

# HEALTH AND SAFETY IN THE BREXIT PROCESS

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# Introduction

On 29<sup>th</sup> March 2019 we leave the EU, at which point things change, for health and safety as for everything else...

## Overview

1. The EU and health and safety – brief context
2. The Brexit project and health and safety
3. The Brexit process – immediate changes
4. Post-Brexit – longer-term changes

# What will Brexit mean for the future of health and safety?



# 1. The EU and health and safety

An evolving interest and influence...

1. 1950-1970s – piecemeal interest in collaboration and coordination
2. SEA 1986 – *qualified majority voting* as a concession to EC; a ‘loss leader’
  - *“despite QMV, we did win quite a lot of the arguments about approaches to health and safety regulation, which meant that things that were potentially quite onerous, we were able to moderate”* (Jenny Bacon)
3. Late-1990s on – less directive, more influential (*soft law*); 63% of UK H&S laws originate via EU

## 2. Health and safety = *'mini-Brexit'*



- A populist campaign...
- tabloid-driven...
- sceptical of experts...
- anti-interference...
- traditionalist.

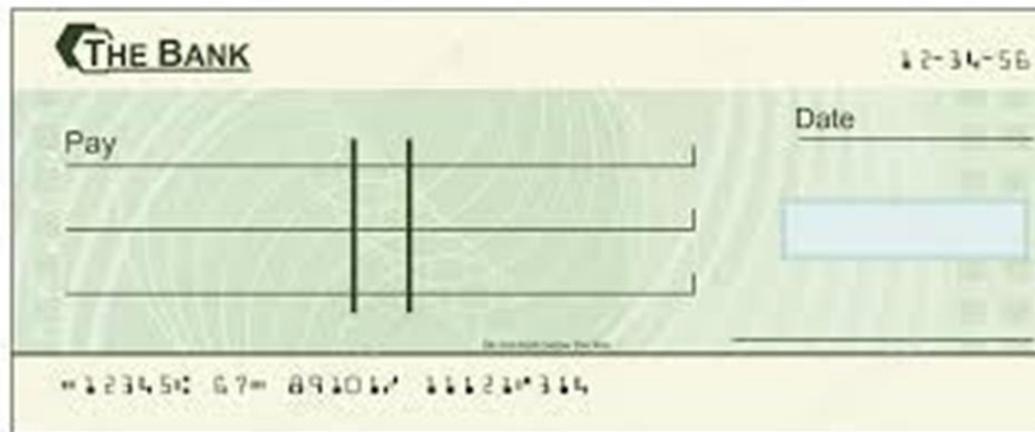
Underlying conditions of the post-Brexit world:

- Reject global political/economic order
- Fake news and contested truths
- Challenge/reject regulators



# 3. The Brexit process – immediate changes

1. Method: EU (Withdrawal) Bill cl.7(1): *A Minister of the Crown may by regulations make such provision as the Minister considers appropriate to prevent, remedy or mitigate – (a) any failure of retained EU law to operate effectively, or (b) any other deficiency in retained EU law, arising from the withdrawal of the United Kingdom from the EU*



# 3. The Brexit process – immediate changes

2. Scale: 12,000 EU regs, 8000 SIs, 190 Acts to review

3. Scope: what is included?

- 6-Pack (PUWER, DSE, Man Handling, Management Regs, etc.)
- Other regs implementing EU obligations (CDM, COSHH etc.)
- The 1974 Act?



## 4. Longer-term challenges

- Change and uncertainty produces risk (especially at times of recovery)
- New workers bring new challenges
- Residual needs for harmonisation of H&S standards (internal and external)
- Fitter, happier, more productive?
- Taking back control – but giving it to who?

# Conclusion

- A new set of assumptions about change in relation to health and safety

