

Critical Criminological Perspectives

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Diego Canciani

**The Politics
and Practice of
Occupational Health
and Safety Law
Enforcement**

palgrave
macmillan

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Abbreviations

ASL	Local Health Agency/Azienda Sanitaria Locale
BRE	Better Regulation Executive
CBA	Cost-Benefit Analysis
CC	Civil Code/Codice Civile
CCA	Centre for Corporate Accountability
CP	Penal Code/Codice Penale
CPC	Civil Code Procedure/Codice di Procedura Civile
CPP	Code of Penal Procedure/Codice di Procedura Penale
CPS	Crown Prosecution Service
CPSR	Permanent Conference between States and Regions and the Autonomous provinces of Trento and Bolzano/ Conferenza Permanente per i Rapporti tra lo Stato le Regioni e le Province Autonome di Trento e Bolzano
DETR	Department of the Environment, Transport and the Regions
DRL	Regional Labour Directorate/Dipartimento Regionale del lavoro
ECJ	European Court of Justice
EEC	European Economic Community
EMM	Enforcement Management Model
EU	European Union

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FFI	Fee for Intervention
FOD	Field Operations Directorate
GMB	General trade union
HASW Act 1974	Health and Safety at Work Act 1974
HID	Chemical Industries and Specialist Industries
HSC	Health and Safety Commission
HSE	Health and Safety Executive
ILO	International Labor Organisation
INAIL	National Institute for Insurance against Working Accidents/Istituto Nazionale per l'Assicurazione contro gli Infortuni sul Lavoro/National Institute for Insurance against Working Accidents
INPS	National Institute for Social Security/Istituto Nazionale della Previdenza Sociale
ISI	Business Support Incentives/Incentivi di Sostegno alle Imprese
ISIC	International Standard Industrial Classification
ISPESL	Superior Institute for Prevention and Work Safety/Istituto superiore per la prevenzione e la sicurezza del lavoro
ITL	Labour Territorial Inspectorates (ITL)/Ispettorati territoriali del lavoro
LA	Local Authority
LFS	Labour Force Survey
ND	Nuclear Division
ORR	Office of Rail Regulation (Office of Rail and Road since 2015)
PM	Public Ministry/ Pubblico Ministero
ppp	purchasing power parity
RIDDOR	Reporting of Injuries, Diseases and Dangerous Occurrences Regulations
RoSPA	Royal Society for the Prevention of Accidents
SME	Small and Medium Enterprise
SoSWP	Secretary of State for Work and Pension
SPSAL	Prevention Services for Safety in Work Environments/Istituto di Prevenzione e Sicurezza Ambienti di Lavoro
TUC	Trade Union Congress
UPG	Judiciary Police Official/Ufficiale di Polizia Giudiziaria

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Abstract

This book analyses and compares British and Italian occupational health and safety (OHS) enforcement policies. Regulatory enforcement policies is a highly debated field of study in the academic literature and politics. The extended amount of harm and suffering caused by OHS incidents in developed countries and the limited concern that a number of academics and politicians have on this issue, and on the under-criminalisation of these crimes, exposes a fundamental controversial aspect of modern liberal values of social justice and equality. The innovative regulatory enforcement policies theorised by academics and adopted by jurisdictions since the 1970s is evidence of this fundamental issue and a transnational comparative analysis of jurisdictions with different social, political and criminal justice system values offers an important contribution to the literature and political debate. This book compares British and Italian OHS enforcement policies in a Marxist critical theoretical framework by analysing how modern socio-political values and globally accepted means of economic production embraced by developed jurisdictions are the root causes of the under-criminalisation of OHS crimes. The book analyses the British and Italian legal and political values and practices, the historical contexts in which the regulations and

enforcement policies developed and compares OHS incidents trends longitudinally. It also analyses how OHS enforcement institutions are funded and politically controlled and the fundamental problem with law enforcement discretionary practices, and how these affect the fundamental modern principles of legal fairness and consistency. This book exposes the embedded inequality of developed nation-states socio-political and criminal justice systems and how global political and economic contemporary trends, together with the ever-increasing challenges of preserving liberal values, are gradually eroding the legitimacy of modern nation states and their claimed fundamental commitment to social justice and equality.