

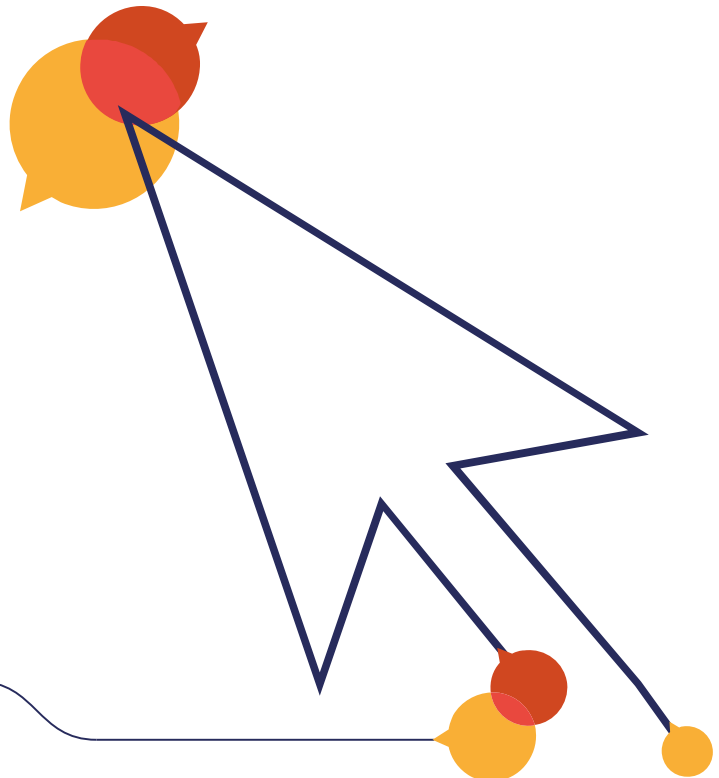


accidents don't have to happen

Retained EU Law (Revocation and Reform) Bill

Briefing by the Royal Society for the Prevention of Accidents
(RoSPA)

Date: 9 March 2023



Briefing Document

i) Introduction

- 🗨️ The Royal Society for the Prevention of Accidents (RoSPA) is leading the campaign to preserve the health and safety of the nation in relation to the Retained EU Law Bill.
- 🗨️ The REUL Bill, soon to reach Report Stage, will bring us one step closer to revoking thousands of pieces of legislation, including vital safety laws, by the end of this year.
- 🗨️ We ask that the Government's commitment to "protecting workers' rights in matters of health and safety in the workplace" is extended to also cover the health and safety of the public more broadly, including while at home and on the road.
- 🗨️ As an evidence-based charity, RoSPA strongly believes laws should only be repealed after careful consideration and evaluation, and on a case-by-case basis, *not* on an arbitrary deadline. *To see a handful of the most concerning laws at risk, please visit the appendix.*
- 🗨️ RoSPA's work on the Bill has garnered support from over 150 leading bodies and organisations, including the Institute of Occupational Health and Safety, the Parliamentary Advisory Council for Transport, and the Chartered Institute of Environmental Health.
- 🗨️ RoSPA supports the [amendment](#) which has been tabled by Baroness Jolly and signed by cross-party Peers (Lord Hendy, Baroness Finlay and Baroness McIntosh of Pickering), calling for a health and safety impact assessment of the laws set to be revoked. *This is detailed on the proceeding page.*
- 🗨️ RoSPA needs support to protect the nation's safety. To join our movement, please get in touch with RoSPA's CEO, Errol Taylor at: etaylor@rospa.com to arrange a call or meeting to discuss the campaign.

ii) **RoSPA has two specific asks of Government:**

Extend the Government's commitment to safety

Asking that the Government's commitment to: "protecting workers' rights in matters of health and safety in the workplace" pledged by Lord Callanan is extended to also cover the health and safety of the public more broadly, including while at home and on the road.

Amend the Bill

To strengthen the above ask by inserting the following new Clause after Clause 3:

Health and Safety Impact Assessments

The Secretary of State must publish a health and safety impact assessment for each piece of EU-derived legislation, and retained direct EU legislation, at least 90 days before it is to be revoked.

Briefing Document

iii) Research challenges Government narrative

- A recent poll of over 2,000 UK businesses by Unchecked and supported by RoSPA, found that **seven in 10** UK businesses are not willing to accept lower health and safety standards as part of the Retained EU Law Bill, with just seven per cent saying they would accept lower standards.



- The above research showed that 'red-tape' is not a key concern for businesses, but rising inflation, energy costs and labour shortages are the biggest problems facing businesses right now.
- The research shows that UK businesses recognise the need for good regulation, highlighting that it 'creates a level playing field' and prevents businesses being 'undercut by poor practices'.



Briefing Document

iv) Our supports in the House of Lords**Baroness Judith Jolly**

"According to data from RoSPA, should the toy safety regulations be revoked, statistics tell us that the UK will go from zero recorded deaths caused by toys to two deaths and 5,000 children being seriously injured and needing to be admitted to hospital every year, the same as we experienced before regulations were put in place in 2002. This is just one example out of hundreds of laws that protect our citizens, including children, on a daily basis, 24 hours a day, 7 days a week, 365 days a year."

