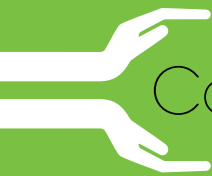




Health and safety at work: protecting lives, not stopping them

A HSENI and District Council Strategy
for the better regulation of health and
safety at work in Northern Ireland



Contents

Joint foreword	5
Setting the scene	6
Looking forward	7
Goal 1 Working together	8
Goal 2 Sensible risk management	9
Goal 3 Focus on key workplace health issues	10
Goal 4 Building capacity	11
Goal 5 Vulnerable groups	12
Goal 6 Targeted intervention and enforcement	13
Goal 7 Working with other regulators	14
Goal 8 The wider perspective	15
Goal 9 Leadership	16
Goal 10 The role of others	17
Driving change through better regulation	18





Joint foreword

There has been a long history of partnership working between the Health and Safety Executive for Northern Ireland (HSENI) and health and safety regulators in Northern Ireland's district councils. This is only to be expected of organisations that share responsibility for ensuring high standards of workplace health and safety across Northern Ireland. To do otherwise would rightly attract criticism about the effectiveness and efficiency of our respective organisations, not least in terms of how we use public money.

However, despite our history of working together and the many examples of effective joint initiatives and partnership working, in recent times we have come to recognise that both district councils and HSENI could do better. Although we had previous plans linking our organisations, we now recognise the need to go further to mobilise and support a much closer union between HSENI and Local Government. This union will challenge the partners to be more proactive and innovative and to use our joint resources more effectively to address the needs of employers, employees and others who may be affected by work activities, and in doing so impact positively on the wellbeing of both our population and economy.

This strategy represents a highly significant development in the joint commitment between HSENI and the district councils that will drive the partnership forward through the next decade and beyond. The reference to better regulation in the sub-title of the strategy reflects our commitment to working better together, to ensure our collective approach to regulating health and safety at work in Northern Ireland is proportionate, accountable, consistent, transparent and targeted in order to deliver benefits, reduce unnecessary burdens, achieve value for money and create positive outcomes.

There will undoubtedly be periods of challenge and significant change ahead of us - some of which is perhaps unknown to us at this stage. Whilst this strategy has been primarily designed to provide clear focus and direction for the regulators, it has, therefore, also been developed with sufficient flexibility to remain fit for purpose for many years to come.

It is important to realise that this strategy does not stand alone. It builds on, and is supported by, the Statement of Intent and Strategic Framework Document adopted by HSENI and the district councils in June 2009. This committed both parties to nurturing and monitoring the ongoing partnership and establishing joint structures and management arrangements for the regulation of workplace health and safety. This long-term strategy will also be underpinned by more detailed three-year corporate plans and annual operating plans developed separately by HSENI and the district councils. These plans will take their lead from this strategy and will seek to identify further opportunities to work better together.

This strategy therefore establishes a very clear framework for future joint planning, sharing of resources and expertise and, in a real sense, provides a truly Northern Ireland wide, co-ordinated approach to the regulation of health and safety at work. We, and our respective organisations, are committed to making it work.

Professor Peter McKie (CBE)
Chair of HSENI

David McCammick, Chief Executive
Antrim Borough Council
Chair of SOLACE



Setting the scene

It is important to acknowledge that significant advances have been made in recent years to the standards of health and safety expected and delivered in many Northern Ireland workplaces.

The concept of risk assessment, for example, which is central to today's approach to managing health and safety at work, is now firmly embedded in many organisations and is widely used to identify and control risk. Perimeter fencing to prevent unauthorised access to dangerous areas, the extensive use of scaffolding to provide safe access, and the use of safety nets to prevent falls from heights, are all very visible examples of how construction site safety has improved over the years. The dramatic fall in child deaths on the farm since 2004, when the child safety on farms campaign "Be Aware Kids" was launched, has been one of the major health and safety success stories of the last 10 years.

More generally, in the last decade the number of work-related injuries reported to HSENI and the district councils has fallen by 30%, from 4,467 in 1999/00 to 3,106 in 2008/09.

There is, however, clearly still much more to be achieved. Whilst reported work-related injuries have fallen significantly over the last 10 years, we still had 19 deaths and 3,087 other injuries reported in 2008/09. In addition, most of the reductions in injuries during the past decade have been attributable to declining numbers of minor injuries being reported. By stark contrast, the number of work-related fatalities and major injuries, such as amputations and broken limbs, has not fallen significantly over the same period of time.

