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CRONER-i HEALTH & SAFETY

HOW BRITAIN COMPARES

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No health & safety regime is quite like Britain's. The British system is notoriously strict – but this means we have fewer workplace deaths per capita than almost any other European country.

Besides the stringency of our rules, health & safety laws can differ from other countries in a lot of ways, both in HSE rules themselves and in countries' entire legal systems. If your

organisation is multinational, or looking to work overseas, it's important to know what might be different abroad in terms of health and safety.

Here are some pointers to start you off and push your research in the right direction. Below, you'll find quick overviews of how health & safety in Britain compares with that in six key countries: Australia, France, Germany, Republic of Ireland, Spain, and the UAE.



AUSTRALIA

Australia's health & safety rules are a lot like those in Britain, but a few concepts of the legal system work differently. This in turn affects how some of the regulations are dealt with.

- Australia is more federal, with variations on health & safety laws across states and territories. The British system, on the other hand, is centralised.
- Australian health & safety law is largely comprised in one general statute and one set of regulations. In Britain, we have one statute (the Health and Safety at Work, etc Act 1974) and a number of separate regulations to cover specific topics.
- Australian health & safety law is based on the concept of the 'person conducting a business or undertaking' (PCBU). Britain doesn't have this concept.
- Other than the above, the basic principles of health & safety at work are broadly similar in Australia and Britain.



UAE

The United Arab Emirates has some notable differences in its culture and legal system compared with the UK – and that means some big differences in health & safety law too.

- The very system of government is different: the UAE is autocratic, while Britain is a parliamentary democracy. This of course affects how a lot of laws come into being.
- In the UAE, significant numbers of workers are excluded from health & safety laws, including most agricultural workers, domestic servants, self-employed people, and government employees. British health & safety law, on the other hand, covers the great majority of workers.
- There are highly significant cultural differences between the UAE in Britain, which inform a lot of the differences in their health & safety laws – including rules around subjects such as alcohol and migrant workers. See the full topic on Croner-i for details.
- The UAE has a midday break rule, which prohibits labourers from working outdoors directly under the sun during afternoons in the summer. There's no British equivalent – the climate is rather different.
- Under UAE law, diya or blood money is compensation for a human life, set at DH200,000. A workplace fatality could mean the employer is liable to pay that amount out. There's also arsh, paid out for the loss of an organ, a body part, or their functions. Again, there's no British equivalent to this.



GERMANY

The overall structure of health and safety at work in Britain and Germany is broadly similar. The basic law is set out in a general statute, supplemented by numerous regulations covering specific aspects. Those are supplemented in turn by advice and guidance materials – a little like those issued by the Health & Safety Executive in the UK.

There's also an extra layer of sector-specific regulations, and technical guidance documents from statutory accident insurers. The main health and safety provisions include:

- the requirement to conduct risk assessment
- the duty to provide safe work equipment
- a duty to prevent falls from height
- limitations on manual handling
- provisions dealing with dangerous substances
- a general duty to ensure a safe work environment

So on the whole, the German and British systems are remarkably alike. The main differences, however, are as follows.

- There is no corporate liability in German law. This means that, unlike in the British system, German companies aren't usually prosecuted for breaches of health & safety laws, and there is no concept of corporate manslaughter.



NETHERLANDS

- The Dutch and British health and safety systems are broadly similar, with a statute setting out basic health and safety rules and regulations comprising detailed rules based on EU legislation.
- In the Netherlands employers and employees are jointly responsible for safe and healthy work, in the UK that responsibility falls more to the employer.
- Every undertaking in the Netherlands with at least 50 employees is obliged to set up a works council with a range of information and consultation rights. There is no British equivalent.

- In fact, criminal prosecutions are very much considered a last resort for health & safety breaches in Germany. In Britain, they're regularly reported and much more common.
- There's no German equivalent of the Health & Safety Executive, and no central authority responsible for enforcing health & safety provisions.
- The German legal system has no juries – only judges. In Britain, on the other hand, prosecutions for serious criminal health & safety breaches are decided by both a judge and a jury.
- Britain has a well-established and basic system of precedent, whereby courts' decisions are generally binding on all lower courts. That concept is largely absent from the German system.
- Works Councils (Betriebsrat) – elected bodies of employees at for-profit businesses – play a key role in the German employment system, including in managing companies' health & safety responsibilities. There are no such institutions in Britain.
- Germany's insurance companies: healthcare is administered through independent statutory accident insurance institutions, funded by the employer. Membership is obligatory, and employees are automatically eligible for compensation – even without a valid contract of employment. Again, there are no such institutions in Britain.
- Germany has a written constitution, whereas Britain doesn't.