Lord Hendy KC

"Most employment rights to health and safety are EU law. All a minister has to do is sit on his hands and all these vital protections, hitherto enjoyed by our 30 million workers will disappear in a puff of smoke without parliamentary scrutiny. That's unacceptable and it also appears to be a flouting of the obligations we undertook to maintain and implement health and safety laws."





Baroness Finlay of Llandaff

"We are faced with a large amount of health and safety legislation simply falling, with no real understanding of why. That is why I added my name to the amendment. A lot of aspects of health and safety are complained about by some of the people who have to implement the regulations—they say they are excessive—yet, as has already been said, they save thousands of lives every year. It comes down to the fundamental question of how much value we put on the lives of our citizens."

Baroness McIntosh of Pickering

"I speak warmly in favour of Amendment 63 in the name of the noble Baroness, Lady Jolly, to which I have added my name. I will leave her to set out the excellent reasons why the Committee would wish to adopt it, but I would like to lend my strongest possible support."



Briefing Document

v) **Questions to raise**

Where possible, we would be very grateful if you would be able to raise some of the following questions and talking points:

- 🗨️ Can the Government make a commitment that it will maintain the same levels of safety and health standards for all UK citizens?
- 🗨️ Will the Government commit to publishing a health and safety impact assessment for each piece of EU-derived legislation it intends to revoke?
- 🗨️ When the DfT were approached on seatbelt law, it said it was committed to upholding the law, but did not say how. Can Government give a commitment to ensuring there is no change to the law on child or adult seatbelts, and explain how this will work?
- 🗨️ Is the Government aware of the serious concerns raised by RoSPA, the UK's leading accident prevention charity? And if so, would the Minister be prepared to meet with RoSPA to discuss the Bill?
- 🗨️ To those who agree with this Bill, are you willing to admit culpability for the extra lives lost as a direct result of less health and safety legislation?
- 🗨️ Why would we be passing a law that will actively create more accidents, injuries and avoidable deaths, especially at a time when the NHS is under more pressure than ever before?

vi) Appendix:

Specific laws at risk of revocation:

There are thousands of areas affected by the Bill; this is just a small selection of vital health and safety laws at risk:

Occupational Safety

The Construction Design and Management (CDM) Regulations 2015

- 🗨️ Liberal Democrat peer Baroness Sarah Ludford said: *“In the field of construction, the Building Safety Act 2022 is premised on definitions in a set of 2015 regulations – the Construction (Design and Management) Regulations – implementing an EU directive and creating a framework for health and safety in construction. Unless these regulations are kept switched on, the 2022 Act of Parliament will have its underpinning yanked away. What then exists?”*
- 🗨️ The removal of Construction Design and Management (CDM) Regulations 2015 will mean more construction and engineering staff killed and seriously injured at work. CDM is a set of rules in the UK that mandate basic safety and health standards on construction sites and for construction projects to be planned, managed and monitored to ensure not only the construction process is safe but also that the structure is safe and fit for purpose for users and for the people that maintain it.
- 🗨️ With 6% of the UK's workforce in the construction industry, this puts approximately 192,000 people in jeopardy with the aforementioned regulations removed.

The Control of Substances Hazardous to Health Regulations 2002 and REACH

- 🗨️ CoSHH Regulations are the primary control to prevent exposure to hazardous substances, this includes carcinogens, mutagens and zoonoses.

Briefing Document

- 🗨️ Removing these regulations and the agreed exposure standards will result in a significant increase in the acute and chronic ill health of workers and the public. This includes more cancer, more lung disease and ultimately, more deaths.

The Work at Height Regulations 2005

- 🗨️ Falling from height is still the biggest killer in our workplaces. The regulations give standards for planning and managing work. Removing them will mean that workers cleaning, building and maintaining will be at significantly greater risk, and more people will die.
- 🗨️ The Work at Height Regulations save 30 people a year. Fatal accidents dropped from 67 in 2003/2004, before the regulations, to 30 deaths a year, post regulations (this is quarter of all workplace fatalities, and 45,000 non-fatal workplace accidents).

Control of Major Accident Hazards (COMAH) Regulations 2015

- 🗨️ If we remove the COMAH regulations there is a very high likelihood that major accidents like Piper Alpha, Buncefield, Flixborough and Milford Haven will be more frequent and with more serious effects for life and the environment.

Management of Health and Safety at Work Regulations 1999

- 🗨️ The legislation is the current cornerstone safety rules for organisations. Because of their existence, there were 123 workplace fatalities in 2021, compared to 495 in 1981.
- 🗨️ Since the implementation of the [Health and Safety at Work Etc Act](#) in 1974, fatal injuries have been reduced by 90%. If we remove the underpinning regulations, we may well see UK industry suffer a return to the rates of fatal and serious injuries experienced in the 70s and 80s.

