I write on behalf of Scottish Hazards in response to the Call for Evidence from the European and External Relations Committee on the implications for Scotland of the result of the EU membership referendum.

Scottish Hazards, through its Hazards Centre, provides information, advice and support to individual workers and groups of workers in Scotland who have inadequate access to Occupational Health and Safety expertise (in particular, non unionised workers and workers in precarious employment). We also campaign for improved worker health and safety throughout Scotland and join with others internationally to campaign for improved working conditions throughout the world. We are a Scottish Charity (SC044785) and an active member of the Partnership for Health and Safety in Scotland.

We write to voice concerns about the potential implications of leaving the EU for health and safety in Scotland and to urge the Scottish Parliament to take action to protect and improve worker health and safety. In this we are heartened by the establishment of the Fair Work Convention and by the clear indication within the Fair Work Framework of a commitment to working in partnership with Trade Unions and to protecting and improving the quality, safety and security of work in Scotland.

Role of the EU in Health and Safety

41 of the 65 new H&S regulations introduced in the UK between 1997 and 2009 originated in the EU. These regulations cover many of the most important sectors/risk factors that lead to death, injury and ill health including lifting and handling, machinery, construction, personal protective equipment, chemical safety, carcinogens, and asbestos. In 2015, the European Commission reviewed 24 main H&S Directives and concluded that the overall effect has been good for worker health and safety and that there is no evidence of the regulations being a ‘burden’ or cost on business, rather that overall they benefit business.

UK Government record on H&S

In contrast, since 2010, the Health and Safety Executive budget has been cut by 45%. Local Authority Environmental Health services have also faced severe cuts. Health and Safety enforcers have been required to abandon routine, proactive, preventative safety inspections in the vast majority of workplaces. This is despite evidence that regulation, inspection and enforcement ‘is most effective in motivating duty holders to comply with their responsibilities under H&S law’\(^1\). Over the last two decades, both Labour and Conservative UK governments have taken a mainly anti-regulatory approach to health and safety and have moved emphasis from enforcement to advice and education. We do not in any way disagree with advice

and education, but not at the expense of enforcement. And even this has been subject to cutbacks, for example the cessation of the HSE helpline. This trend has been exacerbated by the impact of austerity, the combination resulting in dramatic reductions in staffing, inspections and prosecutions.\(^2\)

In keeping with this, the UK has, in recent years, been one of the advocates of deregulation within the EU, targeting, among other things, the Working Time Directive, The Optical Radiation Directive, the Chemical Agents Directive, Construction (CDM), and arguing for the removal of the need for small businesses to make written risk assessments. Our concern is that if the UK leaves the EU these and other H&S protections will be removed or reduced.

As self-employed workers are not covered by the EU Framework Directive, the UK Government has already been able to exempt many of them from the protection of H&S regulation.

We share the concern of the TUC that if ‘the message coming from Government is that we need to remove protection, employers will believe that what they are doing is already more than enough and the 20,000-plus deaths a year and 2 million people who suffer ill-health because of work will be seen as being acceptable.’\(^3\)

We are also concerned at recent UK Government moves to reduce the ability of Trade Union representatives to effectively represent their members and believe, based on evidence from the TUC, that, despite some deterioration in recent years, the involvement of trade unions in EU negotiations is significantly better than those at UK level.

**The impact of leaving the EU**

Therefore, our concern is that with a continuing deregulatory agenda at UK Government level and loss of the protection and improvement driven by EU directives, the health and safety of Scottish workers will be at risk.

**Implications for the Scottish Parliament and Scottish Government**

Scottish Hazards is an active member of the Partnership for Health and Safety in Scotland and has been active in working toward the development of the new Scottish Plan for Action on Safety and Health. It is hoped that this will be being taken forward within the context of the Fair Work Framework. We recognise that the Scottish Parliament has shown itself willing to implement progressive legislation affecting workplace health and safety where it currently has the power to do so as a result of other devolved powers (e.g. the ban on smoking in public places, damages for pleural plaques, and protection for emergency workers).

*Under current constitutional arrangements, we would urge the Parliament and the Government to use all the powers it has to continue to support efforts to protect and improve health and safety in Scotland.*


However, despite this positive context, we are concerned that exit from the EU will put worker safety and health at risk.

In its submission to the Smith Commission, Scottish Hazards argued for the devolution of H&S regulation and enforcement. We accept that the Smith process is now complete, however, in light of the vote to leave the EU, we would now urge that the decision that H&S remain reserved to Westminster be reconsidered and that the Scottish Parliament and Government work toward its full devolution. Our arguments for this were made in our evidence to the Smith Commission http://webarchive.nationalarchives.gov.uk/20151202171017/http://www.smith-commission.scot/wp-content/uploads/2015/01/B00201.pdf and in our submission to the Devolution Committee while working toward the Scotland Bill.