It is estimated that there are still up to 18,000 people each year¹ who suffer from an illness or disability either caused or made worse by work. In addition, asbestos related diseases still account for in the region of 60 deaths each year².

As well as causing untold suffering and misery for countless individuals, family members, friends and colleagues, these deaths, injuries and cases of ill health, also contribute to a significant financial burden on businesses and the local economy. It has been estimated that the cost to the local economy of work-related injuries and ill health is between £193m and £242m per year.³

In 2006, the most recent year for which data is available across the European Union, the Great

Britain (GB) rate of work-related non-fatal injury was lower than all other member states with the exception of Sweden.⁴ The non-fatal injury rate in Northern Ireland is similar to that in GB and therefore compares well with the rest of Europe.

However, Northern Ireland's performance in relation to work-related fatal injuries has not been so good. In 2006, the GB rate of work-related fatal injury was the lowest among EU member states (1.3 per hundred thousand workers compared to an average EU rate was 2.5). Unfortunately, the work-related fatal injury rate in Northern Ireland has been almost twice that of GB's for a number of years and only average by European standards. Interestingly, when UK regional figures are examined, the fatal injury rates in Northern Ireland are similar to those in Scotland and Wales.

Therefore, we need to see what we can learn from other organisations in the rest of the UK, Republic of Ireland and further afield and, where appropriate, apply those lessons here to improve Northern Ireland's health and safety performance, particularly in relation to our fatal injury rate.

We also need to acknowledge and build on those things that are working well for us in Northern Ireland. This includes our:

- approach to risk assessment;
- tailored approach to enforcement;
- comprehensive and supportive system of information and advice;
- robust and flexible legal framework;
- support for small businesses; and
- teams of highly dedicated and professional staff and their desire to work together to achieve common goals.

Conversely, we also need to recognise and address those areas that are not working so well for us. These areas include:

- our approach to workplace health issues;
- leadership;
- the negative perception of health and safety;
- the sometimes fragmented approach to regulation;
- gaps in enforcement resulting from the shared responsibility for health and safety regulation; and
- the failure by some key stakeholders to fully embrace the concept that good health and safety management is good business.

¹ Figure relates to the year prior to April to June 2009

² HSENI Annual Report & Statement of Accounts 1 April 2009 to 31 March 2010

³ Based on 2005/06 injury and ill health data

⁴ Based on Eurostat statistics as published on the HSE(GB) website



Looking forward

Vision

We have agreed the following vision for health and safety at work in Northern Ireland:

“A place where the sensible control of work-related risk is the norm and work-related deaths, injuries and ill health are the exception.”

Mission

Our mission is:

“To significantly reduce the number of work-related fatalities, injuries and cases of ill health in Northern Ireland.”

This mission will be achieved by:

- ensuring that Northern Ireland’s health and safety at work regulatory system operates as effectively as possible, supporting businesses and reducing regulatory burdens;
- focusing on the core aspects of workplace health and safety in Northern Ireland, thereby promoting sensible and proportionate risk management by all; and
- targeting District Council and HSENI’s resources when appropriate, in a manner that maximises each organisation’s ability to prevent harm and secure justice.

Goals

Our goals are to:

1. Work together to maximise resources to best effect, via joint strategic planning and a collaborative approach to implementation;
2. Promote an approach to workplace health and safety management that informs risk makers and managers about the core principles and real health and safety issues;
3. Focus on key health issues in the workplace that will bring about a reduction in the number of cases of work-related ill health;

4. Build capacity for businesses, and in particular SMEs, to effectively manage workplace health and safety;
5. Assist in highlighting the needs of vulnerable groups to ensure that their needs are recognised and managed within the workplace;
6. Target resources for compliance based on proportionate intervention and enforcement;
7. Work with other health and safety regulators in the Republic of Ireland, Great Britain, Europe and other parts of the world, to ensure an effective network for learning and sharing of good practice on key aspects of workplace health and safety;
8. Have a wider perspective on other issues and policies that impact on health and safety in the workplace to influence and maximise the benefit from potential synergies;
9. Provide leadership for the regulation of health and safety at work; and
10. Clarify and promote the role of others and their responsibility for managing health and safety and achieving excellence.

