

Views of AIAC Members on the Options for the Future Approach on Agriculture

Comments from Chris Kaufmann, National Secretary - Agriculture, Unite (T&G):

I am responding to this draft paper on behalf of the T&G Section of Unite the Union which is the trade union representing workers in agriculture and forestry and which is represented on the Agriculture Industry Advisory Committee.

The Union regards strong and visible regulatory activity as central to the future direction of the HSE's work in the agriculture sector and urges that more resources are made available generally for enforcement work for agriculture – and throughout all the sectors.

We would remind you that Revitalising Health and Safety recognised that the agriculture was a major area of concern, and unfortunately this still remains the position despite the excellent work of HSE staff. We understand that in 1997 60 Inspector years given to precautionary – pro-active - inspection in agriculture and which has been reduced to virtually nothing.

It is our experience that robust enforcement activity is central to ensuring compliance. To do otherwise is to send out the wrong message to employers.

If the HSE is allocating resources according to risk then it is incumbent on HSE to allocate them to the sector which is the most dangerous to work in agriculture (which as we know understates the truly appalling picture through massive under-reporting of workplace injuries and disease).

We therefore expect to see an increase in pro-active work in agriculture. This means a return to a dedicated agriculture inspectorate coupled with an intensive inspection and education programme, in addition to reactive work.

We also want to see the continuation and further development of Safety and Health Awareness Days. The effectiveness of SHADs would be negated without a pro-active inspections programme. They are an excellent way of communicating messages, but must be backed up by pro-active inspections

Despite the constraints on resources to the HSC and the limited options laid out in your draft paper, Unite (T&G) cannot support any position which would put agriculture and forestry workers at even greater risk of death, injury and disease than the current catastrophic level. It is worthy of note that the recent concentration on measures to protect the self-employed, risks missing a dramatic development in the sector ie the huge increase in migrant workers both legal and illegal (many of whom are unrecorded officially in an area notorious for rogue gangmasters). In this period, therefore, there has been an increase of employed workers, particularly vulnerable workers.

These developments have coincided with (as your paper shows) massive decreases in resources to agriculture in respect of inspection, communication and I suspect, research. Against this background it would be the height of folly to consider any further cut backs in resourcing health and safety in the agriculture sector as the next fatal casualty would surely be the HSE's organisation for combating death, injury and disease in agriculture and allied industries. Morally, industrially and politically, none of us could allow that to happen.

On an associated issue, Unite (T&G) would also welcome working more closely with supermarkets to ensure a consistent and robust approach to health and safety enforcement in the food sector.

Comments From Andrew Clark: Head of Policy Services, NFU

In brief I think that the HSE paper makes disappointing reading as it is clear further reductions in effort from HSE staff and reduced funding is the intended result. I think part of the pessimistic view put forward here is supported by an incomplete view of the statistics which indicates that despite HSE efforts in last 10 years this has had little impact on injury trends. I think this overlooks an improvement in the prospects for workers (see Annex 1), which is not reflected in a reduction in number of employees. I would also mention that year on year changes based on such a small dataset I think it is also interesting that the improving perception of a 'safety culture' reported in the paper is not made more of.

I think that the analysis suggests an over emphasis on farming and relatively little focus on the horticulture, forestry and horse industry aspects of the statistics. I would also like to see more drawn out on lifestyle farming – is this not a source of death and injury when using off-road bikes?

The concern of most on AIAC must be what fills a void left by proactive action by HSE and others in the industry. You will know that we have reservations about the use of insurance and farm assurance approaches and we know that Government generally is opposed to further regulation.

My final point is that the paper only talks about HSE efforts, what about the HSE's partners?! If nothing else I think that the involvement of NFU and T&G has greatly helped the HSE to use the reduced resources at its disposal as effectively as possible (in a targeted projects). More should be made of partnerships in the paper and the recognition that seed corn investment by HSE can leverage effort/cash from bodies like the NFU. If HSE withdraws anymore then I'll find it hard to justify resourcing this type of work.

