

TOPICAL ISSUES : WHAT WE THINK

REVIEW OF HEALTH AND SAFETY LAWS

Lord Young has been tasked with reviewing health and safety laws with the objective of reducing the burdens on business.

Health and safety compliance can be a burden on business but it can also be a benefit if administered as the law expected i.e. reasonably and proportionately.

The burden of poor health and safety falls on the victims of accidents and their families – fatalities, major injuries, limb amputation, brain injury, loss of the breadwinner, permanent disablement – the list goes on.

It is only right that employers and others carry out their business operations with the safety of themselves and others at the forefront of their minds.

But it is not helpful for health and safety to be trivialised, especially by the media, so that we all think “elfin safety” has gone mad. In doing so, we are likely to forget the real value of good health and safety.

As a society, we can never be risk averse. Yet many organisations, especially perhaps insurance companies and enforcement agencies, are trying to make us risk averse.

We have to manage risk. We must react to the unacceptable risks of any task or event and take steps to reduce the likelihood of harm. School outings for instance, need to be planned and possible events considered e.g. poor weather conditions, emergencies, likelihood of falling off the cliff etc but staff cannot take reckless decisions to expose young people to danger. So, teachers generally put in place a plan to keep their pupils as safe as they can be. But you cannot always plan for the reckless child who has no discipline to follow rules and instructions. Teaching children to appreciate the hazards and risks of life is a parent or guardian’s job. But often they don’t do it – expecting someone else to perform that role.



What’s bogged health and safety down is the perceived need to write everything down as a risk assessment or a method statement or an operating plan.

The Management of Health and Safety at Work Regulations 1999 which creates the legal duty to carry out risk assessments only requires significant risk to be recorded.

We need better guidance on significant risk definitions – generally significant risk is something which will cause a fatality or severe personal injury.

Surely no-one would say that it wasn’t common sense to prevent a fatality or severe person injury?

Good luck to Lord Young. We will follow his deliberations with interest.

Who to Contact?

Call now: Pat Perry, Janet Cox, John Haswell, Sam Maxwell, Richard Bartlett