Every effort has been made to ensure that the above information is accurate and up to date. The material is based on information available at the time of writing.

The information is not a substitute for legal advice and cannot be treated as a substitute for legal advice on specific issues. Legal advice in relation to Dutch law and procedure should be obtained from a specialist legal practitioner.



FRANCE

Most key differences between Britain and France are in the legal system as a whole. British health & safety laws are also a fair bit more stringent – for instance, we have more health & safety inspectors despite a slightly lower population.

- France has a detailed written constitution to shape its laws – whereas Britain does not.
- France has a civil law system based on written Codes, while Britain has a common law system developed over centuries.
- The French Revolution of 1789 aimed to create an entirely new system of law, with some areas of revolutionary law still a part of the country's system. Britain has nothing of the sort.
- The French head of state is the President, who has significant executive powers; while the British head of state is the Queen, with very limited power.
- France has two separate court systems: the civil and criminal system, and the administrative court system. Britain has just one system.
- The French criminal procedure system is inquisitorial, with judges gathering evidence. The British system is adversarial, in which the two parties of prosecution and defence present their own evidence. You can imagine how this may affect health & safety related cases.
- There is no system of binding judicial precedent in France – whereas in Britain, courts are generally bound by previous judicial decisions.
- French health & safety law is based on a particular detailed Code, which deals with the whole of employment law. British health & safety law, on the other hand, is based on some specific acts: namely the Health and Safety at Work, etc Act 1974 and associated regulations.
- Bullying at work is expressly dealt with under French health & safety law – which isn't the case in Britain.
- France has the equivalent of 736 health & safety inspectors, while the UK has 980.
- In 2014, there were 581 workplace deaths in France and 724,662 incidents that required at least four days off work. The UK figures were much lower: 239 deaths and 244,948 incidents.



REPUBLIC OF IRELAND

British and Irish law have a lot in common. They both function in a similar way, with a lot of parallels between our two judicial systems and EU rules incorporated in the same way. There are really only a few key differences when it comes to health & safety law.

- In general terms, the health & safety regimes in the Republic of Ireland and Britain are broadly similar. Both countries have a central body responsible for health & safety, a key health & safety statute, and detailed regulations – most of which reflect European Union law.
- Ireland has a written constitution, while Britain does not.
- The level of fines for health & safety offences is higher in Britain than in Ireland.
- In Britain, the national statutory body collects information on work-related illness and diseases as well as injuries. The Irish one doesn't.



SPAIN

The overall structure of health & safety at work in Britain and Spain is broadly similar – again with many provisions applied from EU law. The basic Spanish law is set out in a general statute, supplemented by more regulations to cover specific aspects of health & safety. However, there are of course a few differences.

- Spain has a written constitution, while Britain does not.
- Spain's regional organisation is unique, in which many regions have their own laws. This isn't quite the same in the UK.
- The Spanish legal system is still largely affected by that during the Franco dictatorship, in place between 1939-75.
- Spain has a fully codified legal system, whereas Britain's legal system is only partly codified.
- The Spanish health & safety system is decentralised and complex – unlike Britain, which has a centralised body in the form of the Health and Safety Executive.
- British courts have a system of precedent, while Spain's system is less clear.
- Devolution in Spain is more fragmented – autonomous communities have wide powers. Compare that to Britain, where devolution is limited to three countries other than England and the central government retains control over health & safety

LEARN MORE

For complete, in-depth information on health & safety in the above countries, see the International topic within Croner-i Health & Safety. With overviews of employers' duties, basic legislation, labour laws, practical guidance, and more, it gives you everything you need to know to get started with worldwide HSE. Our remit is constantly improving too, adding the Netherlands to the topic soon and more countries on the way.

It also of course features a wide range of resources for UK health & safety too. That includes expert advice, model policies and document templates, complete legislation, and a legal register tool to check which regulations apply to your organisation.

For more Information

For more information and practical tips for handling HSE internationally – as well as in-depth guidance on health & safety here in the UK, and a complete legal register tool – take a look inside Croner-i Health & Safety.

Call **0800 231 5199** to book a demo, or visit **www.croneri.co.uk** to find out more.