



Leading health and safety at work actions and good practice for board members

IOSH response to the IoD / HSC
consultation on the draft guide

Consultation
response
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About IOSH

Founded in 1945, the Institution of Occupational Safety and Health (IOSH) is Europe's largest OSH professional body with almost 31,000 members in over 50 countries, including over 11,000 Chartered Safety and Health Practitioners. Incorporated by Royal Charter, a registered charity, and an ILO international NGO, IOSH is the guardian of standards of competence and provides professional development and awareness training.

The Institution regulates and steers the profession, providing impartial, authoritative, free guidance. Regularly consulted by government and other bodies, IOSH is the founding member and secretariat to UK, European and International professional body networks. The Institution also has a research and development fund, which is helping build the evidence-base for OSH policy and practice.

IOSH has 27 Branches in the UK and worldwide including the Caribbean, Hong Kong, Middle East and the Republic of Ireland, 17 specialist groups covering aviation; communications and media; construction; consultancy; education; environment; fire risk management; food, drink and hospitality; hazardous industries; healthcare; international; offshore; public services; railways; retail and distribution; rural industries; and safety sciences. IOSH members work at both strategic and operational levels across all employment sectors and our vision is:

“A world of work which is safe, healthy and sustainable”

IOSH strongly believes that top level leadership and commitment are essential to driving health and safety standards and performance within organisations. We believe effective management will include three key elements of strong and visible leadership; worker involvement; and access to adequate levels of competent health and safety advice. We have repeatedly called for improved and updated guidance for directors and their equivalents on their health and safety responsibilities and have been pleased to be part of, and able to contribute to, the work of the Institute of Directors' Steering Group in developing such guidance. We welcome the opportunity to respond to this important consultation on the draft guidance *Leading health and safety at work: actions and good practice for board members*.

For further information about IOSH, its members and its work, please visit our website at www.iosh.co.uk

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In the response that follows, IOSH provides answers to the specific questions posed in the on-line questionnaire and also some general additional comments for consideration.

Q1 How well do you think the draft guidance taken as a whole serves its purpose?

Overall we think the guidance serves its purpose reasonably well, but could be improved, please see suggestions throughout response.

Q2 Do you think that, taken as a whole, the draft guidance has been produced in language that directors use and understand?

Yes, we think the language is generally appropriate for the target group (however, see comments below on the need for certain definitions).

Q3 The guidance sets out principles and good practice. Has it got these right, bearing in mind that the guidance is concerned with leadership on health and safety, not its day-to-day management?

To increase the strategic emphasis, we suggest there should be more reference to leading by example ('walking the talk') and need for adequate resourcing (page 1). It needs to convey the message that organisations pay attention to where directors spend time and ask about, rather than just what they say.

Q4 Should any specific examples from organisations referred to in the final guidance (apart from the reference material at the end) be anonymised or named?

There are advantages to both: a 'named' quote arguably has more credibility and a more personal feel; while anonymity concentrates readers' attention more on the message than on the sector or type of organisation (as not all sectors and types can be covered). Also, naming business leaders relies on them remaining a public success. So, we think on balance that anonymity is probably better.

Q5 Questions 6 to 21 ask about specific content of the draft guidance. Would you like to respond to these?

Yes, please see responses below.

Q6 *In looking at the front cover of the draft guidance, do you think that the title is suitable?*

Yes, but we think it could be stronger and would suggest it reads: "Leadership for health and safety at work"

Q7 *Will the cover encourage the right people to read it?*

Yes, we believe so.

Q8 *If you have any other comments about the front cover please provide them here:*

We think the combination of the IoD and HSC logos; the 'actions and good practice for board members' strap line; the subtle background listing director equivalents; together with the 4 actions, will help ensure the target audience realise who it's written for and are attracted to it.

Q9 *Looking at the quotes on the inside and back front covers, are these suitable?*

Yes, we believe so.

Q10 *If you have any other comments about the front and back covers please provide them here:*

We suggest the back cover should read: "The Corporate Manslaughter and Corporate Homicide Act provides that a jury can consider whether, and to what extent, an organisation has failed to comply with relevant health and safety law and guidance, such as this, when determining possible culpability."

Q11 *Do you think that the "Introduction" (starting on page 1) has served its purpose?*

We suggest it needs to include reference to an appendix containing a fuller description of what and who a 'director' in this context actually is. It should make clear that it not dependent on job title, but on role and responsibility, and will apply to someone who has responsibility for the governance of an organisation, be it a school, hospital or a multinational company.

