



# Health and Safety Myths

Looking at the truth behind the headlines

**A TUC REPORT**

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## HEALTH AND SAFETY MYTHS – THE TRUTH BEHIND THE HEADLINES

Health and safety often gets a bad press. We read about safety inspectors banning ladders or games of conkers and firms being put out of business because of health and safety regulations. Reading some of these stories you might be forgiven for wondering how anything actually gets done given the raft of rules and regulations that seem to govern health and safety.

This short report looks at the truth behind some of these stories.

### **Background**

Health and safety is regulated through the Health and Safety at Work Act, a short and simple piece of legislation dating from 1974, which states that employers have a duty to secure the health, safety and welfare of people at work and also to protect the public from risks arising out of work activity.

The Act also allows the government to make regulations to help achieve this. Some of these regulations are general and cover all workplaces, such as the need for a risk assessment, others are specific to a sector, such as construction or the chemical industry. The Health and Safety at Work Act, and regulations made under it, are enforced by the Health and Safety Executive and local authorities.

### **Truths or urban myths**

The TUC, which has for over 100 years been a champion of strong and practical health and safety regulation has looked at some of the stories and tried to track down the truth behind them. It found that some are just not true, and many others are misrepresentations of the truth.

This does not mean that every health and safety story we read about is made up. In some cases regulations have been wrongly interpreted. However that is different from saying that health and safety regulations, or their enforcement have been wrong. In none of the stories we looked at did we find that was the case. In other examples employers have used health and safety as an excuse for not doing something which they did not want to do anyway, or as an excuse for saving money. There were also cases where the standard requirements of an insurance policy are unsuitable for an event, and rather than have dialogue between the organiser and insurer, the organiser has gone straight to the local press.

## Ten myths

All these stories have appeared in the press in the past couple of years.

### *Myth 1*

Health and safety regulations now ban the use of ladders.

#### *Truth*

This story reappears regularly. In fact there is no ban on ladders so long as they are used safely. There are regulations aimed at ensuring that people do use ladders safely. This is to reduce the number of workers seriously injured or killed falling off ladders every year. Each year an average 13 workers die this way and 12,000 are seriously injured. However there is no ban on ladders so long as they are secured and used appropriately.

### *Myth 2*

School children are not allowed to use cardboard egg boxes in craft lessons on health and safety grounds.

#### *Truth*

This probably related to a decision by East Sussex County Council to issue a circular indicating that there were in fact no problems in using both egg boxes and toilet rolls as long as they were clean looking. This is standard guidance within education and makes perfect sense.

### *Myth 3*

Workplaces are “risk averse” and employers are overly cautious because of the fear of health and safety regulations.

#### *Truth*

There is no evidence that employers are being “risk averse”. The fact that over a million workers get injured every year and 25,000 people are forced to give up work because of injury or illness caused by work shows that employers are very much taking risks with their workers health. Most of these injuries could have been avoided if employers had implemented proper safety procedures, but research has shown that around half of employers have not even done a simple risk assessment (a legal requirement).

### *Myth 4*

Firemen’s poles have been banned on health and safety grounds

### *Truth*

This seems to have arisen from a case in Devon where it was reported that, to avoid the risk of injury when sliding down poles, a new fire station had not been equipped with a traditional pole. The truth was that the reason the fire station did not have a pole was because of space restrictions. There are no regulations banning the use of poles in fire stations.

### *Myth 5*

There are now more regulations and red tape than ever.

### *Truth*

In actual fact there were more than twice as many health and safety regulations and laws 35 years ago than there are now. The legislation that remains is now generally simpler and easier to understand.

### *Myth 6*

A local authority ordered the removal of St Georges' flags from outside shops on safety grounds.

### *Truth*

This story originated in Liverpool, however Liverpool council did not ban St Georges' flags or ask anyone to remove them. It did require one shopkeeper to properly secure flags after one fell onto the windscreen of a car causing an accident.

### *Myth 7*

Small businesses are being strangled by over-inspection and over-regulation

### *Truth*

The average small business is likely to be visited by a health and safety inspector around about once every 20 years. Even larger businesses, except for high hazards ones, are visited on average every 10 years. Small businesses are even exempted from some regulations. For instance while every employer has to do a risk assessment on their staff, if a business has less than 5 employees it does not even have to write the assessment down or record it. Hardly a major burden.

