

## **Lord McKenzie Speech**

**NWWHSG Conference – 16/09/09**

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### **Introduction**

Ladies and Gentlemen, before I start I would like to thank Bangor University for inviting me to speak with you today, (and to Professor Jones for his kind words of introduction).

I am aware that the University has a history of excellence, and not just in health and safety. Your results in the recent Research Assessment Exercise were some of the best in the country – in particular your Accounting & Finance department within the Business School was rated as the best in the UK. So congratulations and keep up the good work.

I must, also, say that having done some research during recess ahead of this speech, I was very impressed by the University's health and safety services and guidance, which is supplemented by an excellent website. It is gratifying that you place the promotion of a positive health and safety culture at the heart of your support department. Your attitude of encouraging continual improvement in all areas of health, safety and well-being is vital. And I was pleased to see, too, that your policies and documents are in simple, easy-to-follow language (including in both Welsh and English).

I know you'll be hearing more about HSE's specific engagement in various work-streams in Wales later, particularly in relation to the Strategy consultation process and delivery so I won't dwell too much on this. But, I would like to take this opportunity to thank the North West Wales Health & Safety Group for your constructive engagement with the HSE and I look forward to this important partnership continuing.

### **Need for Health & Safety**

The case for highlighting the continued need for health and safety has never been stronger. This is especially so today, given the unique global financial downturn we have experienced. There can sometimes be the feeling that health and safety is not a price companies and organisations can afford. But as we know, this does not make good business sense.

In the recent past, as businesses became more successful – and therefore profitable – their health and safety performance has also improved. So it is not a question of choosing between business success and a commitment to health and safety. The two go together. Over the last 30 years, (since the Health and Safety at Work Act 1974) we have made tremendous progress in improving Great Britain's health and safety performance. The legislative framework has proven to be both adaptable and resilient – something we should be proud of.

But, we should not take continuing progress for granted. This is true today, even more so as the workplace and the economy continues to change. We have many more small and medium sized businesses than we did 30 or even 10 years ago, and despite the economic downturn, the numbers and proportion of employees in these smaller companies is likely to continue to increase. We also know, today, that there has been an increase in non-unionised structures in the workplace. A development we may lament, but which presents us with new challenges. A task for everyone, including HSE and employers alike, is to continue to be effective in engaging the workforce – this is vital. Worker involvement and increasing knowledge are fundamental to improving performance further.

### **Agriculture Industry**

One topic I particularly want to discuss is work-related deaths and injuries in the agriculture industry. As you in Wales know well, the health and safety of farmers and agricultural workers is fundamental for the local economy and indeed community life itself.

As you will also know, agriculture is the most dangerous way to make a living in the UK today, with a higher rate of deaths than even construction. Although only about 1.5% of the UK's working population works in agriculture, the industry has recently accounted for approximately 20% of work-related deaths every year.

The latest workplace fatality statistics have recently been published. In the agricultural industry as a whole, there was a decrease in the percentage of deaths in agriculture last year – by around 14%. But this still equates to 26 fatal injuries (a rate of 5.7 deaths per 100,000 workers) and this is 26 too many – so, I can reassure you that this something on which the HSE will continue to focus.

### **Successful campaigns**

The importance we place on this, is reflected in HSE's 'Make the Promise' campaign and I make no bones about repeating the message here – that farmers and, in fact, all rural workers should take care at work to ensure they 'come home safe'. I would like to commend the HSE on this current campaign – lots of farmers have already signed up to the pledge which is great news; and reminder postcards have been sent to those signed up – to reinforce the message.

HSE advises farmers and other agriculture workers on how they can reduce the risk of injury, death and ill health. I know they had a stand at the Royal Welsh Show in July this year – I hear it was a busy place which is good news – helping to further highlight the campaign in the places it will make a difference. As well as HSE officials talking and advising lots of people at the Show; Sandy Blair, an HSE Board member was on hand. One of his experiences was to meet with Robin Foord, a farmer from Wales who had a serious accident last year involving a combine harvester. Robin spoke of the

reasons for his accident and the changes it has made to his life. It is these real life experiences, the human cost of accidents – preventable accidents – which should precipitate a change in behaviour. This is why HSE has made them a feature of the Make the Promise campaign.

This form of intervention has, I understand, resonated well with the industry, and we want local communities to reinforce the message to help us make further improvements.

### Construction Industry

I said that agriculture has a higher rate of deaths than construction. But more construction workers will die at work than in any other sector.