These goals are set out in more detail in the following pages.





Goal 1 Working together

Work together to maximise resources to best effect, via joint strategic planning and a collaborative approach to implementation.

HSENI and district councils will work together to ensure the most efficient use of collective resources and in doing so ensure that those responsible manage their workplaces in a way that protects workers and others affected by work activities. The way in which enforcement responsibilities are divided between HSENI and district councils under the enforcing authority regulations, does not always add value to the health and safety regulatory system as the key health and safety challenges often cut across all work sectors. To achieve more efficient use of resources the HSENI and district councils will work together in innovative ways to overcome the challenges presented by the Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1999.

The challenge is for HSENI and district councils to work together to create a flexible, proactive and responsive regulatory system that can deal effectively with current and future health and safety challenges. Public services in Northern Ireland have undergone, and continue to undergo, significant structural changes as part of the ongoing review of public administration. HSENI and district councils will embrace the opportunities and challenges brought about by these changes.

HSENI and district councils will recognise and make use of their collective expertise to protect lives and promote a culture of efficiency and value for money within the health and safety regulatory system. This will involve joint planning, developing a common competency framework, the sharing of technical support services and joint training for inspectors.





Goal 2 Sensible risk management

Promote an approach to workplace health and safety management that informs risk makers and managers about the core principles and real health and safety issues.

Health and safety management has often been misused and misunderstood. There is a need to refocus efforts to make sure that those who create risks properly understand and control them. The development of health and safety competence within workplaces of all sizes is critical to establishing a culture within organisations that is focused on controlling risk.

In developing this competence, employers and the self-employed will need to focus their efforts on the areas of greatest concern. Competent managers will have an understanding of the true meaning of health and safety and will ensure that efforts are directed to tackle the risks which occur most often and have the most serious consequences.

Effective health and safety management involves a balance between risk and cost and this is incorporated into Northern Ireland health and safety legislation by the concept of the phrase "so far as is reasonably practicable". This concept continues to have relevance and requires a culture change within organisations so that every director, manager and worker understands their role in ensuring good health and safety.

Good health and safety management makes good business sense and will deliver long term benefits to organisations and the economy of Northern Ireland. HSENI and district councils will continue to promote the message that sensible risk management will help to protect business profits as well as being a fundamental cornerstone of a civilised society.





Goal 3 Focus on key workplace health issues

Focus on key health issues in the workplace that will bring about a reduction in the number of cases of work-related ill health.

HSENI and the district councils have a statutory duty to promote and enforce the management of risk and the prevention of work-related ill health and this is where we will devote the majority of our efforts. Strategically and operationally, therefore, we will primarily address "the prevention of ill health caused by or made worse by work".

We will therefore adopt an approach to workplace health issues which focuses on targeting specific occupational diseases where there is a clear link to occupational exposure and the disease is likely to result in death or long term life limiting disability, e.g. cancers, asbestosis, severe musculoskeletal diseases, or where there is high prevalence and simple cost effective measures to eliminate or reduce the risk, e.g. noise induced hearing loss, hand arm vibration syndrome and dermatitis.

We will target work sectors and vulnerable groups with significant ill health issues, or involved in high-risk activities, by identifying and working with key stakeholders to improve intelligence and develop new approaches to improving compliance.

Integral to this approach will be the development of effective communication initiatives to raise awareness, provide information and engage with stakeholders, to encourage continuous progress towards best practise. This will be underpinned by appropriate inspection and enforcement activities to ensure compliance with minimum legal standards.

We will also promote appropriate risk management and good working practices, including health surveillance, and explore how we can become more effective at promoting the proactive management of workplace health at board and senior management level.

It is clear, however, that some conditions are not solely work-related and may be exacerbated by non work-related factors. We recognise, therefore, that to holistically address some aspects of work-related ill health, we will need to work with partners in the wider workplace health community, such as occupational health professionals including those involved in occupational rehabilitation and health promotion. We will focus this work on areas where it clearly contributes to preventing ill health caused by or made worse by work.





Goal 4 Building capacity

Build capacity for businesses, and in particular SMEs, to effectively manage workplace health and safety.

We recognise that most businesses want to comply with the law, but for many the prospect of dealing with health and safety at work legislation and standards can appear daunting. We therefore need to be prepared to engage with businesses wherever possible to help them understand and comply with the legislation.