### *Myth 8*

Trapeze artists will be forced to wear hard hats.

### *Truth*

This story has appeared several times over the past few years. Sometimes the ban is blamed on European legislation, other times on the new Work at Height Regulations. The claim is that these regulations will require trapeze artists to wear hard hats. This is of course complete nonsense. The reason that hard hats are worn is to prevent people being hit from falling objects. Not to protect you if you fall. They are completely inappropriate for trapeze artists and there are no regulations, or plans for any regulations, to introduce them. A related story is that the Work at Height Regulations would mean that safety signs would have to be erected on the side of Snowdon. Again there is no truth in this.

### *Myth 9*

Health and safety regulations have fuelled a huge rise in compensation claims

### *Truth*

The number of civil claims for compensation against employers as a result of accidents has fallen every year for the last 5 years. In fact despite the introduction of “no win – no fee” claims the total cost of compensation cases in Britain has remained, in real terms, static since 1989. Britain also pays out much less in civil compensation, as a proportion of its economy, than any other major European country apart from Denmark, and a third that of the USA.

### *Myth 10*

A church had to spend £1,300 to change their light bulbs because of health and safety regulations.

### *Truth*

The church in question was St Benet’s in Norfolk. It was reported that because of new health and safety regulations electricians now had to put up scaffolding every time they wanted to change a bulb. In actual fact the electricians were not just changing light bulbs but replacing all the light fittings. The contractor said that the use of scaffolding was standard practice and nothing to do with any new regulations.

## Half-truths

These are stories where a story is based on an actual event but the actual circumstances are completely different from what was reported.

### *Half-truth*

Local councils have banned hanging baskets on health and safety grounds.

### *Truth*

This probably relates to Bury St Edmunds where the borough did briefly remove hanging baskets because of concerns that some lampposts were unstable. As soon as they had checked the lampposts the hanging baskets were replaced. There are still hanging baskets in Bury St Edmunds.

### *Half-truth*

Schools have banned conkers

### *Truth*

This story, more than any other epitomises the trivialisation of health and safety. In fact two schools are known to have asked children not to bring conkers in on the advice of doctors as children had severe nut allergies. In addition one primary school head teacher brought in safety goggles for his pupils to play conkers. However he stated that the reason behind this was that he wanted to make a statement over the increased fear of litigation. This point seems to have been lost on the media.

### *Half-truth*

During the Battle of Trafalgar commemoration the actor playing Nelson had to wear a life jacket over his costume.

### *Truth*

During an event on the Thames to mark the bi centenary of the Battle of Trafalgar an actor was dressed as Nelson. To get to the event he was transported using an RNLI lifeboat. This was a modern lifeboat and the RNLI asked him to wear a lifejacket during the trip. Given that he was in an RNLI lifeboat, and not HMS Victory, at the time it is unlikely that the lifejacket would have looked out of place.

### *Half-truth*

A fancy dress festival in Wales was cancelled because the organisers were told they would have to employ an extra 60 stewards on health and safety

grounds.

### ***Truth***

This relates to the Lleni fancy dress festival in Powys where the organisers simply misunderstood the regulations. There is no health and safety requirement for the organisers for events such as this to employ stewards. They could quite easily have used volunteers as they had in the past.

### **.....and one other truth**

That is that Britain is a better and safer place because of health and safety regulation. Since the Health and safety at Work Act was introduced the number of deaths caused by work have fallen by over 75%. The rate of fatalities is now one of the lowest in the world, and much of that is because of strong, sensible regulations.

### **Finally**

The long term effect of these myths being circulated is that the “brand” of health and safety gets diminished. People see “health and safety” as stupid rules and barriers, rather than as a framework for protecting those most vulnerable in society. People begin to identify the Health and Safety Executive with draconian regulations, despite the fact that none of the stories the TUC looked at involved any action by them, and they remain one of the bodies most respected by those who deal with them. In fact 89% of all employers who have had contact with the HSE have seen it as a “helpful” organisation.

We must not be complacent. Since the passing of the Health and Work Act we have seen disasters such as Piper Alpha, the Herald of Free Enterprise and Morecambe Bay. Occupational Cancers still kill between 10 and 20,000 people every year and around 2 million people suffer from ill-health at work. We need to ensure that health risks are identified and dealt with so that workers and the public are protected. That is what health and safety is really about.