

Health and Safety Regulations

Who Needs Them?

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An Observation

- Governments obsessed with austerity and de-regulation.
- One Result:
 - New legislation delayed
 - New Guidance delayed
 - Severe cut backs to the HSE
 - HSE site surveillance visits severely curtailed

Should we think again?

If so:

- are there lessons to be learnt from the past?
- are there lessons to be learned from the present?

Lewis Street, Pentre, Rhondda

- 72 dwellings, cheap, back to back
- 72 families
- About 72 ladies (newly weds to G.Grands)
- No retired men
- Almost all men worked in the mins
- Average male life expectancy 55 yrs

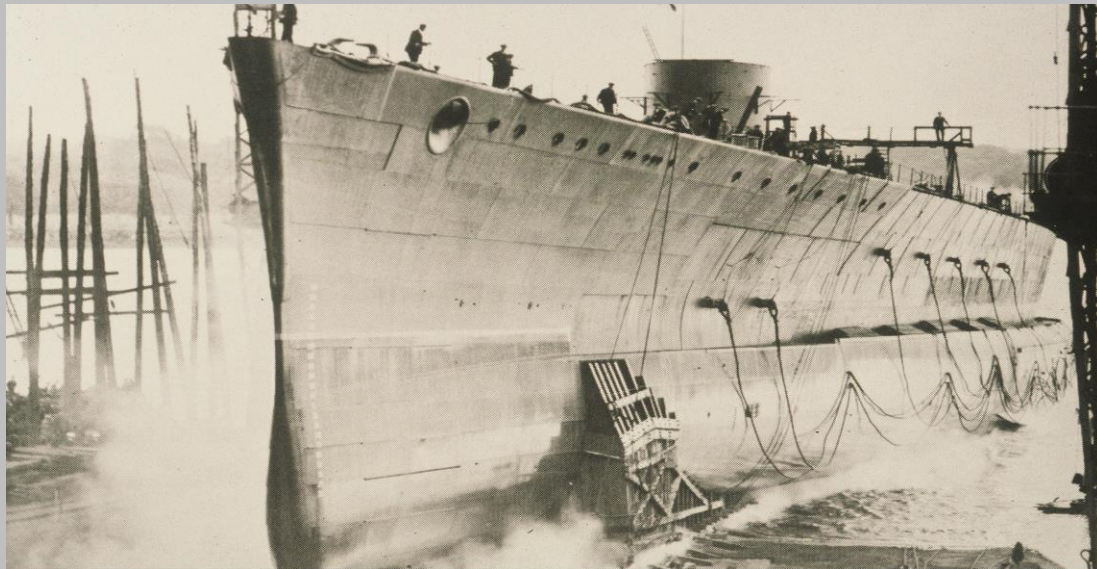
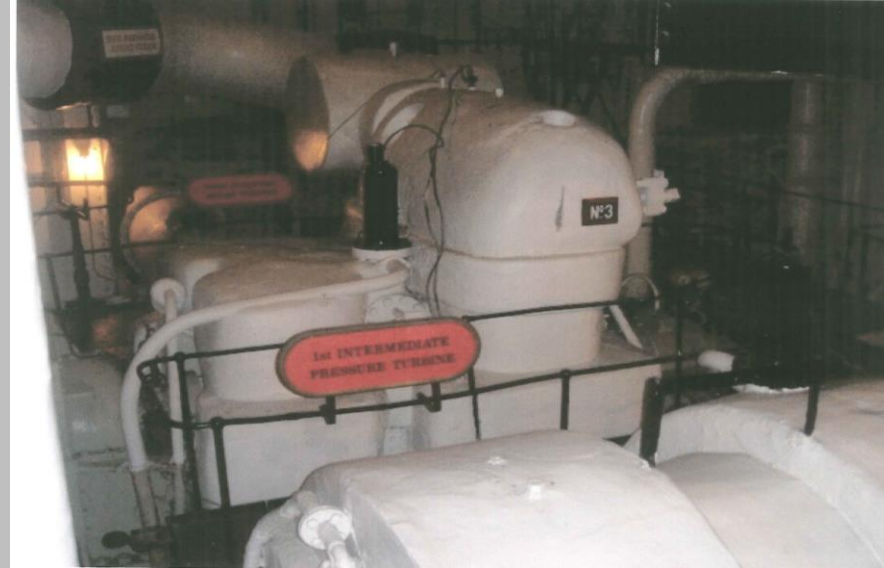


In Glasgow, you built ships

- The biggest ships in the world.
- The fastest ships in the world.
- More ships than anywhere else in the world.

