

# **The impact of business to business health and safety rules ('blue tape') in construction**

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# Business to business ‘rules’: good for business? Yes, but...

*“Successful organisations understand that sensible and proportionate risk management is integral to delivering their business... supports growth, enables innovation and protects an organisation’s most vital asset, its people.”*

## **Our strategy aim on proportionality**

*“...a common understanding of what proportionate health and safety looks like.”*

Source: *Helping Great Britain Work Well*, HSE (2016)

# Health and safety ‘rules’ – HSE’s aims and objectives

## About

- Burdens arising when health and safety rules are disproportionate (and in some cases deliver *under-compliance*)
- Links to ineffective risk control and a lack of risk ownership
- Well-intentioned initiatives - and unintended consequences

## Not about

- Getting in the way of businesses seeking to innovate, both to grow and to drive up standards (Industrial Strategy aim)
- HSE stamping out ‘best in class’ as informed risk management choice

# Who and what influences duty holder action? YouGov survey findings

Driver for action	As primary	As secondary
Health & Safety Rules	22%	37%
Regulation / enforcement	19%	21%
Improving standards	14%	17%

*However:* these get jumbled together in the minds of business people - so getting all of them right matters

# How big a problem?

Health and safety burden isn't a problem for the majority of businesses but..

- A significant proportion of SMEs report a big burden; different research reports figures ranging from approximately 15-50%

*Our* business insight tells us that up to:

- 39% of SMEs report feeling that their policies practices are excessive and disproportionate to the risks of their businesses
- 35% of SMEs report feeling no real link between what they have to do 'for health and safety' and what they actually do to keep workers safe

# Accreditation (conformity assessment) impacts

- Accreditation schemes have at least some impact for 41% of SMEs, and a big impact for 19%
- Applied across many sectors (not just construction)
- Overlapping accreditations – costing SMEs thousands per year. Barrier to growth?



*“No real improvements to h&s management systems... no value in signing up to multiple schemes or refreshing each year. Commercial benefit only.”*

# Management standards and certification impacts (e.g. ISO 45001)

## Business impacts:

- 14% of businesses (rising to 24% for SMEs with 50-249 employees) report a big impact, with 40% of all businesses reporting some impact

## Duty holder perspectives:

- Smaller suppliers hold standards “*simply because they are required to by their customers or insurance companies*” ;
- Implementation, audit and certification costs;
- Parallel paperwork systems - false assurance?
- ‘Suitable for organizations of all sizes’: more work needed on this?

# What all this can mean for business....

- False assurance if the paperwork doesn't match the reality: 'emperor's new clothes'
- Additional business burdens – for example, wasteful use of consultants





# A case for action? If so, what?

Heavy-handed rules jeopardy  
for businesses



(Part of) our role – clearing the  
way... with others



# HSE help for duty holders: new guidance

## Guidance: making accreditation schemes better:

[<http://www.hse.gov.uk/competence/accreditation-schemes.htm>]

- *One way* to demonstrate competence (and only one)
- Not required by law
- HSE supportsSSIP/standards in construction sector, but...
- Mutual recognition/'deemed to satisfy': assessment via one scheme is enough
- Buying lower-risk good/services – do risks justify use of a scheme?  
Simpler approaches – e.g. HSE's *Health and Safety Made Simple*
- And only a first step...

# HSE help for duty holders: new guidance (2)

## Guidance: use of management standards

[<https://www.hse.gov.uk/managing/iso45001.htm>]

- Not required by law
- Can provide a structured framework demonstrating you have a systematic approach to managing health and safety
- For small, lower-risk businesses, there may be other ways, e.g. HSE's *Health and Safety Made Simple* or *Toolbox*
- If imposed as part of a customer/contractor requirement, 'use with caution' – may not be a good fit
- Associated audit/certification needs to be proportionate, too

# Next steps/discussion

For procurers *and* suppliers

- What can we all do to make the system work better so suppliers ‘do it once, proportionately’?
- Impacts from the Common Assessment Standard – efficiency potential clear?
- Is the HSE guidance a useful contribution? What else might be needed (not necessarily from HSE)?
- For the lowest-risk activities, do risks really justify use of a scheme? Could e.g. HSE’s *Health and Safety Made Simple* (or something else) provide an effective alternative?