We will continue to channel a significant proportion of our resources towards informing and advising businesses of what is expected of them and what they need to do to comply with the legislation through conferences, seminars, workshops and publications. In addition, where it doesn't leave workers and others exposed to unacceptable risk, our inspectors will ensure that their initial engagement with businesses is aimed at achieving compliance by providing help and encouragement, rather than by enforcement.

Competitive small firms are vital to the future of the Northern Ireland economy. However, the successful development of such businesses can be significantly hampered by failure in their management of health and safety at work.

We currently provide advice and support services, throughout Northern Ireland, aimed at addressing the barriers faced by small businesses in managing workplace health and safety. These services are both free and confidential, offering practical advice from reliable and trusted sources with no enforcement implications.

It is important that all small businesses are aware of, and able to avail of, such services. To maximise both coverage and impact it is crucial that we continue to liaise effectively with intermediaries already working with the small business sector, and exploit new opportunities as they arise.

We are aware that there are also many commercial organisations that provide much needed health and safety consultancy to businesses. Many of these organisations are very professional in their approach and deliver an excellent and valuable service. There are others, however, that are less professional in their approach and who do not add any real value to businesses' capacity to manage health and safety risks. We therefore need to explore ways of ensuring that businesses understand their own specific health and safety needs and when and who to turn to for competent help and advice.





Goal 5 Vulnerable groups

Assist in highlighting the needs of vulnerable groups to ensure that their needs are recognised and managed within the workplace.

We recognise that the Northern Ireland workforce is becoming increasingly diverse in nature. This could be due to an increase in migrant workers, or disability, gender or age related issues and employers need to assess and manage the particular risks associated with vulnerable individuals and groups of workers.

Vulnerable worker(s) is a term which can be used to describe an individual or a group of workers who may be at an increased health and safety risk in the workplace due to their specific needs. This could be an inability to speak or understand English, having a disability, being a younger, an inexperienced or older worker, an agency or temporary worker, or for a gender based reason such as pregnancy.

While this is not an exhaustive list, it is clearly recognised that risk assessments should address the specific needs of such workers to ensure that they are appropriately protected. Worker involvement is an essential element of these risk assessments.

HSENI and the district councils will, as regulators, promote and enforce the legal requirement for employers to recognise and effectively manage any specific health and safety needs of vulnerable individuals and groups.

In addition to this, and utilising other specialist input if required, we will ensure that the recognition of vulnerable workers' needs will form an intrinsic part of intervention strategies aimed at achieving wider compliance with workplace health and safety laws.





Goal 6 Targeted intervention and enforcement

Target resources for compliance based on proportionate intervention and enforcement.

Regulators are expected to ensure that all inspection activity is based on comprehensive risk assessment thereby ensuring that inspection is only carried out where warranted. Crucially, regulation must be a benefit to those it seeks to protect, and should not place a disproportionate burden on those who have to comply with it.

All regulators should therefore have access to a flexible and proportionate enforcement toolkit. Criminal prosecution may not be the most appropriate sanction in all circumstances to ensure non-compliance is addressed or behaviour changed. The availability of other more flexible and risk based tools, such as statutory notices, may result in achieving better regulatory outcomes.

HSENI and the district councils are committed to working to the better regulation principles advocated by both Hampton⁵ and Macrory⁶. By doing so, we will continue to target resources at work situations that pose the highest risk. We will also continue to use improvement and prohibition notices effectively, and will keep pace with relevant developments on better regulation. Where appropriate, we will also continue to robustly recommend prosecution for serious breaches of health and safety standards, particularly where malpractice significantly threatens the lives or wellbeing of people.

We will also ensure that the collective inspection resources available to HSENI and the district councils are used wherever possible to best effect. This will

involve much closer collaboration during intervention initiatives and enforcement campaigns to ensure optimal use of resources.

Where such collaborative work is planned, it will be essential that all staff involved perform to common shared standards so that the messages received by industry are consistent and trustworthy. Joint training and briefing sessions for HSENI and district council field staff will therefore be critical precursors to any joint intervention activity.

Joint working structures are already in place to facilitate effective collaboration between HSENI and district councils. HELANI⁷, a Committee of the HSENI Board, which has senior representatives from both organisations, will play an active role in planning and promoting joint working and monitoring activity in this area.