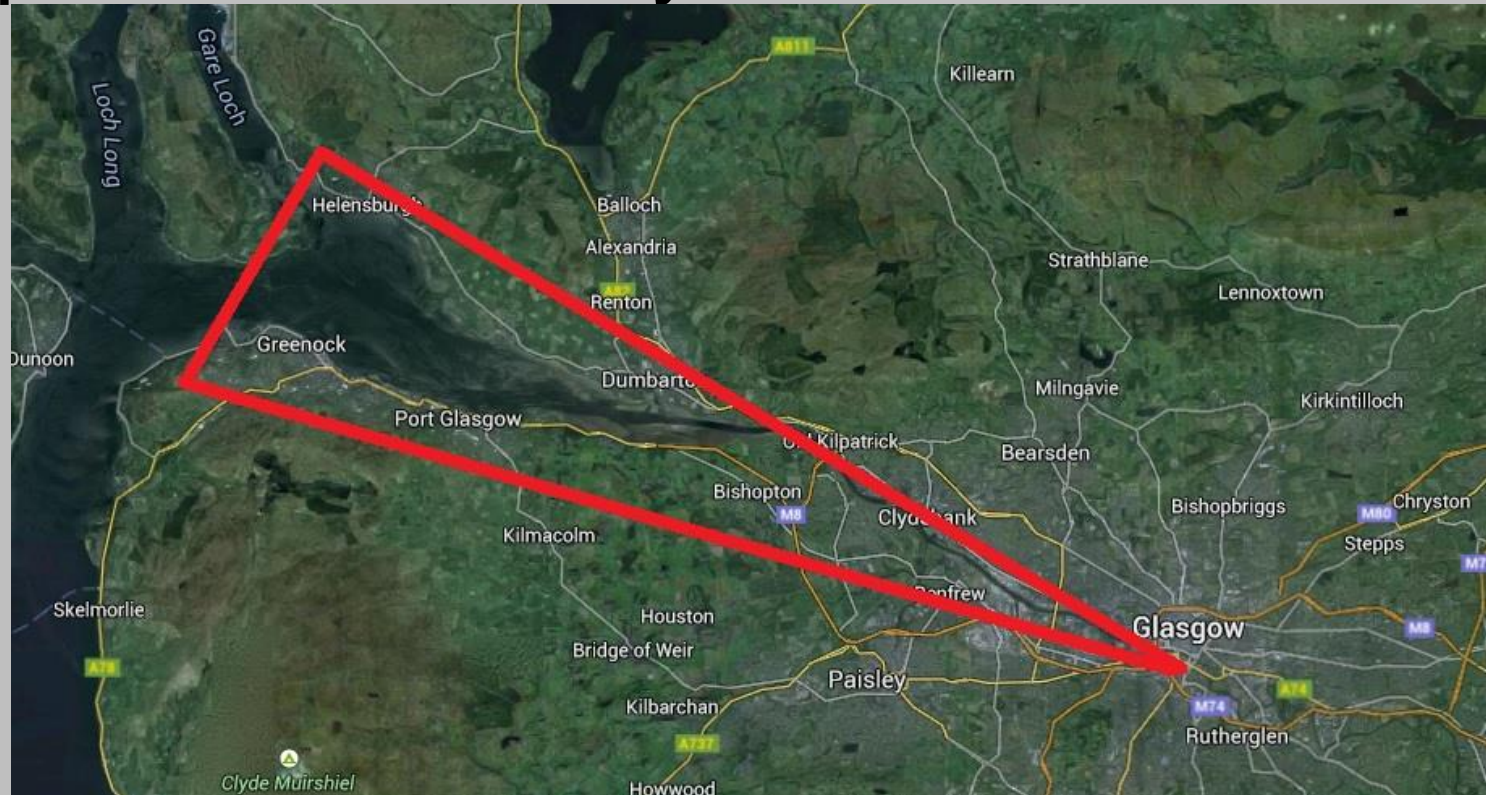
- But they were steam ships.
- Colossal heat loss from boilers curtailed travel.

- Lag the boilers with asbestos.
- Highest asbestos usage in the world.



The result: The Black Triangle

Highest asbestos related deaths by post code of anywhere in the world.



Wait and See Attitude

- The working conditions and the related accidents and deaths were the product of the attitudes of the time.
- Put people into work environments and wait and see what happens to them
- If sufficient numbers don't survive, investigate and fix it.

WAIT AND SEE ATTITUDE

174 reported occupational deaths p.a. in the UK

Estimated to be work related:

- One million skin diseases,
- One million bladder diseases,
- 170,000 respiratory diseases,
- 45 000 deaths from respiratory disease p.a.
(up to 15 000 p.a. from occupational exposure),
- 60,000 asbestos deaths (over 4000 p.a.),
- Up to 8% of all cancers (up to 12,000 p.a.),
- Could be up to **30,000** deaths per annum from occupational ill health.

FINANCIAL IMPLICATIONS

Estimated financial cost of deaths from industrial diseases:

2% - 10% of the National Wage Bill

£24,000,000,000 per annum.

Large **FINANCIAL** problem,

Large **MORAL** problem.

Health & Safety – what have we done ?

Health & Safety at Work Act 1974
(introduced after the Robens Report of 1972)

- Established a new statutory framework.
- Established the **Health & Safety Commission (HSC)**.
- Established the **Health & Safety Executive (HSE)**.