This year's figures give us some hope the position is improving – but 53 workers were still killed last year compared to 72 the year before. So, none of us can afford to be complacent. Although the record of the UK construction industry compares well with that of other countries, and the latest statistics are encouraging, the fatal accident rate remains over four times the average for all industries.

It was for this reason that James Purnell, the former Secretary of State for Work and Pensions, commissioned an inquiry into the underlying causes of construction fatal accidents. Rita Donaghy CBE, the former chair of the Advisory, Conciliation and Arbitration Service, was the independent chair.

Rita's report 'One Death is too Many – Inquiry into the Underlying Causes of Construction Fatal Accidents' was published in July 2009. The report made far-reaching recommendations for improving safety in the construction industry, extending across safety representatives, building control, the legal system, training and competence, and public procurement.

We are now considering our initial response to the report and its recommendations. We are determined to demonstrate ours and industry's commitment to improvements in this area. As we develop proposals, we will seek wider stakeholder input before publishing our final response by the end of the year.

As I said a moment ago the basic legislative framework for our approach to Health and Safety – that those who create the risks should have primary responsibility to manage them – has endured. However this does not mean that legislation will stay still.

### Health & Safety (Offences) Act 2008

I was pleased, then, that last October, following on from the Corporate Manslaughter and Corporate Homicide Act 2007, the Health and Safety (Offences) Act went through Parliament, amending Section 33 of the Health

and Safety at Work Act 1974. The new legislation came into force in January this year – the Act raises the maximum penalties that can be imposed for breaching health and safety regulations in the lower courts from £5,000 to £20,000 (in respect of certain health and safety offences). It also means that the range of offences an individual can be imprisoned for has also been broadened.

I believe this new Act sends a clear message to those who flout the law. The new level of fines will deter people who don't take their health and safety responsibilities seriously and will also further encourage employers and others to comply with the law. By the same token, good employers and good managers have nothing to fear. In fact, they have much to gain. Indeed, there are no changes to businesses' existing legal duties and there are still important safeguards in place to ensure these new powers can continue to be used sensibly and proportionately.

In essence, then, these new penalties are directed at those who cut corners, at those people who want to gain commercial advantage by failing to comply with health and safety law, and at those who put workers and the public at risk.

### HSE Strategy 2009

You will be aware that the HSE recently launched a new Strategy for the Health and Safety of Great Britain. You will hear later from HSE about the impact in Wales of the Strategy and how it will be delivered, but I want to focus on the importance that this strategy places on leadership, a common sense approach, and on worker involvement.

### Outline of the Strategy

During January 2009, HSE held a series of consultation workshops across the UK, including what I hear was a 'lively' one in Cardiff. Key stakeholders were invited to give HSE their views on the strategy and officially pledge their support on its delivery. I share the HSE's approach: we need organisations to stand up and 'sign the pledge' – to openly declare their support for the strategy. I understand that over 800 organisations have now signed up, which is all good news.

However, this is not the end of the process.

'Signing the Pledge' means that we are expecting organisations and businesses to take action, collectively AND as individuals. Given the HSE's drive and the commitment so far from stakeholders, I am confident that together we can deliver on the strategy.

One of the consistent themes in the Strategy is about the need for Leadership. We all know that without good leadership our challenge is almost impossible. The collective mission of HSE is "The prevention of death, injury and ill health to those at work, and those affected by work related activities." In the recent

consultation, we heard strong support for this being a mission that we ALL share – not something that belongs solely to the regulator.

HSE has, in partnership with the Institute of Directors, published 'Leading Health and Safety at Work'. This was written by directors *for* directors and provides clear and practical guidance for the effective leadership of health and safety. An evaluation of this current approach is currently underway but – I should make it clear - in the meantime the government is keeping the question of new legal duties on directors in reserve.

I understand there was a successful Safety Leadership Conference held in Wales, in May this year – which involved Local Authorities and companies right across Wales. The feedback I received was that it was an excellent event – it brought people together to share ideas and ways of working, and helped the HSE and Local Authorities to show how they were working in partnership with businesses to ensure a joined up approach to health and safety.

Of course, standards, frameworks and management systems have become increasingly popular as tools for delivering assurance to boards and stakeholders. There is no doubt that management systems can, and do, provide a good framework for structured and comprehensive management of risks. That said, however, paperwork does not save lives. An organisation's approach to health and safety needs to be grounded in what is PRACTICAL and USEFUL. Leadership in health and safety is therefore, about much more than management systems and performance measures. Very simply – it is about common sense, balanced decisions, personal responsibility and integrity.