Comments from Pat Stanley: NFU nominee

Options for the future, is very perceptive in its comments.

My comments would be that the SHADS have been a tremendous success, and their continuation must play a vital part in the future HS strategy for Agriculture.

I am also in favour of the carrot as opposed to stick idea of lower Insurance Premiums. However, involvement from and influence of the Super Markets MUST be avoided at all cost. Their strangle hold on the Industry at present is intolerable and the stipulation of certain requirements from our members who supply the Super markets is totally unreasonable. Illustrations are many as I am sure you are aware. Their involvement with our aims would not be seen as beneficial from within the farming community, and would only anger and frustrate the people we seek to protect. Therefore any future HS strategy must certainly NOT involve the Supermarkets.

Comments from Jill Hewitt, CE National Association of Agricultural Contractors:

I appreciate that the agricultural budget has been severely cut in recent years, although this is a problem in itself as this industry has the second highest fatality rate. I therefore strongly believe that rather than write off this sector, as too difficult to change the statistics, increased resources must be put back into this highly streamlined division to really challenge the figures and make further positive attempts to bring down these appalling figures.

Over recent years, your figures show that the agricultural budget has been severely cut back. There is therefore little hope of success if a demoralized, shrinking team is being asked to fight one of HSE's worst accident records. I am therefore horrified to see the

suggested option that HSE should 'reduce proactive work in agriculture', with the reasoning that HSE has tried over many years....surely this is a reason to try harder – not give up!! I would therefore ask that this 'option' be removed.

In your argument, I agree that this is a difficult to reach sector with many micro-businesses. However, this is also an industry, over recent years, under massive financial and emotional stress, with industry crisis (eg FMD, bird flu etc) and unpredictable weather putting individuals in situations where they may have had to cut back on staff but retain workloads therefore operating in tiring conditions, under increasing pressure to get work done whenever possible.

Change is always possible and we must maintain the pressure to cut down on these horrific statistics which bring heartbreak to our industry.

Stakeholders can play their part and the NAAC, for example, is introducing and developing an audited Assured Land-Based Contracting scheme which in coming years will effectively police health and safety standards in the contracting sector – as auditors ask to see documentation and records proving attention is being paid to this area of the business.

I have personally seen the after effects of many of these accidents in our industry and I urge you to put pressure on the HSC to increase resources, increase activity and try even harder to tackle these figures.

Comments from Ian Jewitt, (replacing David Leavesley) NFU Mutual Risk Management Services Ltd:

It is very important that all relevant parties work together at a time when there has been a reduction in the number of inspectors for the agricultural industry. However, we must accept that this is a fact of life due to the current funding situation. For this reason the option of refining and developing the current strategy seems the most viable, and presumably makes the work of AIAC even more critical in reducing accidents for the foreseeable future.

Comments from David Knowles, ADAS Group Safety Manager:

On the whole a paper that is needed as I feel that the industry perception is that HSE have somewhat abandoned the agricultural and related sector. They have seen local offices closed resulting in a loss of local contact with inspectors (for example in 1984 there were 7 agricultural inspectors in Lincolnshire, the Lincoln Office was closed and business moved to Nottingham). Agricultural inspectors (if I can still use the old name) had a special relationship with their "customers", we were often feared but more often seen as a necessary evil that actually helped run their businesses safely. I was never attracted to the self-regulation argument nor quick fixes for the sector. Change takes many years to diffuse through and you may not see cause and effect from interventions on short timescales (less than 10 years). I think this is an important point to argue in favour of a long term strategy.

Accident/Incident Injury Rates

1 We are all aware of the vast under-reporting in the sector and as a knock on, the true incidence of accidents is almost unknown to HSE. I can offer that when farm accidents are monitored very closely then only 5% are "reportables" from my experience.

