



Health & Safety

MATTERS

Health & Safety Information for GMB Safety Reps

The Decriminalisation Of Death And Injury At Work

Introduction

What is Crime? And perhaps more importantly who gets to decide if it is a crime or not? On the surface, this may seem a spurious question to be asking, but in the context of workplace deaths and serious injuries it is entirely justified. A recent report from the *Centre For Crime and Justice Studies* concludes that being a victim of a work related fatality or injury is far more likely than experiencing conventionally defined, or measured, violence or killing within society generally.

Why is there a dispute over the statistics?

Deaths and injuries at work usually result from breaches of criminal law - this is applied mainly through the Health & Safety at Work Act (1974). However, most of these breaches remain unacknowledged as crimes and only rarely pass through the criminal justice system. It can be argued that this decriminalisation of safety crimes has been encouraged by recent government policy developments. In looking at injuries, fatal or not, deaths from occupational illness, such as mesothelioma, or chronic ill health, such as RSI conditions, are not recorded in the death at work statistics, or are grossly under-recorded in ill health numbers.

What is excluded from the official figures?

Injuries reportable under separate merchant shipping, civil aviation or air navigation legislation; injuries to members of the armed forces and fatal injuries to the self employed if the accident occurs at premises they own or occupy. Notoriously road traffic accidents (RTAs), which account for over 3,000 deaths every year in the UK, contain a large number, estimated at over one third of the total, of people who were driving as part of their work duties.

Recently GMB has been lobbying the government on behalf of its' licenced drivers branch. In the last two years at least 14 taxi and cab drivers have been killed at work but these are not classified as deaths at work.

What is the true scale of deaths and non fatal injuries?

In 2006/7 the HSE recorded a total of 241 fatalities at work. However the data, as can be seen from the exclusions, is incomplete. Deaths to members of the public in work

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place situations totalled 369. The claim is that 246 of these are the result of suicide or trespass onto railway lines, still leaving 123 deaths at work not categorised as such. If driving deaths were included this would mean at least 1,400 deaths at work annually. The most common measurement of occupational safety is under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations, commonly known as RIDDOR. It is acknowledged by all involved that there is a massive under-reporting of accidents. Currently many analysts prefer to use the Labour Force Survey, which estimates that only about a quarter of reportable non fatal accidents, and only about 5% for the self employed sector, are actually recorded.

How does this compare with the violent crime problem?

It is difficult to give precise figures due to the different recording mechanisms. The best method of comparison is to compare the rate against the population involved in fatal accidents and homicide. The rate of homicide for the population as a whole is 14 per million population but using the revised, inclusive death at work figures of 1,100 - 1,300 this rate is 35 to 42 per million. In effect you are nearly three times more likely to die at work than from a violent attack.

Why has this not received greater prominence?

As previously highlighted by GMB, there has been a consistent erosion of HSE staffing numbers since the second term of the Labour Government. Cutting the numbers of front line inspectors is bad enough, but the morale of the existing staff also suffers. The staff also see little political argument from their management for greater internal resources (detailed in the House of Commons Select Committee hearings), even when offered the opportunity.

Secondly, the political climate has become more "business friendly" with an emphasis on better regulation and the removal of burdens on business. This has led to a gradual decline in regulatory intervention by the HSE, even though the official message from HSE itself is "Good H&S is good for business".

What can GMB safety reps do?

Politics and political decisions affect every step of your working life, even though these might not always be apparent. GMB, among others, gave evidence to the Select Committee, and at least managed to freeze the budget under which HSE operates. Not much of a victory on the surface, but better than the proposed 5% cut each year for the next three years. Raise the issue at your branch, constituency labour party or write to your MP in protest at the decriminalisation of deaths and injury at work. Keep campaigning for the HSE to have increased resources to reflect the modern industrial world. Use your rights as safety reps at work to make sure that the deregulation agenda doesn't infect your workplace. For further information contact tristan.chard@gmb.org.uk or go to www.crimeandjustice.org.uk

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