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HEALTH AND SAFETY COMMISSION

Improving the impact of the health and safety law poster and leaflet

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Issue

1. The options available to improve the impact of the approved health and safety law poster and leaflet, particularly what can be done under the Health and Safety Information for Employees Regulations (HSIER) 1989; and if possible to reduce the administrative burden on business.

Timing

2. For this meeting, as requested.

Recommendation

3. That the Commission:
 - i) notes the two options identified (paragraphs 9 and 10) and the challenges of achieving both a modern poster and a reduced administrative burden under the current regulations; and
 - ii) agrees to option 2 with modest regulatory change to achieve both a modern poster and a reduced administrative burden.

Background

4. In September 2007, the Commission considered options for the next stage of the review of HSIER (HSC/07/64). The Commission decided that the HSIER should be retained and that it was not attracted to consulting formally on regulatory reform. The Executive was asked to explore the feasibility of revising the law poster within the existing regulations and report back to the Commission with their findings.
5. The current regulations:
 - allow HSE to revise the design of and information on the approved law poster as it wishes;
 - oblige employers to display a new approved law poster within nine months of any revision, **thereby imposing an additional one-off administrative burden** on business;

- require employers to display the name and address of the relevant enforcing authority and the local address of the Employment Medical Advisory Service (EMAS);
 - allow the Executive to issue exemption certificates to exempt any person or class of persons from all or any of the requirements imposed by the regulations subject to conditions and a time limit, thereby allowing flexibility with the above.
6. The Administrative Burden Measurement Exercise calculated the total administrative burden of these regulations to be £24.6 million per annum. This figure is made up of three parts:
- ordering, displaying and entering the contact details of the enforcing authority and EMAS onto the poster - £16.67m
 - giving the leaflet to employees and bringing any revisions to their notice in writing - £0.16m
 - updating the poster with any changes - £7.77m
7. Against this backdrop, and after discussions with HSE's legal and economic advisers, we have identified two options for change (see below). These options emerged from considering ideas against a range of criteria, which included:
- improving the impact of the poster and leaflet;
 - making it easier for employers to comply with the regulations;
 - reducing the administrative burden for businesses; and
 - being resilient to any legal challenge;

Argument

8. The two options below would both see significant savings made to management time in complying with the regulations. However, only the second option would improve the impact and usability of the poster, to be achieved by a new modernised version for employees, providing information about their rights and responsibilities so that they can play their part in ensuring good standards of health and safety.
9. **Option 1 – Keep the existing poster** with its requirement for employers to add the local enforcing authority and their address along with the address of the local EMAS office. However, HSE could **reduce the administrative burden on businesses** by putting better signposting in place to tell employers to contact Infoline to find out those details. Under this option the administrative burden would be reduced by around **£9.5 million** per annum.
10. **Option 2 - Approve a new modern law poster** displaying Infoline's¹ telephone number and HSE's website address for employees to find out how to contact their local enforcing authority and EMAS office. This would remove the need for employers to write this information on the poster. The administrative burden on existing employers would be reduced by:

¹ or other supplier following outcome of the Easier Access to Services (EASe) Project

- allowing employers, when up-dating their existing law posters, to add Infoline's telephone number and HSE's website address rather than the local enforcing authority's or EMAS's new address; and
- allowing employers to continue to display the existing law poster.

New businesses would need to purchase the new poster resulting in reduced administrative burden for them. The optional box to enter the trade union appointed safety representatives and appointed competent person's contact details would remain. This option would see a reduction of around **£10.1 million** to the administrative burden.

11. Option 2 allows the approval of a new modern law poster that is more visually appealing than the current version and, as a consequence, would encourage employees to read it (as our research into employees' awareness of the law poster found). The poster and leaflets' usability could be further improved by using large text and translating into different languages. This would help to address the needs of those with visual and/or learning difficulties² and those with poor English reading skills in accordance with HSE's Diversity Toolkit.
12. Enquiries to Infoline to find out the contact details of enforcing authorities and EMAS offices are in the region of 9,000 per year. Following the promotion of the change we could see an increase of calls made to Infoline on this topic (mainly by employers under option 1 and employees under option 2). We have been advised that they have the capacity to handle this additional volume of calls. Many employers already use Infoline to find out the contact details of their local enforcing authority and EMAS for inclusion on the poster and is one of the top 10 most frequently asked questions to Infoline operators. HSE publications and indeed the current poster refers enquirers to Infoline for further health and safety information and this new approach would be following standard HSE practice.
13. Option 2 might be achieved under the current regulations by using exemption certificates signed by the Chief Executive and placed on HSE's website. However, the use of wide ranging blanket certificates could put HSE's reputation at risk by raising questions about its approach to regulations. HSE's firm legal advice is that it would be safer and more transparent to achieve this option by amending the regulations.

Consultation

14. Legal Advisers Office, Economic Advisers Unit, Business Service Division, Communications Delivery Service, Communications Directorate and Planning, Finance and Procurement Division.

Presentation.

15. In some quarters, there is a view that these regulations are outdated and unnecessarily burdensome and should be revoked. We can present the changes (if agreed) as action to make them more modern and less burdensome, while retaining

² An audio version of the health and safety law: What you should know leaflet, which contains the same text as the poster, is already available as part of HSE's talking leaflet range on the HSE website, and is free to access. For details see www.hse.gov.uk/pubns/tlindex.htm

their positive impact on health and safety. A communication strategy would be developed if the Commission supports the recommendation as proposed.

Costs and Benefits to Business

16. An impact assessment has been prepared and refined to include the options described in this paper. The health and safety benefits from redesigning the poster to improve its appeal are difficult to estimate, but a new law poster would improve communication with the diverse workforce. The other benefits would be realised through a reduced administrative burden. In summary, our economists have provisionally estimated that option 1 reduces the administrative burden on business by £9.5m. Option 2 reduces the administrative burden by £10.1m³ (a copy of the impact assessment is available on request).

Financial/Resource Implications for HSE

17. Assuming the Commission agree with the recommendation as proposed, full economic staff costs of implementing the proposal are estimated at £50K and will be met from existing resources. If Infoline receive an extra 10,000 calls, then this would increase HSE costs by approximately £26K in 2008/09 and subsequent years. The development, testing, distribution and promotional costs is budgeted at £110K and would be met from existing budgets held by CDS, for HSE's commercial arrangements. Translations would cost an additional £1K per language. Printing costs (assumes current rate of sales of approx 150,000 per year) and 100,000 leaflets is budgeted at £400K. However, as the Law Poster is a priced publication, we anticipate there would be no overall increased costs to HSE.
18. HSE's overall aim, agreed by HMT and NAO to break even across its range of priced and free paper and electronic (Web-based) publications. The income from the sale of 150,000 posters would be around £1 million per annum as is now. The leaflets would not be individually priced, but we would recover fairly modest handling and postage costs incurred through providing bulk supplies to duty holders.

Environmental and Other Implications

19. None

Action

20. The Commission is invited to decide whether it wishes to proceed via option 1 or 2. If the Commission endorses option 2, HSE will:
- i) undertake a public consultation exercise on this relatively straightforward regulatory change; and
 - ii) report back to the Commission the results of the consultation and if appropriate designs for a new approved law poster.

³ The £0.6 million per annum difference between option 1 and 2 is due to employers purchasing the new posters and not having to contact Infoline and write on the poster Infoline's details or subsequently update the poster.