


How to get health and safety onto boardroom agendas

Roger Bibbings, RoSPA



'How to get health and safety onto boardroom agendas'
Securing real leadership to save lives and reduce injuries

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 THE ROYAL SOCIETY FOR THE PREVENTION OF ACCIDENTS



About RoSPA

Charity, founded 1917

- Work, Road, Home, Water and Leisure, Safety Education
- Mission 'To save lives and reduce injuries.'
- Vision 'To lead the way in safety'

Key activities

- Member services, outreach, safety groups
- Information, guidance, events, awareness raising
- Training, auditing, awards
- Campaigning (MORR, Small Firms, Acc Inv, DASH)

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Work related tragedy and waste

- 241 notified fatal injuries to workers (06/07)
- 100 + members of the public
- 1,000 fatal WoRRIs?
- 328,000 reportable injuries (LFS 06/07)
- 24,000 deaths (?) due to work related health damage
- 1 million injuries (all severities)
- 2 million cases of work related ill health
- 36 million working days lost
- £20 – 30 billion or between 2 –3 % of GDP!

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Cutting the casualty toll: where to focus effort?

- Targets
- HSE's 'high five' (falls, STF, transport, stress, MSDs)
- SMEs
- Supply chain
- Attendance, rehab and well-being
- Occupational road safety
- Behavioural safety
- Workforce involvement
- Advice and services
- Directors and senior managers?

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Why the focus on directors?

- Accidents as organisational safety failures
- Failure of high profile prosecutions
- Limited prosecution of directors for H&S offences
- Justice/accountability gap?
- Turnbull, company law reform
- Boards have overall responsibility
- Set expectations and allocate resources
- Leadership gap?

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Three decades of disasters!

1957 Windscale (Sellafield) British Nuclear Fuels 30 estimated fatalities	1966 Aberfan – Coal Tip National Coal Board 144 fatalities	1974 Flixborough, Lincolnshire - Explosion Conoco Phillips 18 fatalities
1987 Herald of Free Enterprise - Townsend Thoresen 193 fatalities	1987 Kings Cross Station - Fire London Underground 31 fatalities	1988 Piper Alpha - Fire/Explosion Occidental Phillips 167 fatalities

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Another two decades....

1988



Kegworth, UK - Plane Crash
British Midland
47 fatalities

1993



Lyme Bay - Canoeing Accident
OLL Ltd
4 fatalities

1997



Southall Train Crash -
Railway Operator
7 fatalities

2000



Grangemouth, Scotland -
Explosion
British Petroleum
28 fatalities

2004



Paddington Rail Crash
Railway Operator
28 fatalities

2004




Glasgow, Scotland - Explosion
ICL Plastics
9 fatalities

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Baker report



James Baker




- BP Texas City Refinery Accident 2005:
 - 15 dead, 170 injured
 - \$21 million fine
 - destroyed shareholder value
 - CEO + senior managers left
 - high regulatory scrutiny
- Board did not validate effective health and safety management or strive for excellence
- lack of a common unifying health and safety culture
- over-reliance on measures of personal v process safety
- failure to analyse lead/lag indices of process safety

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Attitudes and perceptions... (mind the gap!)

Negative	Positive
□ 'Don't know, don't care!'	□ 'Do know, do care'
□ Burden not benefit	□ Strong business case
□ Technical not strategic	□ Key performance objective
□ Safety not health	□ Health and well-being
□ Rule based compliance	□ Risk assessment
□ Worker behaviour not systems	□ Policies, people and procedures
□ Bolt on	□ Part on HR, Quality etc
□ Delegation to 'experts'	□ Board level leadership

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Why directors should focus.. (negative reasons)

To avoid:

- Corporate manslaughter/manslaughter
- HSW Act enforcement
- Higher fines
- Higher insurance premia
- Loss of business continuity/opportunity
- Low workforce morale
- Adverse publicity
- Threats to corporate (and personal) reputation

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Why directors should focus (positive reasons)

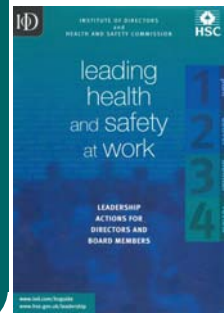
To enhance:

- Accident and ill-health reduction
- Reduction of loss and improvement of productivity
- Overall corporate governance
- Response to stakeholder expectations
- Influence via the contracting/supply chain
- Transparency in performance reporting
- Corporate reputation ('H&S' speaks volumes about an organisation's values and professionalism!)