2 Again from experience I believe that 50% of reportables do not get reported, simple calculations on this information may give the paper a bit more weight.

3 I (ADAS) carried out an analysis of all the farm accident/incident reports (in/around 1995) going back to the 1950's for HSE, but to my knowledge I have not seen that research used or quoted. It would be relatively simple to revisit that report and perhaps commission an update.

The bottom line is that evidence based recommendations for future directions will stand a better chance of success and the current evidence could perhaps be improved.

Para 10. The argument is well stated for the need for continuing presence in the sector, but I think that there have always been difficulties in penetrating the micro-businesses and the self-employed. Pre-Management Regs, there was even greater difficulty in reaching the self-employed as most of the old agricultural Regs did not apply to them for example.

Turning to the point made of farmers being resistant to officialdom, from the research ADAS carried out for HSE, we found that farmers wanted a split between the advisory and enforcement functions that inspectors have traditionally played. Indeed, there was a strong feeling that more enforcement activity should take place against those that were not prepared to do anything in H&S terms, interesting. On the flip side, they also asked for more practical advice on the interpretation of legislation given by someone that wasn't going to "book them" for some misdemeanour. I don't think that farmers are per se against all attempts at government intervention (if we can call HSE activity that) but a firm, consistent and helpful approach is often welcomed and has been shown to improve standards (Roving Reps project work for example).

Para 11. Outcomes of HSE Interventions

The comments made above about the importance of evidence based recommendations are pertinent again, this should lead the strategy for future interventions, current evidence on the face of it seems a bit weak to me. I think the decision makers might want to see a bit more perhaps.

SHADs are an undoubted success, they came out of the perception of risk work commissioned by HSE and other discussions with stakeholders. It was farmers themselves who said that they would welcome farm demonstrations as a good idea to get good practice across, when they were suggested to them. This underlines the point that speaking to the players themselves has proved to be very successful in formulating interventions rather than relying on accident/incident data. This is very much in line with adopting a behavioural approach as the paper alludes to.

Options for Future Direction: You might consider reversing the order of the three options?

1 Refining and developing current strategy

Refining the evidence could/should be the main priority.

I have three suggestions in no particular order:

First, look at updating or gathering better accident/incident data, whilst personally I do not particularly like this approach, it is a politically acceptable methodology for asking for resources for other interventions! Being able to show the figures can be very persuasive.

Secondly, reviewing the existing HSE research reports in detail. I feel that the time/scope/contract constraints on some of the research ADAS (and no doubt others) have carried out means that there is already evidence in existence that might be drawn upon.

As most research tends to recommend, there were calls for more farmer based behavioural work in existing HSE research reports.

Thirdly, there has been much good work carried out at farm level scale in Australia and in the US on a range of interventions (I can give you detail). A mapping study would be very worthwhile. Whilst the paper uses some international data, I am sure that there is range of excellent experiences abroad that would be worthwhile exploring. One of the IOSH RISG aims is to foster international contacts to share best practice along these lines.

2 Substantially increasing the resource on agriculture?

You might say "some increase in the resource in agriculture" (rather than "substantially increase") to bring about the better evidence called for in 1 above and then you would be in a stronger position to ask for a substantial increase at a later stage?

3 Reduce proactive work?

The better evidence in 1 above might support this or otherwise, in which case option 2 would kick in.

Comments from Keith Hawken on behalf of Roger Lane-Nott of the Agricultural Engineers Association:

This looks an informative document.

Working in the Machinery standardisation role for AEA and its members I can clearly add support for the Standards and Legislative programme and partnership HSE and AEA have signed up to.

The HSE is very lucky to have extremely competent agricultural and forestry officers to liaise with the industry, and it is absolutely essential that these staff continue the work of supporting the safety programme.

An extensive range of new standards and Directives are upon us and we need to continue this liaison. The concern regarding fatalities is well known, but machinery is evolving yet statistically very safe so we have to try other angles to reduce the figures we do not like to see highlighted.