5 Reducing Administrative Burdens: Effective inspection and enforcement. HM Treasury, March 2005 <http://www.hm-treasury.gov.uk/media/7/F/bud05hamptonv1.pdf>

6 Regulatory Justice: Making Sanctions Effective, Better Regulation Executive, November 2006 http://bre.berr.gov.uk/regulation/documents/pdf/macrory_penalties.pdf

7 HELANI – Health and Safety Executive and Local Authority Liaison Committee for Northern Ireland



Goal 7 Working with other regulators

Work with other health and safety regulators in Republic of Ireland, Great Britain, Europe and other parts of the world, to ensure an effective network for learning and sharing of good practice on key aspects of workplace health and safety.

In Northern Ireland, health and safety at work, like most regulatory functions, does not exist in isolation. It both feeds into, and is influenced by, developments in other jurisdictions, specifically the Republic of Ireland (ROI), Great Britain, and the wider European Union.

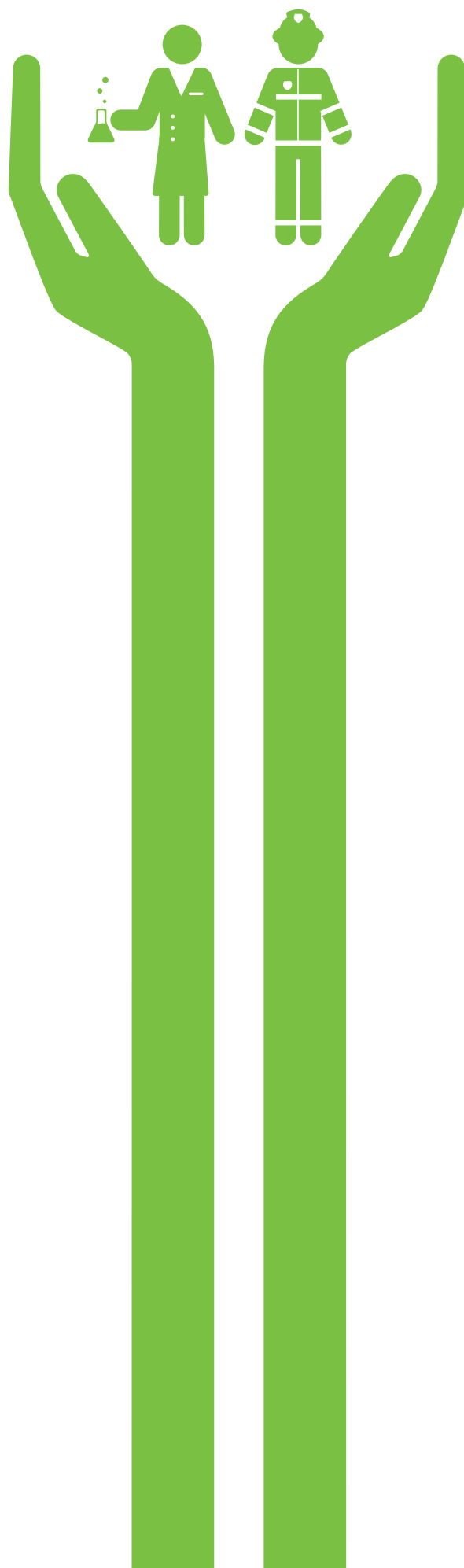
We therefore need to continue to maintain and build relationships with our equivalent statutory bodies in these jurisdictions to ensure that we benefit from lessons learned and good practices developed elsewhere.

As most health and safety at work legislative changes now emanate from Europe, we have limited opportunity to influence the scope and pace of change. What we can and will do, however, is work closely with our respective colleagues in ROI and GB to ensure that our legislation arising out of European Directives is made as clear and easy to understand as possible. This can be achieved through the legislation itself or through approved codes of practice and/or guidance.

We have particularly close associations with our neighbours in the ROI and GB and enjoy mutually beneficial relationships with the Health and Safety Authority, the Health and Safety Executive and the local authorities in GB. These relationships have allowed us, on occasion, to share resources across a wide range of activities such as information, publications, training, inspection and investigation.

We must ensure that these relationships are maintained and nurtured so that this useful exchange of information and resources can continue, regardless of how the political landscape evolves in the future.

