

**‘READY RECKONER’ LEAFLET: HEALTH & SAFETY EXECUTIVE  
CONSULTATION**

1. The Association of Personal Injury Lawyers (APIL) was formed in 1990 and represents more than 4800 solicitors, barristers, legal executives and academics whose interest in personal injury work is predominantly on behalf of injured claimants. The aims of the association are:
  - To promote full and prompt compensation for all types of personal injury;
  - To improve access to our legal system by all means including education, the exchange of information and the enhancement of law reform;
  - To alert the public to dangers in society such as harmful products and dangerous drugs;
  - To provide a communication network exchanging views formally and informally.
  
2. APIL welcomes the opportunity to respond to this consultation document, which seeks views on the proposed HSE ‘ready reckoner’ leaflet which is intended to promote the business case for better health and safety management.
  
3. Our response addresses issues beyond those specifically raised in the consultation document as it is felt that the current draft leaflet is seriously deficient. The thrust of our response is that merely rewriting a 1995 leaflet about the costs of accidents is insufficient to achieve the aim envisaged by action point 1 of the revitalising health and safety strategy. The aim is to produce a leaflet that persuades businesses to embrace better health and safety management.

## **The Focus of the Draft Leaflet**

4. The draft leaflet is merely an adaptation of an existing leaflet and deals with the costs of accidents, whether those accidents involve personal injury or not. This is unsatisfactory. The 'ready reckoner' leaflet is intended to promote the business case for better health and safety management.
5. Whilst part of this does include looking at the costs of accidents, i.e. single incidents, it does not address, as it should, the costs of, and the case for, preventing personal injuries caused by unsafe working practices, such as: diseases caused by exposure to noxious substances; hearing loss caused by excessive noise; repetitive strain injury or work-related stress.
6. The draft leaflet includes accidents in which no personal injury is suffered. This confuses the intention of the leaflet, which is to improve health and safety management. It is not immediately obvious why accidents causing property damage are included at all. If such accidents are to be included, it is suggested that it be made clear that it is because such accidents expose potential risks to health and safety.

## **Does the language adequately reflect the aim in action point 1?**

7. The language used is adequately simplistic to allow the leaflet to be easily understood.

## **Is the basic message that accidents cost you money, so you need to think about getting control of health and safety, sufficiently clear?**

8. The draft leaflet does convey the basic message that accidents unnecessarily cost businesses money. APIL believes, however, that the message could be conveyed much more clearly, succinctly and persuasively. In addition, as already stated, APIL believes that the basic message should, rather, be that

**poor health and safety management** (rather than ‘accidents’) cost businesses money.

9. To be effective the leaflet needs to state clearly, and near the beginning, the way in which poor health and safety management can cost a lot of money. The list of costs needs to be expansive and shocking to make the business case as persuasive as possible.
  
10. A desirable and easily understandable way in which this could be done would be to categorise the different types of costs stemming from personal injuries, for example, as follows:
  - Direct financial consequences (the cost of first aid administered; compensation; the cost of investigating and dealing with any claim pursued)
  - Costs resulting from an injured worker having to take time off work (paying for temporary labour, on top of sick pay, to cover for the injured person)
  - Consequences on actual business (such as delayed production and contractual penalties for missed orders).
  - Dealing with delays caused by repairing equipment, checking for faults in equipment or investigating accidents.
  - Costs of another worker having to deal with the consequences of an accident (for example, cleaning up, providing first aid). This will be time in which such workers will not be making profit for the company.
  - Increased insurance premiums as a result of being a greater risk to insure.
  - Poor workforce morale leading to reduced efficiency.
  
11. By introducing such categorisation, the point of hidden but related costs can be made clearly. It demonstrates the ripple effect of personal injuries on business finances. Also, by clearly breaking down the areas in which costs can be incurred, it may also assist a business in assessing their individual costs.

### **Is the definition of ‘accident’ clear?**

12. As already explained, APIL believes that it is misguided and insufficient to focus on accidents (including those that do not result in personal injury) and the definition thereof. It would be more helpful and meaningful to focus upon and define ‘poor health and safety management’.