Road Safety

Seatbelts and car seats

🗨️ CEO of RoSPA, Errol Taylor, said: *"The UK is currently one of the best countries in terms of overall road traffic fatalities and there is no G20 country without seatbelt laws. On the 1 Jan 24 we could be the first country in the G20 to lose crucial seatbelt law. The simple fact that we are having to highlight this further demonstrates the Government's plans are rushed and ill-conceived."*

🗨️ For over 40 years, seatbelts have been mandatory across the UK – a legislative change that our charity campaigned for in 1981. At the time of introduction, we know that it immediately reduced passenger and driver deaths by 29%, and are known to save on average 7,000 lives a year in Europe.

🗨️ There are 75 deaths per year in UK from people not wearing seatbelts. Returning to pre law conditions, where only 40% of people wore a belt, would result in an additional 500 deaths per year. Non-wearing rates in Europe are 17%, resulting in approximately 7,300 deaths per year.

🗨️ Research shows that a quarter of people in vehicles who died in road accidents in 2021 were not wearing a seatbelt. Making seatbelts a legal requirement changed behaviour, and drove up usage by 55 per cent almost immediately. With seatbelt misuse on the rise, a removal of regulation could lead to sharp and sustained increase in harm or worse.

🗨️ Child car seats have been a mandatory fixture across Europe drivers travelling with infants since 2006. A study published at the time was critical in proving their value -

Briefing Document

when compared to a regular seat belt they reduced the chances of death by close to half. Without clear legislation on child car seats, thousands of children are at risk of death.

Product Safety

The General Product Safety Regulations 2005

- 💬 This covers practically everything we buy and use. It means that all products are essentially safe for use as intended. Under this law, 893 unsafe products have been stopped from supply in the past three years. If the regulations are removed, British people will be buying less safe products and fire, electrocution and physical injuries will increase significantly.

The Toy Safety Regulations 2011

- 💬 On average, 100 dangerous toys products are stopped from being supplied in the UK by Trading Standards. Without Regulations the number of unsafe products supplied will increase and the number of prohibitions will decrease.
- 💬 If we have no Toy safety regulations we expect that the UK will go from 0 recorded annual toy deaths to 5000 children needing hospital treatment from toys every year, the same as we experienced in 2002, before regulations were in place.
- 💬 When assessing the positive impact of the product safety law, Toys (Safety) Regulations 2011, it was estimated that the legislation could reduce injuries from toys by around 35%.
- 💬 In 2002, the final year of the Home Accident Surveillance System reported 50,000 injuries from toys. Since then, the revenue of the toys and games market has grown

Briefing Document


significantly, going from around £4.9 billion in 2013 to over £7.1 billion in 2021.


- 🗨️ The Retained EU Law Bill could spell disaster for parents seeking to safeguard their children from millions of dangerous products on the market.

Further reading


Further Reading:


- 🗨️ [Protect our people - RoSPA](#)
- 🗨️ [Brexit bonfire of rules could 'water down seatbelt law and cost thousands of lives' - Mirror Online](#)
- 🗨️ [UK businesses are not willing to accept lower health and safety standards as part of the Retained EU Law Bill \(tomorrowshs.com\)](#)
- 🗨️ <https://constructionmanagement.co.uk/question-mark-remains-over-building-safety-act-under-reul/>
- 🗨️ [Save Our Seatbelts From The Sunset Clause - The Highland Times](#)
- 🗨️ [Falls from height: Taking messages home \(shponline.co.uk\)](#)
- 🗨️ [Drivers should face tougher seatbelt rules - Driver Trainer](#)

 [The Retained EU Law Bill threatens health and safety: here's why \(projectsafetyjournal.com\)](https://projectsafetyjournal.com)

 [Wholesale canning of EU Laws could spell danger for construction industry \(politicshome.com\)](https://politicshome.com)

 <https://www.express.co.uk/news/politics/1741330/brexit-news-retained-eu-law-bill-rishi-sunak-latest>

 [Majority of UK businesses against weakening regulatory standards in Retained EU Law Bill - edie](#)

 [Key HS stakeholders urge Government to reconsider Retained EU Law Bill - SHP - Health and Safety News, Legislation, PPE, CPD and Resources \(shponline.co.uk\)](#)



accidents don't have to happen

RoSPA Head Office

28 Calthorpe Road
Birmingham
B15 1RP
 +44 (0)121 248 2000

RoSPA Scotland

43 Discovery Terrace
Livingstone House
Heriot-Watt University Research Park
Edinburgh
EH14 4AP
 +44 (0)131 449 9378/79

RoSPA Wales

2nd Floor
2 Cwrt-y-Parc
Parc Ty Glas
Cardiff Business Park
Llanishen
Cardiff
CF14 5GH
 +44 (0)2920 250600

General Enquiries

 +44 (0)121 248 2000
 +44 (0)121 248 2001
 help@rospa.com
 twitter.com/rospa
 facebook.com/rospa
 linkedin.com/rospa

www.rospa.com

Registered Charity No. 207823
VAT Registration No. 655 131649