We will also, when appropriate to do so, communicate with regulators in other parts of the world outside Europe, particularly when opportunities arise for learning or information sharing.





Goal 8 The wider perspective

Have a wider perspective on other issues and policies that impact on health and safety in the workplace to influence and maximise the benefit from potential synergies.

Work is good for people. It brings significant financial, social and psychological benefit to people's lives and to their health and wellbeing. It provides support for their families and dependants and enhances their quality of life. However, when people are exposed to unacceptable work-related risks, their physical and mental health may suffer. This can damage their health and place additional demands on the family environment, on the local economy, services and the community. HSENI and district councils are already working together effectively to drive forward improvements in workplace health and safety and we will continue to ensure that regulation is a benefit to those that need protection and is not a disproportionate burden on those who have to comply with it.

We will build on the strengths of the HSENI and district council partnership, which include a better understanding of the value of local, versus central, interventions, joint planning, joint decision making and joint action to influence other agencies and government departments. This will ensure that workplace health and safety features meaningfully in both regional and local priorities and strategies for improving the health, work and wellbeing of both the working population and local communities.





Goal 9 Leadership

Provide leadership for the regulation of health and safety at work.

The overriding aim of this strategy is to prevent the death, injury and ill health of those affected by work activities. Its essence is that everyone adopts a sharper focus on the priorities and takes a leadership role in addressing their responsibilities. This is underpinned by the collegiate approach of HSENI and the district councils in building capacity within the partnership and in making the regulatory system more effective. This is also underpinned by the commitment of each health and safety regulator to maintain and develop a health, safety and welfare culture that leads by example and encourages respect for health and safety as an integral part of a modern, competitive business and public sector.

We, as regulators, will lead by encouraging organisations such as insurers, the legal profession, standard setters, consultants, professional bodies and the media, to use their influence to reduce the unhelpful influence of 'risk mongers' (those who inflate the perception of risk, often for their own benefit) and the proliferation of contrary messages distorting perceptions of risk and its complexity.

This will allow organisations to apply the flexibility which is at the heart of health and safety legislation as it was intended. It will reduce unnecessary expenditure by businesses and society in introducing inappropriate controls to deal with over exaggerated risks. But more importantly, it will help to ensure that good risk management practice is applied more widely and appropriately so that workers and the public are protected from harm.

HSENI and the district councils will also encourage leadership within the workplace, ensuring that businesses and the public sector organisations take ownership of risk and accept responsibility for managing it.





Goal 10 The role of others

Clarify and promote the role of others and their responsibility for managing health and safety and achieving excellence.

The strong co-regulator partnership between HSENI and district councils is integral to this strategy and its successful delivery – but the regulators cannot do it alone. We need everyone to play their part in delivering improved standards of performance in health and safety because, ultimately, it is the **delivery** of this strategy that will count.

Employers, in particular the senior management, play an influential role in raising health and safety capabilities within individual companies. They provide the leadership and the framework in the workplace within which effective health and safety management can thrive and they set the tone for the health and safety culture of the company. They decide on the importance of health and safety outcomes relative to other business outcomes and establish clear performance indicators for health and safety.

Workers are often the ones who are most exposed to workplace risks and their active participation in health and safety matters at the workplace is therefore critical. While employers have a duty to provide their employees with adequate training and protection against workplace hazards, workers have a duty to care for their own health and safety and for others who may be affected by their actions. Workers should always ensure that they understand and abide by the proper health and safety procedures. Workplace research⁸ provides evidence to suggest that involving workers, whether they belong to a union or not, has a positive effect on health and safety performance. Worker involvement is fundamental to good health and safety performance and, therefore, to good business.

Representative organisations are in a position to play a key role in driving forward health and safety improvements. Some are already doing so. NIC ICTU, for instance, actively promotes health and safety, while many trade union appointed health and safety representatives do a commendable job in the workplace. There is also a good spread of employer organisations, trade associations, consultancy firms and voluntary organisations providing health and safety guidance to members and clients. Other organisations such as government departments and district councils exert influence throughout the supply chain by ensuring that contractors work in a safe and healthy way.

We will therefore continue to work with other key players, wherever appropriate and worthwhile, to ensure that their respective roles and responsibilities are clearly understood. In that way, we can strive together towards achieving excellent health and safety at work outcomes for all in Northern Ireland.



