

Health and Safety protections back to Victorian-era as Enterprise and Regulatory Reform Act comes into force

Workers building new Queensferry Crossing have no greater protection than those who built Forth Rail Bridge in 1889

Leading Scottish personal injury Lawyers Digby Brown Solicitors have warned that people across Scotland have fewer rights and protections at work because of legislation that takes effect tomorrow (Tuesday 1st October).

The Enterprise and Regulatory Reform Act will mean workers building the Queensferry Crossing over the River Forth between now and 2016 will have no greater protection in civil law than those who constructed the original Forth Rail Bridge which was completed in December 1889 at a cost of 98 lives.

The firm have taken a full-page advert in a national newspaper to highlight what the legislation could mean for Scots injured at work through no fault of their own.

Section 69 of the Act, passed by the UK Parliament earlier this year despite opposition, amends section 47 of the Health and Safety at Work Act 1974, which attaches civil liability to breaches of health and safety regulations. The new clause removes that protection and takes the law back more than 100 years. This will leave victims of workplace accidents requiring to establish common law negligence on the part of their employer or other wrongdoer if they are to recover damages.

Fraser Oliver, Digby Brown Chief Executive, said

“The last 100 years have seen steady progress in improving workplace health and safety standards and making employers aware of their responsibilities for the safety

of their staff. This legislation takes us back to Victorian times in terms of health and safety legislation.

“Everyone is entitled to go to work, have their safety protected, and go home at the end of the day. Individuals injured at work through no fault of their own, will, as of Tuesday, find it significantly harder to obtain fair and appropriate compensation for injuries or loss.

Mr Oliver also expressed concern that the Act will lead to reduced health and safety standards in workplaces around the country.

“Every year, thousands of Scots report injuries which keep them off work for several days. Only a very small minority of these are ever dealt with by the criminal justice system. It is through pursuing civil claims for compensation that employees can obtain justice and redress and employers be held to account.

“Making it harder to bring these types of claims sends entirely the wrong signal to employers about their responsibility to create a safe workplace for everyone in their charge.”

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Notes to Editors

1. Details of the Enterprise and Regulatory Reform Act can be found at <http://www.legislation.gov.uk/ukpga/2013/24/contents>

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