In the box on the costs (page 1) we suggest figures should be included that companies could easily identify with e.g. the uninsured cost to an employer of a typical serious injury (£17K to £19K: http://www.hse.gov.uk/costs/costs_of_injury/costs_of_injury.asp). Additionally, strictly speaking the estimated cost to society is between £20 and £31.8 billion (see table 9: <http://www.hse.gov.uk/statistics/pdf/costs.pdf>), so should say "...up to £31 billion."

Q12 Do you think that contents of "Action 1" (on page 3) are suitable?

Yes, but we think that core actions should also include: "Help the organisation achieve continual improvement through appropriate target setting." The first 'trigger event' could be worded as follows: "The introduction of new working practices or *new plant and equipment*."

The first good practice point should read: "Health and safety should be *a regular agenda item* for board meetings."

Q13 Do you think that the contents of "Action 2" (on page 4) are suitable?

Yes, but we suggest the following additions to the core actions:

- To 'consult competent health and safety advisers' should be accompanied by a reference or link to guidance on what 'competence' actually means and how to identify it
- The final two paragraphs under the bullet points (beginning 'The Board' and 'Boardroom') should be converted into core action bullet points

The fourth good practice point could be moved to the top of this list to emphasise the importance of visible leadership. The third good practice point could be seen as the board taking health and safety off its agenda and denigrating it to a lower level of importance; so perhaps reconsider its inclusion or make it clearer that the board still retains control.

Q14 Do you think that the contents of "Action 3" (on page 5) are suitable?

Yes, but the opening sentence could end by saying: "...culture *and must be adequately resourced*." And in core actions we suggest:

- The first bullet should be clear about the terms 'active' and 'reactive', perhaps by putting examples of each directly after them and not at the end as at present
- The second bullet should also include the need for inspections and so could read: "periodic audits and inspections of the effectiveness..."
- There should be an additional bullet: "Improvement targets are adequately monitored and deficiencies investigated and acted upon."

We also suggest the final good practice point should read: "Boards *should* receive regular reports on the health and safety performance and actions of contractors."

Q15 *Do you think that the contents of "Action 4" (on page 6) are suitable?*

Yes, but we suggest the introductory paragraph should read: "...strong and active leadership, worker involvement and *competent* advice..."

Q16 *Do you think that the "health and safety leadership checklist" (on page 7) is suitable?*

Yes, but we suggest some additional questions for the checklist as follows:

- "Is health and safety performance included in your annual report?"
- "Are employees aware of their health and safety responsibilities?"
- "How do you involve your employees in managing health and safety?"
- "Are your supervisors actively engaged in the management of health and safety?"

We also suggest a checklist aimed at employees, in order to gain 'grassroots' feedback for the organisation.

Q17 *Please state which items should be deleted or amended. [which items of checklist affected?]*

We suggest the following questions are amended to read:

- Checklist Q1: "Do you get competent health and safety advice from someone who understands your business?"
- Checklist Q2: "How do you ensure that all your employees are competent to work safely meet their health and safety responsibilities?" (this could be additional to the existing question about training as it has much wider implications such as adequate supervision, resourcing, efficacy of training etc.)
- Checklist Q4: "Do you know what the significant health and safety risks are in your business and do you have robust systems in place to manage them?"

Q18 *Do you have any other comments on the "health and safety leadership checklist"?*

We have suggested an additional question and also a question set for employees, see Q16 above.

Q19 *Do you think that the "key resources" list for directors (on page 8) is suitable?*

Yes we think this is suitable, especially as it links to a bespoke area of the HSE website for additional information and linked resources.

Q20 *Do you have any suggestions for "key resources" that should be included?*

IOSH has a number of free resources available, some aimed particularly at SMEs, and links could be established from the HSE website to www.safstartup.org (a dedicated resource for business start-ups and small firms) and also to the Risk Management Toolkit for SMEs at www.iosh.co.uk/techguide and the IOSH Occupational Health Toolkit at www.ohtoolkit.co.uk

Q21 *If you have any other comments on the draft guidance please provide them here:*

Page 2 – we suggest the following changes:

- The heading of the first box should be retitled “Wider business benefits” as this better reflects the content.
- The first box could also include another business benefit, which is: “Minimised disruption and unforeseen costs by designing-in health and safety at the planning stage.”
- The second box ‘legal responsibilities’, the fourth bullet should be reworded to read: “...which may mean employing competent health and safety adviser(s)...” this is because large employers will almost certainly require more than one adviser. Additionally, we suggest more emphasis is needed on the corporate responsibility of Boards of Directors under the new Corporate Manslaughter and Homicide Act and that it will be sufficient to prove that senior management failings led to a gross breach in the duty of care towards the deceased.

Q22 *Do you think that the printed version of the final guidance should be an A4 booklet?*

Yes, as this gives it a more substantive appearance and credibility than an A5 booklet.