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New developments



- Section 37 HSW Act
- Revisions to the HSE's EPS
- Corporate manslaughter
- SAP sentencing guidelines
- INDG 417!!!!

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Section 37

- Directors and senior managers can be prosecuted with the company if an accident was due to their consent, connivance or neglect
- Para 41 EPS “enforcing authorities should identify and prosecute or recommend prosecution of individuals if they consider that a prosecution is warranted. In particular, they should consider the management chain and the role played by individual directors and managers, and should take action against them where the inspection or investigation reveals that the offence was committed with their consent or connivance or to have been attributable to neglect on their part and where it would be appropriate to do so in accordance with this policy. Where appropriate, enforcing authorities should seek disqualification of directors under the Company Directors Disqualification Act 1986.”

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Corporate manslaughter

(Comes into effect April 2008)

- Corporate Manslaughter/Homicide Act
- Ten year campaign
- Overcomes problem of ‘the Directing Mind’
- Prosecution need to show ‘duty’, ‘cause’ and ‘grossness’
- Not aimed at directors as individuals
- But directors’ behaviour a key part of the evidence
- Reserved for cases where behaviour has fallen ‘..far below what might be reasonably expected.’

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Sentencing Advisory Panel

- Consulting on penalties
- Criteria for sentencing
- Including seriousness and culpability
- Fines from 2.5 per cent to 10 per cent of turnover averaged over previous three years

PLUS

- Remedial orders
- Publicity orders

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The new HSE/IoD guidance

(Launched 29th October at IoD)

- Sets clearer benchmarks but not statutory
- Joint HSE/IoD replaces earlier short HSC guide
- Sets out social, legal and business case for H&S
- Includes case studies
- Describes leadership actions for directors and board members (Planning, Delivery, Monitoring, Reviewing)
- May be cited in prosecution evidence
- Signposts further info and advice

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Some RoSPA contributions to date

- Occupational H&S Awards (KPQ 1)
- Quality Safety Audit (QSA)
- Director Action on Safety and Health (DASH 1998 -)
 - Guidance on targets/reporting etc
 - Going Public on Performance (GoPOP) (www.gopop.org.uk)
 - Business schools
 - Back to the Floor! (www.rosipa.com/occupationsafety/btff/)
- Articles and broadcasts
- Events, events, events!

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Basic requirements



So what do directors need to:

- feel;
- think;
- understand;
- know;
- say; and
- do

to **lead** better health and safety management?

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In other words

Directors need to review their:

1. emotional engagement with H&S issues (FEELINGS),
2. general thinking about the subject (ATTITUDES),
3. understanding of H&S (INSIGHTS),
4. the extent of their underpinning knowledge (AWARENESS),
5. what they say (ADVOCACY) and
6. what they do to lead effective H&S management (ACTION).

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Feel what?

- People matter and life is to be cherished
- Anguish and anger about accidents
- Sympathy with victims and their families
- Anxiety about the possibility of harms occurring
- A sense of personal responsibility for ensuring that harms are prevented

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Think what?

that:

- People have a right to be properly protected
- H&S cornerstone of a civilised society
- Safety our number one corporate value
- Nothing the organisation does is worth killing or injuring people for
- Sensible safety makes sense
- Everyone has H&S responsibilities but...
- RESPONSIBILITY IS PROPORTIONAL TO POSITION POWER!

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Understand that..