### **Are the case studies helpful?**

13. APIL agrees that the most effective means of illustrating a point is to provide relevant examples to which businesses can relate. In essence, therefore, the use of case studies is helpful and desirable.
14. The case studies used in the draft leaflet, however, make the relevant points insufficiently clearly. Firstly, the draft leaflet is intended to be an update of a leaflet written in 1995. However the same case studies and the same figures are used. These figures must surely be out of date and should be modified. In addition, as already explained, the use of case studies not involving personal injuries confuses the issue.
15. Secondly, many of the case studies fail to go into enough detail to illustrate the desired point. For example, the table profiling four companies, on the top of the third page, would be more effective if it contained a breakdown of how the stated costs were actually incurred. One of the earlier case studies states:

“An engineering company employing 60 people had six minor injury accidents in a month each of which cost £40. This adds up to £2880 a year.”

Such an example would be much more persuasive if it went into more detail and described what the injuries were, why they each cost the company what they did and how improved health and safety management could have avoided at least some of these costs. In addition, it is felt that this case study may not effectively convince a business of the true costs of accidents, as very few

accidents would cost only £40. It is felt that the case studies should use larger figures, which would still be realistic, to make the desired point persuasively.

16. Thirdly, following on from APIL's earlier point, the case studies should not only demonstrate the costs of accidents but should also serve to demonstrate the resulting costs of unsafe working practices which result in more gradual, non-traumatic injuries, such as RSI.

**Is the insurance position adequately covered?**

17. The basic relevant points as to insurance are covered. APIL believes, however, that it would be useful to build these points into a case study to fully and clearly demonstrate that it is insufficient to merely rely on insurance. Such a case study could demonstrate the various costs not covered by insurance and how they may be within the excess.

**Does the section on working out costs cover too much or too little? Is it helpful?**

18. APIL believes that this section would be much clearer if it were explained, at the outset, why working out the costs of poor health and safety management can be useful, i.e. because it may show a business if it can cut down on personal injuries at work it can save money. In the draft leaflet, this is not explained until the end. It could also helpfully state, as does the 1995 leaflet, that it can assist a business in spotting potential sources of future accidents.

**Are we right in referring only to 'Essentials of Health and Safety at Work' rather than other publications?**

19. Businesses and employers should be referred to all relevant leaflets that can provide them with guidance on how health and safety management can be improved. Unless this is done, employers may not act effectively upon the information in the 'ready reckoner' leaflet.

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**A RESPONSE BY THE ASSOCIATION OF PERSONAL INJURY LAWYERS**

**15 JANUARY 2001**

*2 February 2001*

Ms Margaret Hallman  
Operations Unit  
Health & Safety Executive  
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Merseyside, L20 7HE

Dear Ms Hallman

**Revitalising Health and Safety Strategy – Action Point 1 – Ready Reckoner Leaflet (Second Draft)**

Many thanks for your letter of 29 January enclosing the second draft of the ‘Ready Reckoner’ leaflet. Whilst APIL believes the second draft is certainly an improvement on the first, we would like to reiterate the following points:

**Focus on Accidents**

We are distressed to see that the leaflet still focuses on personal injury caused by accidents and fails to deal with the wider issue of health and safety management. Many personal injuries are caused, not by accidents, but by poor health and safety practices, such as repetitive strain injury and occupational asthma. The HSE, through this leaflet, is attempting to encourage employers to reduce the number of injuries that occur at work, whatever the cause, and to adopt improved health and safety management. The leaflet must, therefore, tackle the issue in full.

**Case Studies**

Whilst some improvements have been made in respect of the case studies, they remain largely inadequate. The HSE states that it does not have an ‘ill health’ case study or details of the breakdown of costs. APIL believes that greater effort should be made to obtain this information.

Alternatively, aspects of the case studies could be invented where appropriate. It is appreciated that ‘real-life’ case studies are preferable, as they are likely to be more persuasive. They are used, however, to illustrate desired points and increase understanding. Invented case studies would still demonstrate to businesses how poor health and safety management might cost them a substantial amount of money.

## **References**

The last section, dealing with further information, is certainly an improvement on the last section of the first draft. The section should, however, give the HSE website address and the number of the 'Infoline'.

We hope that these further comments are helpful. Please do not hesitate to contact me if I can be of any further assistance.

With kind regards.

Yours sincerely

Annette Morris  
Policy Research Officer