

Developments in UK Health and Safety Law



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The provisional figure for the number of workers fatally injured in the UK for 2010/11 is 171, and corresponds to a rate of fatal injury of 0.6 per 100,000 workers. This figure is 17% lower than the average for the past five years (205). In terms of the rate of fatal injuries, the latest figure of 0.6 per 100,000 workers is 14% lower than the five-year average rate of 0.7.

Gerard Forlin QC barrister of the firm 2-3 Gray's Inn gave his analysis of the recent statistics:

"Yes the numbers are dropping, but perhaps due to the current lower level of, for instance, construction there are lesser opportunities for fatalities at work as a result of the economic slowdown. On the other hand it is possible that employers and organisations are carrying out more preventative health and safety measures and taking the Corporate Manslaughter and Culpable Homicide Act 2007 and other relevant legislation more seriously. My inclination would be that the two factors could both have possibly had an affect on the statistics."

Recently the UK has seen the first conviction under the Health and Safety (Offences) Act 2008, which allows for the imprisonment of individuals convicted of certain health and safety offences. A Mr Dutton, the Health and Safety Manager of a metal distribution firm called South Essex Stockholders Ltd was given a four months term of imprisonment, suspended for two years. He pleaded guilty to one count under s.7 of the Health and Safety at Work Act 1974. Mr Dutton had asked a junior employee to bring him a can of chemical to use as an accelerant to burn debris in a skip. On pouring it in it exploded and seriously burned him. He spent over three months in hospital and required major skin grafts.

Further developments to UK health and safety came in October 2010 when Lord Young, in partnership with the Prime Minister, published a report detailing how health and safety regulations needed to be stripped of bureaucracy and red tape in order to build a bigger and stronger society. The recommendations and proposed simplifications in this documentation cover a wide spectrum of health and safety matters and could potentially impact every corner of society. Mr Forlin, Lord Young and David Smith of Zurich Insurance's broker division debated these issues in the Great Hall at the Chartered Institute of Insurers at a special forum shortly after the report was published.

Mr Forlin stressed the importance of being thorough with such an investigative report and the significance of examining every possible outcome that amendments and modifications to existing systems could bring to people in all walks of life.

"It's quite like the game 'Kerplunk', when you start removing pieces from a structure you need to know the exact consequences of every action. You cannot dismantle a part without first understanding the reasons why it was put there in the first place. At what point is something vital and important pulled out and the marble drops to the bottom? The UK has one of the best low-fatality rates in the world and we need to make the necessary efforts to keep it that way," concluded Mr Forlin.