

Date	30 March 2012
Issue Ref:	HSE Information Sheet 0029
Topic:	Just a sixth of H&S regulation to be left untouched ? – Update
Details:	<p>The Chancellor has promised that 84 per cent of health and safety regulation will be scrapped or improved, according to this year’s Budget.</p> <p>Last year, in its response to the Löfstedt review, the Government said it is committed to reduce health and safety regulation by more than half. The latest figure announced in the Budget takes into account last year’s Red Tape Challenge, which asked the public and business for their suggestions on which laws could be amended, or revoked entirely.</p> <p>A Treasury spokesperson confirmed to SHP that “167 of the 199 health and safety regulations considered as part of the Red Tape Challenge” will either be withdrawn or improved, although she could not give a more detailed breakdown.</p> <p>The HSE has also been tasked with putting forward to the European Commission ideas for micro-exemptions, or lighter-touch EU health and safety regulation for SMEs, based on ideas raised by the Red Tape Challenge.</p> <p>To help businesses make sense of this huge legislative streamlining exercise, the Budget commits the HSE to redesign information on its website this year to distinguish between regulations that impose specific duties on businesses and those that define ‘administrative requirements’, or revoke or amend earlier versions of regulations. Exactly how the HSE intends to make this distinction is unclear at present.</p> <p>Among the significant legislative changes that had previously been announced by the Government, the Budget highlights amending RIDDOR, by extending to seven days, from three, the period an employee needs to have taken off work before an injury or incident needs to be reported – a change that is due to come into force next month.</p> <p>Also highlighted is an amendment to the Health and Safety (First Aid) Regulations 1981 to remove the requirement for the HSE to approve the training and qualifications of appointed first-aid personnel. This change was proposed in the Löfstedt review, but the Budget also reveals that revised guidance aimed at small businesses will be published in May, and the provisions will be repealed by October.</p> <p>As indicated both in the Government’s response to the Löfstedt review, and in a speech David Cameron gave earlier this year, the Budget reaffirms that changes in strict liability will be brought in this year, so that health and safety law will no longer hold employers to be in breach of their duties in civil law where they have done everything that is reasonably practicable and foreseeable to protect their employees.</p> <p>In addition to this measure, the Budget announces that the HSE will provide more help for businesses by this summer on what is ‘reasonably practicable’ in respect of specific activities, where evidence demonstrates that businesses need further advice to comply with the law in a proportionate way.</p> <p>Commenting on the plans announced in the Budget, Chris Green, partner in the regulatory team at Weightmans law firm, suggested that many of the regulations the Government identifies for the scrapheap will be “in reality, archaic and rarely used”.</p>

	<p>However, he described the proposal to abolish the doctrine of strict liability as a “revolutionary one”.</p> <p>He said: “Removing strict liability will mean that the business will only have to be able to show they have done everything reasonably practicable to ensure the safety of its staff, in order to avoid prosecution. For insurers and their policy-holders, this should remove a potential unfairness in dealing with employers’ liability civil litigation and allow greater scope to defend such claims, provided strong safety regimes are evident.”</p> <p>He nevertheless warned: “The insurance industry will need to make provision for the Budget requirements to provide SME customers with guidance how to comply with health and safety legislation and to commit to challenge vexatious litigants and the compensation culture; no small challenge, unless all stakeholders – including the judiciary, trade unions, and the Association of Personal Injury Lawyers – agree to do likewise.”</p>
Recommended Action:	None – this is for information only
Links/ References	None
Picture:	None
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