

Exploring and tackling business to business health and safety ‘rules’

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The big picture

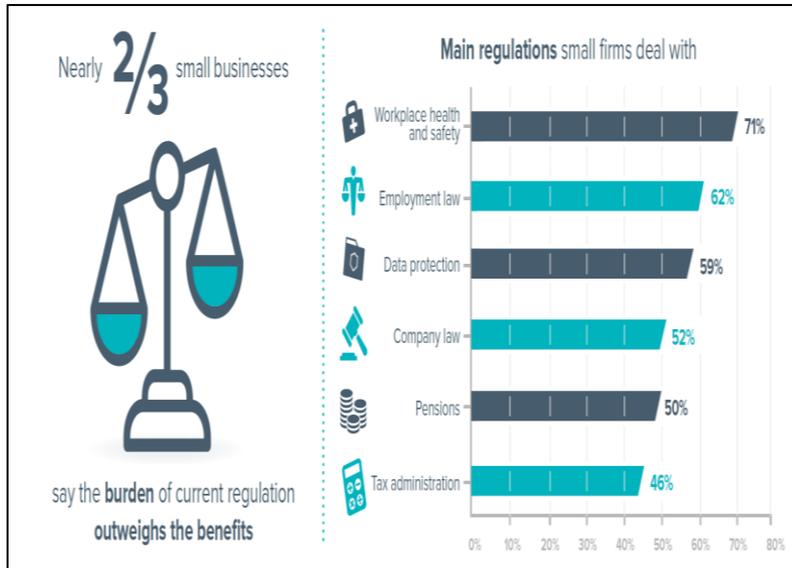
Manifesto commitments:

- *We will help SMEs to become exporters...*
- *...strive to achieve the right regulatory balance between supporting excellent business practice and protecting workers, consumers and the environment.*
- *Will ensure that regulation is sensible and proportionate, and always consider the needs of small businesses when devising new rules...*

HSE's role:

- Aiming for “...a common understanding of what proportionate health and safety looks like.” [Helping Great Britain Work Well]
- Supporting the Government's newly-announced Regulatory Reform Initiative

Perceptions of health and safety



Showing row percentages
Base: All businesses

	Base	Employment Law	Health and Safety Law	Environment Regulations	Planning Law	Company Law	Consumer Protection	Food Safety	Licensing	No area burdensome
Total	2,000	56	56	38	32	30	24	12	9	17
Micro (1-4)	478	54	54	39	33	30	23	11	9	18
Micro (5-9)	430	56	57	38	31	30	28♦	13	8	16
Small (10-49)	674	63♦	58	36	28	28	20*	11	10	14*
Medium (50-249)	231	63	58	43	29	26	23	14	8	13
Large (250+)	187	56	48	36	34	28	20	9	6	19

In spite of years of regulatory challenge and reform:

- Businesses continue to report that health and safety ‘regulation’ is a burden; and
- Only 11% of MPs *strongly agree* that health and safety regulation is proportionate.

How big a problem?

Health and safety burden isn't a problem for the majority of businesses, but..

- A significant proportion of SMEs report a big burden; various research reports figures ranging from approximately 15-50%

HSE's own business insight research tells us that up to:

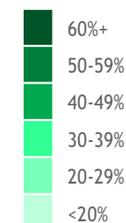
- 39% of SMEs report feeling that their policies & practices are excessive and disproportionate to their risks
- 35% of SMEs report feeling no real link between what they do 'for health and safety' in response to other businesses'/intermediaries' requests and what they *actually* do to keep employees safe at work

The impacts – by source and sector



% 'A big impact'

