Notes and miscellanea

Occupational health and safety in Great Britain, 1969

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The title of these notes is in some ways misleading. The intention is to review three of the Annual Reports to Parliament which cover statutory safety, health, and welfare provisions for workers in this country. The reports themselves show clearly the differences in the statutory provisions for different groups of workers, but it is important also to record that statutory provisions alone do not cover all aspects of work in safety, health, and welfare fields. It is a common error to decry the progress of occupational health in this country by comparing our legal provisions with those in other lands. There are two factors of error in this comparison. Firstly, we are mostly a law abiding and not a cynical people, who, with the possible exception of the Road Traffic Acts, regard laws as being for our communal benefit and therefore in general to be obeyed, and, secondly, our tradition is to let the law follow the best practice.

It stems from this that most of us feel that good and proper conduct is right without compulsion, though none would deny that for those members of the population, be they thoughtless industrialists or egotistical embezzlers, who wish to push selfishness and greed too far, there has to be the ultimate sanction of an effective legal deterrent.

In reviewing these three reports, therefore, one begins by saying that they do not pretend to cover the whole field but that they give a very clear presentation of what is accomplished under present legislation. However, they go further than that. It is another of our national characteristics, or at least it was, to regard policemen (for most part) with affection. We do not think it unreasonable to ask them the time, and many a worried parent or slightly erring small boy has been saved from excessive contact with the law by informal guidance from the agent of its enforcement. So it is with the

inspectors. In every one of the reports great emphasis is laid on the advisory role of the various inspectors. Incidentally, one is struck by the diversity of these inspectorates and one wonders if, even now, the Robens Committee is considering some integration of them. The advisory role has obviously extended a lot in recent years and it is clearly founded on two-sided good will. It is perhaps a very real fear that extensive or extensively detailed legislation may do to the inspectorate what the unpopular and somewhat niggling application of parking restrictions has done to the traffic warden. These arguments by analogy are always hazardous because the inspectorates have much technical knowledge to offer and therefore start in good standing, but the relationship between employer, employed, and the inspector is in many ways a delicate one which has worked very well, largely owing to the common sense as well as the competence of the inspectorates. In the last analysis, however, their duty is to enforce the law and it is debatable how far their own advisory services should expand and how far they should act as guides for other advisory services. There is a difference between giving advice on how to seek aid on a problem in the course of a routine or special inspection and providing that aid oneself. There is a place for an advisory unit within the inspectorate both to provide supporting technical knowledge and sometimes to give direct specialist advice, but the scale and relationships of such a body will have to be watched.

All the reports underline the difficulty of getting an effective measure of performance in accident prevention. Two of them, The Offices, Shops and Railway Premises Report and the Report on Safety, Health and Welfare and Wages in Agriculture, point out the additional difficulties of getting

accurate statistical information. Quite apart from the problem of notification, there is the well-known fact that the number of lost time injuries is an index of other things besides safety performance. This theme is discussed in the Annual Report of the Chief Inspector of Factories, and it is clear that a great deal of work will still have to be done on the measurement of safety performance. The Chief Inspector points out that many decisions to go absent rest with the individual who is hurt; the setting up of a small Accidents Studies Unit to investigate apparently good and bad records inside industry and to study accidents, which would not otherwise have been investigated, may be a source of progress in the future. It is unlikely that there will be immediate results but this type of systematic approach appears to hold out the best promise in the long term. It would certainly be wrong to go on discussing at length statistical evidence whose basic validity is in doubt.

For some reason the word 'fatality' has a technical and statistical ring to it. It perhaps puts the situation more starkly to say that 115 people were killed at work on the land in 1969, 20 people killed in premises covered by the Offices, Shops and Railway Premises Act, and 649 people were killed in premises covered by the Factories Acts. Put another way, every day two or three people are killed in their places at work in this country. When the reports are read more closely it emerges that these deaths nearly all resulted from simple incidents. Indeed, it is this problem of dealing with the simple rather than the technically complex, of studying the socio-psychological causes of accidents rather than the physical or technological causes, which must attract more interest in the future.