Perhaps we are all in a 'cherry pick' scenario due to time and costs but safety cannot be compromised. HSE and AIAC support must strive for continued input and that includes inspectors on the ground with a degree of understanding to help those micro-businesses.

Regarding options for future direction, perhaps a combination of bullet points 2 and 3 could be a way forward.

Some of the issues to support this would be the diversification to bio fuels, a risk assessment impacting Machinery Directive, more legislative burdens from the EU, ATV and Quad accidents with potentially dangerous Chinese manufacturing goods flooding the market place, thematic strategy on sustainable use of pesticides including Sprayer safety, tractor and trailer braking, etc

Your point 27 is very relevant to the way forwards.

Comments from James Brown of the Arboriculture and Forestry Advisory Group (AFAG) a sub-group of AIAC

As someone involved in health and safety in forestry and arboriculture for the past twenty-five years and as a practitioner for over nearly forty years, I am pleased to make suggestions as to how HSE might proceed hereinafter in its efforts to reduce accidents.

Prior to the introduction of the Health and Safety at Work Act, 1974, it was accepted throughout the land base that accidents would occur and that luck would play a large part as to where and when. One has no pleasure in recalling those times.

The introduction of operator proficiency certification took some time to pervade forestry but came at a time of expansion in arboriculture. It is not really so very long ago that we managers were dismissing contractors from sites for not wearing mandatory personal protective equipment and indeed, on occasions, for not wearing helmets at all. We have had a decade of accident reduction caused primarily by employee education, employer enforcement and HSE visits. There has been an increase in mechanisation but not without, in some cases, more horrific accidents. AFAG is attempting to review certification and will succeed once industry can perceive such change to be beneficial.

However, in the past five years there has been increased liaison between HSE and employers, employees and the self-employed. Hitherto there was a reluctance to speak to HSE inspectors, far less discuss problems to mutual benefit. HSE inspectors are now known by name and have won respect by helping the industry to find solutions. This level

of liaison has caused extra work for inspectors but at the same time has and will continue to reduce accidents. Unfortunately, numbers on the ground continue to decrease and unless provision is made to increase numbers to a point where visits can be made flexibly and if necessary, unannounced, there will be such a low HSE profile that the message will be lost. A point has now been reached where inspectors are welcomed at the workplace where they find a more receptive audience. This reflects an appropriate liaison level in this day and age.

Work at the AFAG continues to be prioritised and pushed through as quickly as human resources on both sides can manage, despite often urgent and significant challenges elsewhere. AFAG's business will benefit from recent statistics from Bomel Consultants. Everyone has been pleading for more detailed statistics for years now and we are grateful to present line managers in HSE for obtaining funds for this important information.

Relationships between HSE and industry partners at both AFAG and AIAC level are cordial and very co-operative, with long, hard hours being worked on both sides. Forestry workers are by nature self-confident and prepared to work in physical extremes with poor climatic conditions. Their self-confidence and self-reliance are so necessary to the environment in which they work. Most see the reporting of an accident as personal failure and likely to provoke colleagues derision. Everyone is working to change this attitude by pointing out that we can all learn from such occurrences.

We have the ongoing support of the associations. UKFPA is determined to tackle accidents, especially in remote areas, with safety of lone workers being a priority and in urgent need of safeguards. FCA is never slow to pass safety messages and to pass on queries for further advice. The harvesting companies in Confor are further tightening procedures and looking forward to being given contemporary statistics. All keep in touch with HSE, particularly Jason Liggins and Alan Plom.

The strong request from the industry is that there must be no dilution or diminution of HSE staff or support, rather an increase of pro-active inspection to allow those who propound safety procedures to have a level playing field. Accident statistics may not be falling as quickly as anticipated but we all believe they will. Co-operation with HSE has never been better. It is in nobody's interests that it should be allowed to wither through inadequate resources. I am instructed to advise you that the Forestry Commission supports these views.