And by common sense – I really do mean doing what makes sense to you and not over bureaucratising or trying to eliminate all risk. It is about exercising judgement and creating a culture in your organisation where others are encouraged to exercise judgements. In practice, this means the workforce being allowed to think for themselves, to make common sense decisions, and not just to comply with rules and procedures.

Of course, this has some important implications for how all staff are trained in health and safety. It becomes much less about what the law says and becomes much more about how to apply the legal framework to the risks in your organisation – in a practical and pragmatic way. It is also about building everyone's competence, and confidence, to exercise judgement and not be afraid to think for themselves.

Thus, I am delighted to be speaking to an institution which could be a 'role model' for others. I note that the University's Health and Safety Policy states that:

*"the University considers that health and safety controls are about the management of risk and not necessarily about the elimination of risk altogether."*

Our purpose then is to help prevent accidents and ill health at work and using levers that motivate Directors and senior managers, will help set a clear direction for health and safety.

Leadership should also be about engaging the workforce. It is vital that workers feel and are part of the solution. Very often they know what the problem is and how to fix it – so it's about providing an environment of mutual trust and collaboration. This idea is being embraced – and I was pleased to hear that at the Wales TUC event earlier this year (May), there was an high profile HSE session on the promotion of worker involvement. I also know that, in November, there will be a first TUC all-Wales Conference of Safety Representatives.

I commend this engagement, and perhaps in passing note that Dame Carol Black's report on the Health of the Working Age population pointed to a wider role for safety representatives in promoting health and wellbeing at the workplace.

I hope you can help us continue to provide support for the many organisations who are looking for help on this. HSE is compiling several new case studies on worker involvement, and I would encourage you to talk to the HSE to share your experiences.

Throughout the Strategy, HSE also asks that all parts of the health and safety system address competence. In many situations, a company could easily make those safety decisions themselves. However, there may be times when external help is needed. There is a commonly held view that small companies are concerned and confused about where to get helpful and trustworthy advice on health and safety. Often, advice can appear over bureaucratic and can discredit advice received in good faith from elsewhere.

Clearly, there is no silver bullet solution to this problem but working together and events such as this, and the ones I've mentioned earlier, will help bring about solutions.

### Workers Memorial Day

To conclude, if I may, I'd like to mention the Workers Memorial Day. As many of you will know, Workers Memorial Day is commemorated on the 28<sup>th</sup> of April each year. Since its introduction to the UK in 1992, the Day has gained wider support with a wide range of organisations and individuals now joining bereaved families in marking it. As Minister for Health and Safety, I have had the privilege of joining the commemorations on several occasions.

As you may also know, the Government is currently consulting on proposals for the Day to be officially recognised by the U.K. I think there is good reason

for officially recognising Workers Memorial Day. Quite apart from the fact that many other countries already do so – as does the International Labour Organisation; the granting of official recognition will – in itself – help raise the profile of the Day which can only be a good thing. As its slogan makes clear – the Day has a two-fold purpose: “remember the dead, fight for the living”. Both are equally important. We are looking for suggestions of appropriate ways of marking the Day – making it “official”. Consultation runs until 19 October so you still have an opportunity to contribute – details of how to do this are on the DWP website.

### Workplace fatality statistics

As I touched upon briefly earlier, the latest workplace fatality statistics showed a significant reduction in the number – and rate – of fatal injuries at work last year.

But, despite this encouraging news, we cannot rest on our laurels – we must continue to strive to reduce this number even further. In addition, the figures do not tell the whole story – the human suffering behind the figures is, of course, countless. Nor does this figure alone capture Britain’s occupational ILL HEALTH – every year, for example, there are 4,000 cancer deaths due to past exposure to asbestos.

Workers Memorial Day is a stark reminder that - despite the health and safety myths reported in some parts of the press - there is nothing mythical about deaths and injury at work. Keeping our workplaces healthy and safe remains as important and challenging as ever. In meeting that challenge, we all have a part to play – employers, employees and their representatives, and Government bodies.

Yes, there is a legal imperative, and a business imperative. But above all this is a moral imperative.

### Finally

So, once again, I am grateful to have been given the opportunity to address you this morning. I am sure that you will continue to help us deliver well-balanced, sensible and responsible health and safety to Great Britain. Above all I thank you for your commitment to the cause of health and safety.

Thank you.

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