⁸ Involving your workforce in health and safety: Good practice for all workplaces, HSG263, HSE Books, 2008



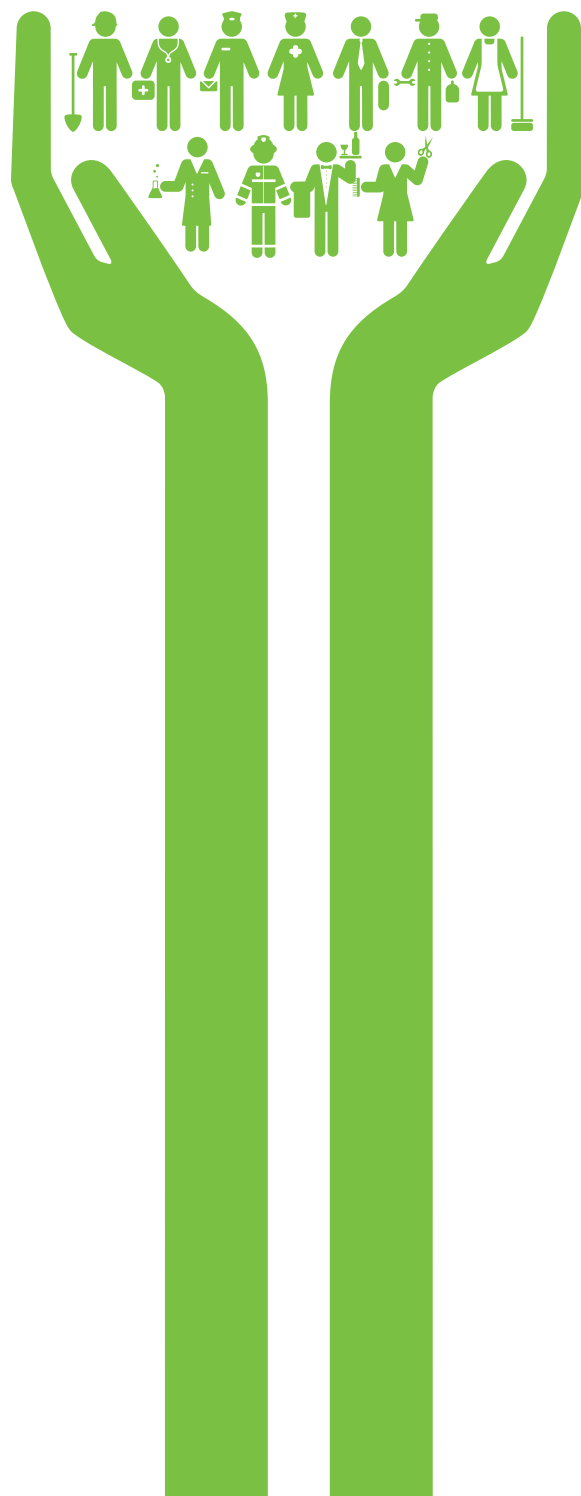
Driving change through better regulation

Our purpose in developing this strategy is to achieve a safer and healthier working environment for everyone in Northern Ireland in a cost effective, customer focused and holistic way. We are committed to directing our energies and resources to the achievement of the strategic goals outlined in this document and, in doing so, are prepared to be held accountable for our performance.

In order to achieve the strategic goals, we will plan together at strategic and operational levels to maximise our impact in improving health and safety outcomes and in reducing the enforcement gap. We will seek opportunities to enhance our capacity by working across geographical areas and enforcement boundaries. Through the delivery of common services, the utilisation of resources, systems and expertise from other organisations, and by adopting best practice and seeking to enhance political support, we will provide a better level of service.

Success is about working in a closer partnership which can make a real and sustainable difference and provide value for money. It will involve HSENI and district councils working closer together to drive forward improvements in workplace health and safety, to deliver protection from risks and to ensure that those who fail in their health and safety duties are held to account. At the same time, it will also involve leading by example and working with others to support the inclusion of health and safety in both regional and local priorities and strategies related to health, work and wellbeing.

Ultimately this will support a reduction in the number of work-related deaths, injuries and cases of ill health throughout Northern Ireland.



Health and safety at work: protecting lives, not stopping them



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