

International Workers Memorial Day

Today is International Workers Memorial Day. It is always an opportunity to consider the protection afforded to employees within the workplace, and what we can do as a society to enhance that. The referendum on Europe, due to take place on 23 June, provides particular relevance to this debate.

Membership of the European Union has provided important safeguards for workers in relation to many issues, including pregnancy, maternity and paternity rights, temporary and agency workers, working time, collective consultation, and transfer of undertakings. However it is in relation to health and safety that we should concentrate today.

It is important that we are quite clear about the beneficial effect that the European Union, formerly the EEC, has had on workers' health and safety since the UK joined in 1973.

Contrary to what some believe, health and safety was not created by the EEC. The duties of employers to provide a safe workplace, safe work equipment, safe systems of work, and to properly train employees, have been long established in our common law, decades before integration of Europe.

However what the creation of the various communities, starting with the Coal and Steel Community in 1950, followed by the EEC and finally the EU, did was to formalise the recognition of just how important health and safety is within the workplace.

The original thinking of the architects of European integration, Monnet and Schuman, not only envisaged economic union, but saw that an integral part of the process of integration was the adoption of common standards of safety. The relevant part of the original Schuman Declaration of 1950 is worth setting out:

The task with which this common High Authority will be charged will be that of securing in the shortest possible time the modernization of production and the improvement of its quality; the supply of coal and steel on identical terms to the French and German markets, as well as to the markets of other member countries;

the development in common of exports to other countries; the equalization and improvement of the living conditions of workers in these industries.

Consider this wording. It is clear that the importance of workplace safety to the improvement of general living standards was crucial.

The UK had passed the Health and Safety at Work Act in 1974. The emergence of the various health and safety directives in 1989 and following years represented a further crucial step in the journey to increasing the levels of safety.

The statistics speak for themselves. In 1974, the number of employees killed at work in the UK was over 650. In 2014/15 142 people lost their lives at work across the UK . 6 more than the previous year. 33 less than in 2010/11, and over 130 less than in 2000/01. Still 142 too many. However, a decrease of almost 80% since 1974. The number of reported injuries in 1974 was over 330,000 compared to around 76,000 now .

While the current figures continue a downward trend, the Health and Safety Executive conclusion is that , as in other areas, the trend is starting to plateau. It is always instructive to look at the enforcement of health and safety regulations, and in particular, the number of prosecutions. A total of 728 across the UK in 2014/15, including 72 in Scotland. This represents a rise of 49%, and of course should be welcomed. However, as encouraging as this is, bear in mind that there were 6931 accidents within the workplace in Scotland reported to the HSE in 2014/15. While it is unrealistic to expect a prosecution in each case, it is surely not unreasonable to consider that prosecuting in around 1% of cases is not an appropriate level.

Incidentally there was a fall in the number of enforcement notices being issued. The HSE have made it clear that they will require to concentrate on certain core industries. This limiting of resource is not a sustainable long term strategy. The enforcement of employers' liability insurance obligations also leaves much to be desired. Since 1972, it has been compulsory for employers to have liability insurance for their employees. This is frequently breached. However, in the last decade in Scotland, there have only been two prosecutions.

The UK has a strong record compared with other EU members. In 2012, the latest year for which comparable figures are available, the level of fatalities in the workplace in the UK was the fourth lowest in the EU – only the Netherlands, Greece and Sweden were lower. Similar sized economies varied from Germany at a roughly similar level, to Poland at around 1.5 times higher to Spain at double and France at more than double.

For non-fatal injuries, the UK was mid-table at 13th lowest.

Interestingly, in both categories, the rate of fatalities and non-fatal injuries was higher in both Norway and Switzerland, neither of which are in the EU.

The message is clear. We still have much to do, and there will continue to be a constant struggle against current government reforms, but we are far better off as part of the European Union, and not in the wilderness.

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