	TOTAL	Agri & Forestry	Manufacturing	Construction	Wholesale & Retail; Vehicle Repair	Transportation & Storage	Accommodation & Food Services	Info & Comms	Finance & Insurance	Real Estate	Prof. Scientific, Technical	Admin. & Support Activities	Education	Human Health & Social Work	Arts, Entertainment & Rec
Base n=	1433	100	100	100	126	100	101	100	75	100	126	116	80	106	102
Health & Safety legislation	50%	42%	45%	61%	58%	45%	56%	42%	34%	59%	41%	46%	68%	62%	48%
H&S requirements of our clients	46%	34%	43%	50%	36%	49%	51%	41%	29%	50%	41%	42%	67%	62%	51%
Possible action being taken against me/my business by HSE	44%	57%	44%	59%	44%	46%	42%	41%	35%	37%	36%	46%	55%	42%	43%
Insurance company	40%	39%	38%	43%	51%	47%	30%	40%	27%	46%	30%	40%	50%	38%	41%
Possibility of being sued by an employee	31%	29%	38%	40%	28%	28%	28%	35%	32%	30%	21%	24%	46%	39%	23%
H&S requirements to fulfil when tendering for contracts	29%	19%	27%	53%	33%	34%	24%	39%	11%	28%	26%	28%	35%	26%	23%
Local Authority	26%	20%	18%	31%	29%	22%	42%	21%	15%	23%	12%	24%	48%	41%	27%
Advice/guidance provided by H&S Consultant and/or Supply Chain Assurance Consultant	20%	26%	17%	32%	19%	17%	18%	17%	14%	20%	13%	18%	30%	24%	16%
Accreditation Scheme(s) we belong to	19%	18%	13%	34%	13%	15%	18%	20%	11%	24%	19%	19%	36%	23%	14%
Trade Association(s) we belong to	18%	14%	15%	28%	13%	11%	11%	17%	13%	29%	18%	11%	28%	24%	20%
Other H&S related standards/schemes	14%	9%	15%	14%	17%	15%	11%	14%	9%	14%	14%	13%	22%	13%	12%



Key conclusions:

- *“Health and safety legislation can seem somewhat beside the point.”* and for many SMEs *compliance with the legislation is insufficient*

Who helps with the advice businesses need/want...



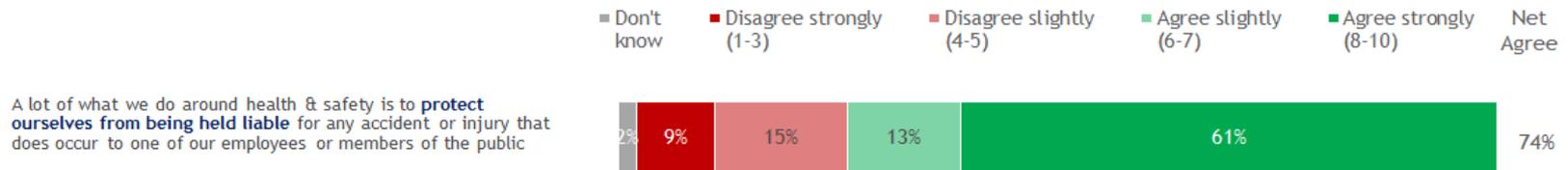
	Any HSE source	Any non-HSE source
All employers	33%	76%
All workers	33%	80%

- Businesses like our (now simplified) material when they see it. But our insight research indicates that HSE is seen as a '*distant regulatory body*'...
- ...while third party health and safety rules seem to impact more directly what businesses are being asked to do, and how they do it

“I don’t want to be sued”: civil law and insurance impacts



Fear of civil law effects pervades as primary driver of duty holder activity:



- The scary monster in the corner – leading to emotional and practical burdens
- Insurance settlements/court claims pursued on back of a missing piece of paperwork, relevant or not.

“Information trickles through from a variety of sources about what processes they need to have in place and these are adopted as insurance against liability, even when they feel excessive and fail to offer real safety improvements.”

Accreditation (conformity assessment) impacts



- Accreditation schemes have at least some impact for 41% of SMEs, and a big impact for 19%
- Applied across many sectors - designed for construction, but biggest impact reported in education sector
- Overlapping accreditations – costing SMEs thousands per year. Barrier to growth?
- Impacts beyond health and safety? Schemes can include questions on: modern slavery, environmental management, money laundering...



“No real improvements to h&s management systems... no value in signing up to multiple schemes or refreshing each year. Commercial benefit only.”

Management standards and certification impacts



Business impacts:

- 14% of businesses (rising to 24% for SMEs with 50-249 employees) report a big impact, with 40% of all businesses reporting some impact

Duty holder perspectives:

- 75% of smaller suppliers hold standards *“simply because they are required to by their customers or insurance companies”*;
- Implementation, audit and certification costs – reported as regulatory burden;
- Parallel paperwork systems, “emperor’s new clothes” - false assurance?

“Suitable for organisations of all sizes”:

- Business body has reported average cost to small suppliers of £2,800 and has called on Government *“...to reduce unnecessary costs....and help ensure that smaller suppliers have a standards regime that enables them to play their full role in increasing productivity...”*

Where does third party (consultancy) advice fit in?



