

**GENERAL SECRETARY'S OFFICE**

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7 March 2011

Oonagh Newcomen and Jill Hawthorne  
Health and Safety Executive  
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Bootle  
Merseyside  
L20 7HS  
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Dear Ms Newcomen and Ms Hawthorne

**SHOP RISK ASSESSMENT CONSULTATION**

**Introduction**

This response is submitted by Unite the Union. Unite is the UK's largest trade union with almost 1.5 million members working in the private and public sectors. The union's members work in a wide range of industries including agriculture, forestry, horticulture, docks, construction, manufacturing, food manufacturing, distribution and retail, financial services, road, rail, air and sea transport, print, media, not for profit sectors (including youth and community workers), local government, private contractors providing public services, education and the health service. We also represent workers in the retail sector including betting shops and supermarkets.

**The consultation itself**

The checklists included in the tool should have been incorporated into one document so that respondees did not have to print out each section separately which is both time consuming and wasteful. Making a single document available would have made it easier to examine the checklists.

**Specific comments about the online tool**

These are offered in the spirit of constructive criticism.

1. Unite is strongly opposed to any "dumbing down" or trivialising of health and safety practice and has very serious concerns about this approach to "risk assessment".
2. Whilst we recognise that HSE is under considerable pressure to meet deadlines, we are seriously concerned that HSE's well-deserved global reputation for producing information which is both authoritative and usable will be damaged if guidance of this quality is issued. We note that the recommendation for a "simplified risk assessment" for shops comes from Lord Young's report "Common Sense Common Safety". The report was largely driven by ideology and does not provide an authoritative basis on which to proceed. We urge HSE to proceed with great caution when implementing the recommendations of this review.

3. In any event, Unite does not believe that online risk assessments are an appropriate way of carrying out any risk assessment. Risk assessments are meant to be practical and observational, not theoretical. We cannot see how this tool can be used in any practical way as it can only be done on a computer. We cannot help thinking that a risk assessment based on physical checks – and talking to those concerned - would take less time and yield more information – and preventive action. Furthermore, even if we accept that online tools is the way forward for health and safety management (which we do not) the tool is very slow and cumbersome to use and was constantly freezing when we tried to test it. Also there is a danger that persons completing it may feel (having spent an inordinate length of time trying to get through it) that this is all they have to do.
4. Unite does not believe that online risk assessments are necessarily a **safe** way of carrying out any risk assessment. Computer based work activity may in itself give rise to additional hazards such as stress and musculoskeletal disorders, which are themselves the major reported reasons for occupational ill health.
5. Risk assessors must be competent to carry out the assessment and this is not made explicit in the introduction. And of course employers must consult with union safety representatives about the appointment of competent people and also when carrying out the risk assessment. This is not made clear in the introduction. When should a risk assessment take place and who is responsible for doing it, consulting and implementing the findings? The tool is generally silent on these issues.
6. The tool which is being consulted upon is not a risk assessment. The tool does not follow the “five steps” approach for a risk assessment. The purpose of risk assessments is to identify hazards, and then identify the risk of any hazard likely to cause an injury. The outline (and outline it is) is not about assessment of risk. At best it is an incomplete list of signposts or a checklist (something also mentioned in the Young Review as being a viable way of managing health and safety). Good health and safety management is **not** about “ticking boxes”. In the words of one of our safety reps addressed to the Young review:
 

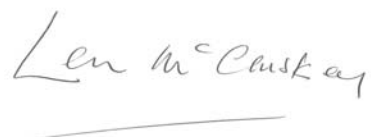
*“Without [union safety representatives] ...the British “tick the box culture” would have no challenge whatsoever. [If this culture goes unchallenged] people will die and compensation will be paid.”*
7. The checklists (as this is what they are) are not comprehensive enough, in any event. For example, where is information on preventing injury for those who work on checkouts? We have yet to see the publication of the new HSE leaflet on preventing musculoskeletal disorders in checkout work, which was developed in a tripartite way with a great deal of commitment from all sides (including from Unite) and we urge HSE to publish this guidance without any further delay.
8. Unite is not convinced that working in shops is a “low risk” activity as a range of hazards, both physical (for example musculoskeletal disorders arising from checkout work) and psychosocial (such as violence and stress), do present themselves in the retail environment in shops both small and large. What is required is effective and properly funded enforcement of health and safety legislation in all workplaces.
9. Any guidance should avoid the use of the **passive** voice. In other words, a proactive approach should be signified by using the **active** voice and always making it clear who is responsible for carrying out risk assessments and ensuring that appropriate remedial action is taken.

In the circumstances we urge that this consultation exercise is abandoned in favour of a more considered, tripartite approach to this issue from which we hope would emerge some usable guidance.

We would of course be very pleased to be involved in any further discussions.

We thank you for providing us with the opportunity to comment and look forward to hearing from you.

Yours sincerely

A handwritten signature in cursive script that reads "Len McCluskey". The signature is written in dark ink and is positioned above a thin horizontal line.

LEN McCLUSKEY  
**General Secretary**