Perhaps the outstanding feature of all the reports is the introductory essay, if that is the correct word for it, which Mr. Plumbe, a much respected Chief Inspector of Factories, has written for this, his last, Annual Report. It deals with the question of enforcement with great clarity; one sentence should be carefully considered by the advocates of excessive emphasis on Factory Law and its enforcement – 'Prosecution is one tool of enforcement: a big stick which readily becomes a twig: the success of an enforcement policy is measured not in terms of numbers of prosecutions, but in real improvement in safety, health and welfare.' Elsewhere Mr. Plumbe points out that if the policy of prosecuting only the really black sheep is to be pursued, it is to be hoped that the penalty which the courts inflict might be a little more realistic. While it is difficult to devise any system of fines which is equitable, it must be disappointing to the inspectorate that, in the average case, the fines inflicted by the courts were only about one-tenth of the maximum. If the inspectorate are to be helpful and consultative and

are not to be legalistically pedantic, they are entitled to expect the fullest support in their enforcement measures when other means have failed.

It is encouraging to note that the various inspectorates administering these acts are getting more nearly up to strength and that larger numbers of highly qualified inspectors can now be recruited and more adequate continuous training provided. These inspectors are supported by the specialist branches and they are also given an increasing amount of supporting information.

Particular mention should be made of the series of Technical Data Notes. Over the years, the Factory Department has published useful booklets under the general heading 'Health and Safety at Work', but these more specialized technical data notes are cheaper and quicker to produce, and provide the inspectorate with a very informative and quick means of communication.

The increasing complexity of health and safety at work is reflected not only in the higher skills required by those who administer the law but also by the different nature of the problems and by the differing emphasis which comes with the years. Mr. Plumbe has something very important to say about that too. 'Because the number of reported accidents is large, and of cases of industrial disease small, it was in the past rather easy to regard accident prevention as a much more important subject – and a much more important part of the Inspectorate's work – than the prevention of any but the most obvious disease.' A little later on he says '... at least as much effort must be put into the control of toxic contaminants in the atmosphere as into the elimination of the physical causes of accidents'.

The work of the Medical Branch is described in a special chapter of the Annual Report of the Chief Inspector of Factories. The amount of survey work is increasing and information is given on a number of such studies. There is clearly much more to be done in this field and, while much of it will obviously be the province of established occupational health services, the need will continue for the Inspectorate to encourage such activities and in some cases to co-operate with the studies which industries themselves conduct. There is a surprising shortage of information on the health experience of many groups of workers and there are a great many bits of clinical impression and folk lore crying out for epidemiological investigation.

The chapter is made particularly interesting by the inclusion of some case descriptions; there is profit for every practising occupational doctor in the publication of this annual 'refresher course' which draws his attention to subjects which may at the time be outside his own field but which he may encounter at any moment.

The chapter also includes a table of proposed

biochemical thresholds which may be of use in monitoring as a supplement to the threshold limit values. It clearly points out that these are only guides for appropriate subsequent action and that they are subject to amendment from time to time as knowledge grows or changes. A very important statement is made that these values are not to be regarded as permissible limits and should be used in association with environmental studies. The publication of this table is an important step forward in the recognition of the increasingly scientific nature of health supervision. It is up to those working in the field to ensure that the values are always intelligently interpreted and applied.

The emphasis on toxicology is seen again in the report on Safety, Health, Welfare and Wages in Agriculture which begins with a discussion on the Agriculture (Poisonous Substances) Act 1952 and the regulations made in 1966 and 1969. When the large increase in the range of chemicals used in the farming industry generally is considered, together with the wide debate in recent years about their biological consequences, it is heartening to read that only 25 incidents of suspected poisoning and allied injuries were investigated during the year and that there were no deaths. It is a little depressing to learn that almost all these incidents could have been avoided had the workers concerned observed the recommended safety precautions. Most of these precautions concern protective clothing and it was under this section that four employers were prosecuted.

The tremendous load of the various duties of inspection is perhaps most clearly seen in the report on the Offices, Shops and Railway Premises Act.

It comes as no surprise to read that 175 persons or companies were prosecuted, some on multiple charges, and it is interesting that offences under Section 16 (floors, passages, and stairs) were the most common. This obviously is one of the aspects of most danger. It is interesting that some inspectors report over-heating of premises. While old offices may well have been cold and uncomfortable and therefore had difficulty in meeting the minimum temperature of 16°C, it seems that sometimes heating engineers, anxious to show how strong they are, have over-reacted to the extent of turning new office blocks into something like tropical aviaries.

Under this Act, the various agencies of enforcement have to arrange for the inspection of large numbers of often very small premises, and the report describes how they have devised schedules which enable all premises to be inspected within a reasonable time (one to four years) but which allow for concentration on areas of the greatest difficulty.

Both the report on this Act and on the Factories Act mention the increasing emphasis on fire prevention. Stress is laid on the value of fire inspections not only for ensuring the achievement of minimum standards, but for increasing the awareness of this risk, which may particularly threaten awkward and older premises.

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