HSE's guidance:

- The law says that in-house competence should be used in preference to external advice. HSE encourages this
- Tools such as 'H&S Made Simple', Toolkit etc... states that "*following this guidance is normally enough to ensure you comply with the law*"

Contrasted with :

- Over 50% of all businesses use external advice (except micros – 35%)
- Offers that can play to duty holder fears and emphasise regulatory change, complexity and workloads required for compliance
- Duty holders tied to multi-year contracts – building the capacity of the duty holder to manage in-house?

Burdens:

- Business report consultancy costs as one of the main H&S burdens – but the drivers for use of consultancy are to a significant extent H&S *rules*, not legal compliance

Why this all matters

Poses a risk to our aims for proportionate regulation:

- SMEs are 99.5% of businesses: their burdens matter for the UK economy
- Represent millions of workers that HSE's strategy aims to protect through *proportionate and robust, effective* risk management
- Blurring health and safety rules with regulation skews perception of 'regulatory' burdens – identifying the source of the burden is key to driving them down

Management of health and safety:

- Misdirected effort and focus critical for SMEs with limited resources
- Too hard to manage 'in house'
- False assurance in the supply chain
- Inaccurate sense that health and safety is ever-changing, fast moving

Doing something about it

- Rules can and do lead duty holders to take *positive* action on health and safety. So we work with the market to drive improvements where necessary

Our approach:

- *Is not about* getting rid of standards or accreditation for example, or saying that consultants shouldn't play a role in the health and safety system
- *Is about* recognising the significant de facto 'regulatory' impact rules have on business, including interaction with government regulation/our strategy goals; and
- Providing guidance to help businesses navigate these rules
- Using our influence to promote design and operation of rules that is proportionate and effective

Helping duty holders shake off the burden – getting help *if* you need it



The screenshot shows a web browser window displaying the HSE website. The address bar shows the URL: <https://www.hse.gov.uk/simple-health-safety/gettinghelp/index.htm>. The page header includes the HSE logo and the text 'Health and Safety Executive'. A search bar is visible with the text 'Search hse.gov.uk'. The navigation menu includes 'Home', 'News', 'Guidance', 'About HSE', 'Books', 'Free updates', and 'Contact'. The breadcrumb trail reads: 'HSE > Guidance > Topics > Health and safety made simple > Getting help with health and safety'. A blue box with the text 'BETA This is a new way of showing guidance - [your feedback](#) will help us improve it.' is displayed. The main content area features the heading 'Appoint a competent person' and the text: 'As an employer, you must appoint a competent person or people to help you meet your health and safety legal duties. Usually, managing health and safety isn't complicated and you can do it yourself with the help of your workers. You know your workplace best and the risks associated with it.' Below this is the heading 'What makes someone competent' and the text: 'It's not usually essential for them to have formal qualifications and they're not required by law to have formal training, although it can help. Whoever you choose should have the skills, knowledge and experience to manage health and safety.' On the right side, there are two sections: 'Resources' with a link to 'The Management of Health and Safety at Work Regulations 1999: Regulation 7: Health and safety assistance (legislation.gov.uk)' and 'Related content' with a link to 'The basics for your business: Health and safety'.

Appoint a competent person

As an employer, you must appoint a competent person or people to help you meet your health and safety legal duties.

Usually, managing health and safety isn't complicated and you can do it yourself with the help of your workers. You know your workplace best and the risks associated with it.

What makes someone competent

It's not usually essential for them to have formal qualifications and they're not required by law to have formal training, although it can help. Whoever you choose should have the skills, knowledge and experience to manage health and safety.

Resources

[The Management of Health and Safety at Work Regulations 1999: Regulation 7: Health and safety assistance \(legislation.gov.uk\)](#)

Related content

[The basics for your business: Health and safety](#)

Helping duty holders shake off the burden – using systems wisely



The screenshot shows a web browser window displaying the HSE website. The address bar shows the URL www.hse.gov.uk/managing/iso45001.htm. The page title is "ISO 45001 Health and safety management standard".

The website header includes the HSE logo and the text "Health and Safety Executive". A navigation menu is visible with the following items: Home, News, Guidance (selected), About HSE, Books, and Contact HSE. A search bar is also present.

The main content area features a breadcrumb trail: HSE » Guidance » Topics » Managing for health and safety » Core elements of managing for health and safety » ISO 45001 Health and safety management standard.