- Accidents and ill health are inevitable if not prevented ('Safety is no accident!' 'Fail to plan and you plan to fail!')
- H&S failures have immediate and underlying causes
- Unsafe organisations are 'accidents waiting to happen'
- 'Accountability' for H&S assurance rests with the board
- H&S performance = 'inputs' and 'outputs' not just 'outcomes'
- Good H&S management delivers massive business benefits
- You can only 'do H&S' with people not to them
- You need competent advice

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Know about..

- Hazards, risks, risk assessment and the hierarchy of controls
- H&S management systems
- The architecture (but not the detail) of H&S law
- Enforcement possibilities
- The organisation's priority risks
- Its H&S management strengths and weaknesses
- How the organisation is progressing against targets
- What 'good' H&S looks like at all levels
- How sector peers are performing
- Leading H&S leaders
- What you don't know

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Saying..

that:

- H&S will come first on the balanced score card
- Managers and staff will be judged on H&S
- Unsafe operations/behaviours will not be tolerated
- But individuals will not be blamed for organisational failures
- Legal requirements are a minimum
- Clients and contractors must buy into a H&S ethos
- Anyone who is unsure has a right to ask
- The organisation will listen and learn
- 'Thank you' to those who go the extra mile for H&S

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Doing..

- Planning
- Delivering
- Monitoring
- Reviewing

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DOING: Planning...

- Set overall policy
- Take ownership
- Appoint a H&S Director?
- Focus on key risks
- H&S implications of change
- Targets
- Establish communications
- Commit to updating and review

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DOING: Delivering...

- Management systems
- Responsibilities
- Advice
- Competencies
- Resourcing
- New processes
- Procurement, supply chain
- Corporate committee
- Securing worker involvement

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DOING: Monitoring....

- Performance (inputs, outputs, outcomes)
- Monitoring v audit
- Active and reactive
- Tracking H&S implications of change
- Accident and incident investigations
- Sickness absence data
- Benchmarking with others
- Contractor performance information

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DOING: Reviewing....

- Periodic review of systems capability and performance
- At least annually
- Does practice reflect current priorities, plans, targets?
- Is performance reporting working?
- Identify shortcomings
- Decide actions to address shortcomings
- Report performance to stakeholders
- Celebration at national/ local levels

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'Walking the walk': some practical steps

- Undergo training in H&S management
- Participate in H&S tours, PGIs and BS observations
- Take direct responsibility for tough H&S decisions
- Undertake unannounced visits and 'challenge audits'
- Lead investigation teams
- Review serious accidents/incidents
- Take part in H&S management systems auditing
- Challenge unsafe acts and conditions
- Never cancel scheduled H&S meetings
- Set a good personal example

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'Talking the talk': some practical steps

- Personally email employees to disseminate safety lessons and praise initiatives
- Chair health and safety committee meetings
- Act as board 'champion' on specific safety issues
- Meet regularly with safety representatives
- Talk directly to employees, /contractors/clients about H&S concerns
- Nominate for safety awards
- Deliver health and safety training
- Take part in industry/sector initiatives

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In summary..

- Better health and safety performance
- Needs better leadership
- Requires strategic vision and operational level involvement
- So how do your directors measure up?

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Some sources...

- HSE/IoD guidance (<http://www.hse.gov.uk/pubns/indg417.pdf>)
- HSE: Managing H&S: Five steps to success (<http://www.hse.gov.uk/pubns/indg275.pdf>)
- RoSPA: BTTF (<http://www.rospace.com/occupational-safety/btff/index.htm>)
- HSE: Business benefit case studies (<http://www.hse.gov.uk/businessbenefits/casestudy.htm>)
- HSE: Leadership case studies (<http://www.hse.gov.uk/corporate-responsibility/casestudies/>)
- HSE: Reporting guidance (<http://www.hse.gov.uk/revitalising/annual.htm>)
- RoSPA: GoPOP (www.gopop.org.uk)

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Thank you