography.
11. The current system reserving power in this area to Westminster serves only to impair Scotland's ability to address these Scottish-specific issues.

Health and Safety in Great Britain

12. Over time and the last 5 years in particular, the HSE has:
- a. seen its budget slashed by up to 45%⁵;
 - b. been required to abandon routine, proactive, preventative safety inspections in the vast majority of workplaces designated "low-risk"⁶ (which includes ; we need either to list things here or remove the 'which includes'
 - c. scrapped its infoline (which previously dealt with up to 200,000 enquiries per year) and removed all office phone numbers from its website;
 - d. initiated a system of online reporting which most often directs the complainer (including concerned members of the public) to raise the issue with the workplace directly;
 - e. been asked to "become more commercial in outlook and in delivery";
 - f. seen its medical division decimated⁷;
 - g. seen the loss of valuable workplace intelligence as a result of changes made to the RIDDOR regime;
 - h. moved from a Director for Scotland alone, to a Director with responsibility for Scotland and Northern England;
 - i. seen the tripartite nature of its Board eroded.
13. When this is taken together with the fact the teeth of the gangmasters' watchdog have been pulled; that sick and injured workers are being priced out of making compensation claims; that employment tribunals have been made

⁵ "There is not an adequate number of health and safety inspectors in the employment of the HSE in Scotland to maintain an adequate system of independent inspection of building sites to oversee the maintenance of reasonable standards of health and safety" – the words of Sheriff Davidson who presided over the 2010 FAI into the death of Andrezej Freitag. And these words were written before the main impact of the budget cuts.

⁶ See further: <http://www.hazards.org/deadlybusiness/publicperil.htm>

⁷ In 2012 there were 3 occupational health physicians and 18 occupational health inspectors, down from 60 each in the 1990's.

pay-per-go; that key legal safety provisions have been removed by the scrapping of regulations, ACoPs and the dumbing down of guidance; and that we are repeatedly told that health and safety is a burden on business, the situation is only likely to get far worse.

14. In 2004 the Work and Pensions Select Committee concluded that “it is inspection, backed by enforcement, that is most effective in motivating duty holders to comply with their responsibilities under health and safety law.” However, we are seeing the opposite of this: a wholesale move to light touch regulation of health and safety. In the financial arena it has been very clearly recognised in recent years that light touch regulation plus risk-taking equals economic disaster. In the health and safety arena, light touch regulation plus risk-taking can only lead to more lives lost and more families robbed of a future with their loved ones.

Health and Safety in Scotland

15. The only chance of a rapidly declining situation being stopped in its tracks and improvement occurring, is for control of health and safety regulation and enforcement to be placed in the hands of the Scottish Parliament.

16. Together we would make Scotland a safer place to live and to work.