The page is divided into three main sections:

- Managing for health and safety:** A sidebar menu with the following items: "How this site can help you", "+ Core elements of managing for health and safety", "+ Are you doing what you need to do?", "+ Delivering effective arrangements", "- Resources", "ISO 45001 Health and safety management standard" (highlighted), "Related research reports", and "Case studies".
- ISO 45001 Health and safety management standard:** The main heading and introductory text. It states that ISO 45001 is an international standard for health and safety at work developed by national and international standards committees independent of government. It was introduced in March 2018, replacing the current standard (BS OHSAS 18001) which will be withdrawn. Businesses have a three-year period to move from the old standard to the new one. It notes that while not required by law, these standards can help provide a structured framework for ensuring a safe and healthy workplace. It also mentions that for small or low-risk organizations, a simpler and less bureaucratic approach may be more appropriate, as outlined in HSE's guidance on [health and safety made simple](#).
- Resources:** A sidebar with the following items: "Managing for health and safety (HSG65)", "Safety Climate Tool", "Leading health and safety at work", and a "More resources" link.

The Windows taskbar at the bottom shows the Start button, several application icons (Internet Explorer, File Explorer, VLC, Skype, Outlook, Word, Chrome, PowerPoint), and the system tray with the date and time (11:13, 30/08/2019).

Helping duty holders shake off the burden – tendering for business



The screenshot shows a web browser window displaying the HSE website. The address bar shows the URL www.hse.gov.uk/competence/accreditation-schemes.htm. The page title is "Health and safety accreditation schemes". The navigation menu includes "Home", "News", "Guidance", "About HSE", "Books", and "Contact HSE". The "Guidance" menu item is selected. The main content area is titled "Health and safety accreditation schemes" and includes an "Overview" section. The overview text states: "One way an organisation can demonstrate competence in health and safety is to be accredited by a third party. This is also known as conformity assessment. Accreditation schemes originated in the construction sector, but are now used more widely. The law does not require accreditation, and it's only one way of meeting prequalification standards when buying or supplying goods and services. For construction work, being certificated against a scheme is not proof that an organisation can properly manage the risks presented by the work on site. So, buyers will also need to check a supplier can meet project-specific site requirements. Before asking a supplier to start work, check their skills and track record, too." The page also features a "Resources" section with links to "Health and safety training: A brief guide for employers" and "Using contractors: A brief guide". A "Related content" section lists "Risk assessment", "Getting competent advice", "Toolbox", and "Leadership". The browser's taskbar at the bottom shows various application icons and the system clock displaying 11:16 on 30/08/2019.

File Edit View History Bookmarks Tools Help

Health and safety accreditation... x +

www.hse.gov.uk/competence/accreditation-schemes.htm

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Competence in health and safety

- What is competence?
- Health and safety passports
- Health and safety accreditation schemes**
- Industry-specific competence
- Resources

Health and safety accreditation schemes

Overview

One way an organisation can demonstrate competence in health and safety is to be accredited by a third party. This is also known as conformity assessment. Accreditation schemes originated in the construction sector, but are now used more widely.

The law does not require accreditation, and it's only one way of meeting prequalification standards when buying or supplying goods and services.

For construction work, being certificated against a scheme is not proof that an organisation can properly manage the risks presented by the work on site. So, buyers will also need to check a supplier can meet project-specific site requirements.

Before asking a supplier to start work, check their skills and track record, too.

Resources

- Health and safety training: A brief guide for employers
- Using contractors: A brief guide

[More resources](#)

Related content

- Risk assessment
- Getting competent advice
- Toolbox
- Leadership

Start

11:16 30/08/2019

Working with intermediaries – progress and challenges



Key players in the system are responding, including for example:

- OSHCR - committed to reform
- ISO/BSI increasing their SME focus, and positive engagement with UKAS on proportionality in auditing
- Reform of framework for public procurement post EU exit – Green Paper imminent
- And more...
- All of this: HSE providing ‘thought leadership’, raising awareness, constructive challenge across the system, working with/through others

Keeping on keeping on...



- Essential in supporting businesses to grow and become more productive in a post EU world – stakeholders supportive of our work
- Prioritising interventions – supply chain is key
- Lessons: think hard before stepping back; designing to anticipate intermediaries.
- Bolder communication – tackling the myths

Thank you.