Pretty good – but still a problem

- All legislation is still *retro-active*.
- We put people in work situations and wait and see what happens.
- We wait for sufficient numbers of people to be injured, diseased, maimed or killed before we introduce new legislation.

New Philosophy

- By late 1980's some Health & Safety Legislation had become Risk Assessment based – lead, asbestos, noise, chemicals.

i.e. changed from *retro*-active to *pro*-active.

- Reflected in the Management of Health & Safety at Work Regulations 1992 - requiring a *risk assessment* for all tasks, and the *management* of safety i.e. **employer must have a system to manage the health & safety of all employees.**

H&S Management Regulations

What do we require:

- Risk assessments for all tasks
- A Management System

A pretty good system ?

- Now less than 180 deaths per annum at work in the UK.
- 75% decrease since 1971.
- UK has one of the world's best Health & Safety records.

USA 1.9 x UK death rate

Sweden 2.1 x UK death rate

France 3.6 x UK death rate

Germany 4.2 x UK death rate

Ireland 6.1 x UK death rate

Not just pretty good – the best!!!

What has happened in recent times? (A personal view)

- L.A. budgets slashed.
- Social landlord budgets slashed.
- Shortage of qualified, experienced people.
- Cut backs on training for those in jobs.
- Cut back on quality of work.
- Cheapest tender gets the job. (YES, it does.)

The Inquests

Major Criticisms:

- **Fire Brigade Control:** lack of knowledge & training leading to confusion (assumed stay put policy and rescue by fire fighters).
- **On Scene Fire Fighters:** Lack of knowledge of layout of building. Poor communication with F B C

The Inquests

Major Criticisms

- **Local Government:** lack of clarity in fire safety guidance.
- **Landlord:** Lack of control over building works and ensuring compliance with fire safety. Lack of a Fire Risk Assessment

The Landlord

- No fire risk assessment.
- Initial fire spread via distorted Al window frames. Gaps allowed curtains to catch fire, winds blew smoke back into flat, spreading fire under floorboards.
- Removal of asbestos panels significantly impacted on the buildings fire resistance.
- Refurb. work over many years resulted in numerous breaches of compartmentalisation.
- Inadequate fire stopping

What happened next ?

- Nothing
- Lessons learnt **NONE**

The Recent Incident

The Grenfell Fire 2017

- 72 people killed
- Cost to date £1.17billion



The Public Enquiry 4th Sept. 2024

Main finding:

ALL 72 DEATHS WERE AVOIDABLE

Comments from the Report

- Systematic dishonesty by **Arconic, Celotex and Kingspan** whose combustible products were wrapped around Grenfell Tower.
- Years of missed opportunities to prevent the disaster by local and central government despite numerous warnings.
- Move to cut red tape by David Cameron's coalition government dominated government thinking at the Department for communities and local Government responsible for building issues, at the expense of safety.
- The Times view (5th Sept 2024): Report blames “unscrupulous” building firms for blaze.

It does not have to be this way.

A Recent Positive Lesson

- Prof Peto predicted in the late 1990s that asbestos related deaths would rise sharply over the next decade or so.
- This led directly to Government investigation and **action** with the introduction of CAR 2002 and Regulation 4 (Duty to Manage).
- As predicted, the death rate has doubled and is now the biggest single industrial killer the UK has ever seen.
- However, the rate of increase has slowed and over the past three years has decreased.
- A very good example of a positive result of state intervention.

So, do we need Regulations and positive intervention?

I would suggest that in any **civilised**
society **of course we do.**

So, how do we cope?

Key Legislation

1974 Health & Safety at Work Act – make it safe, keep it safe, HSE, etc.

1992 Management of H&S at Work Regulations

(a) R.A. for all tasks (b) A Management System.

Post Covid: Dramatic changes in work practises, absence & illness.

A Management system ?

- A written document (signed by the Chair of
- the Committee and the Chief Exec/Director)
- Policy statement
- Management Structure
- Defined responsibilities
- Written procedures
- i.e. a system which can be audited
by outsiders (HSE, Funding bodies, Care
Com, Insurance Co's, etc.)

ROLES and RESPONSIBILITIES

Director/Chief Executive

- The Director/Chief Executive is responsible for implementing the Management Committee's/Board of Directors' plan for Health & Safety.
- The CEO is legally **responsible** for everything.
- Does not **do** everything
- Appoints competent persons and ensures adequate resources

HOD's/Managers

Due to the 'managerial' function performed by Heads of Departments (HODs), it is recognised that HODs may be held liable where Health & Safety offences are committed with their consent or connivance or as a result of their negligence.

HODs will implement all relevant policies, procedures and arrangements within their departments, as required by the HSCM, the Health & Safety Committee and Senior Management staff.

A warning

- The HSE **view** expressed in the recent investigation was:
- The Landlord has a critical role in managing the **tenant's** safety.

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