



Department of Social Security

Social Security Administration Act 1992

The Self-Employed in Construction and Agriculture

Report by the Industrial Injuries Advisory Council in accordance with Section 171 of the Social Security Administration Act 1992 on the question whether the self-employed in construction and agriculture should be brought into the Industrial Injuries scheme.

Presented to Parliament by the Secretary of State for Social Security

by Command of Her Majesty

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SEPTEMBER 1992

The Industrial Injuries Advisory Council normally consists of a Chairman and sixteen members. These include: doctors with a particular expertise in occupational health, epidemiology and toxicology, a lawyer, an independent researcher in social policy as well as equal numbers of representatives for employers and employees.

INDUSTRIAL INJURIES ADVISORY COUNCIL

*Secretary of State for Social Security
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25 November 1992

Dear Secretary of State

Bringing the Self-Employed in Construction and Agriculture into the Industrial Injuries Scheme

The Council has completed its consideration of extending the present Industrial Injuries (II) scheme to include the self-employed. The report concludes there is a strong case for such an extension but recommends a step by step approach to introduction, beginning with the self-employed in the construction and agriculture industries.

We believed the time was right to re-examine the issue of including the self-employed because of the significant increase in the numbers of self-employed people, and especially of single owner/operator businesses, in the last decade and, more particularly, because of the numbers of self-employed people who have working conditions which are similar to employees. Indeed, in many instances the self-employed work alongside employees. It was on this basis that the Council issued its Consultation Paper, in December 1991, asking for the views of the self-employed and their representative organisations.

The Council recognises the practical difficulties of a blanket extension of the scheme to cover all self-employed workers. We also recognise the strength of the arguments for inclusion varies depending on the type of work undertaken and services provided by the self-employed. We suggest therefore that a step by step approach be adopted for bringing the self-employed into the II scheme.

The Council takes the view that the initial groups included in the scheme should be those in industries where a high proportion of the total workforce is self-employed, where their working and safety conditions are the same as for employees, and where there is a high incidence of industrial injuries. The industries which most clearly display these characteristics are construction and agriculture.

Our report looks in detail at the likely numbers of awards, discusses ways of handling the potential problems of investigating and deciding claims, and considers the potential financial implications of such an extension.

The consultation paper received virtually no media coverage and it seems probable that the vast majority of self-employed were unaware of the consultation exercise. The number of replies was limited, but useful responses were received particularly from organisations which represent the self-employed. And in any case, the Council does not believe that the level of response is evidence that the self-employed are content to be excluded from the II scheme or that it alters the essential justice of the case it is putting forward.

Both from its own inquiries and deliberations and as a result of the consultation exercise it undertook, the Council has concluded that the self-employed who work under the same or similar conditions as employees should have the right to claim and receive II benefits. It recommends that, as a first step, the self-employed in the construction and agriculture industries be brought into the scheme.

Yours sincerely,
Professor J M Harrington, CBE
IIAC Chairman

CONTENTS

| Page | Para(s) | |
|------|---------|--|
| 7 | 1 | Introduction |
| 7 | 2 | Should the self-employed be covered by the scheme? |
| 8 | 3 | The IIAC review of the basis for the Industrial Injuries scheme |
| 9 | 4 | Should there be a step by step approach? |
| 10 | 5 | The case for including the self-employed in construction |
| 12 | 6 | The case for including the self-employed in agriculture |
| 14 | 7 | The question of implementation |
| 14 | 7.1 | Can construction workers be identified? |
| 14 | 7.2 | Can agriculture workers be identified? |
| 15 | 7.3 | Can basic eligibility be defined? |
| 15 | 7.4 | The issue of corroboration |
| 16 | 7.5 | The problem of marginal cases |
| 16 | 7.6 | Is there a need for special rules for the self-employed? |
| 16 | 8 | Cost and related issues |
| 16 | 8.1 | The likely size of the claimant population |
| 17 | 8.2 | Meeting the cost |
| 18 | 9 | Some other issues |
| 19 | 10 | Making the change |
| 19 | 11 | Conclusion and recommendation |
| 21 | | References |
| 22 | | Appendix A — Construction Operations |
| 24 | | Appendix B — Construction Operations — Scope |
| 27 | | Appendix C — Agriculture, Forestry and Fishing (Industrial classification) |
| 28 | | Appendix D — Farming, horticulture, forestry and fishing (Occupational classification) |
| 32 | | Appendix E — Organisations and individuals who responded to the Consultation Paper |

The Self-Employed in Construction and Agriculture

1. Introduction

1.1 When the legislation which created the Industrial Injuries scheme was enacted in 1946, a decision was made to exclude the self-employed. Forty-six years later, that decision still stands. During all that time it has been seriously re-examined twice, once in 1978 by the Royal Commission on Civil Liability and Compensation for Personal Injury (the Pearson Commission), which recommended that the self-employed be brought into the scheme, and again in 1980/81 when the decision was to maintain their exclusion.

1.2 Eleven years on, the Industrial Injuries Advisory Council (IIAC) believes that the time has come to reconsider the position of self-employed men and women who suffer disabling injuries through their work.

1.3 Since 1981, the number of self-employed people has increased by over 1 million, and now stands at 3.2 million – over 12% of the labour force. Over two-thirds of today's self-employed are one person operators, reliant on their ability to work to maintain themselves and their families, or to add to family income so that it can meet its commitments. Of key importance in the context of the Industrial Injuries scheme is the fact that a significant proportion of the self-employed operate in working and safety conditions which are little different from those of employees. It was this last factor, in particular, which led the Council to examine the position of the self-employed. It issued a Consultation Paper in December 1991 seeking the views of self-employed people and the organisations which represent them. The responses, which principally came from the latter group, form part of this final paper.

2. Should the self-employed be covered by the scheme?

2.1 No reasons were given in the (1942) Beveridge Report for the decision to exclude self-employed people from the Industrial Injuries scheme. The new industrial scheme was discussed only in relation to employees. No mention was made of the self-employed at all. In the subsequent Parliamentary debates which led to the 1946 National Insurance (Industrial Injuries) Act, the rare official statements on the self-employed referred mainly to the practical difficulties that their inclusion would involve.

2.2 Thirty years passed before the decision was again put under scrutiny. In 1978, the Pearson Report recommended that self-employed people be brought into the scheme, on the grounds that some of them were exposed to considerable risk of injury at work and that they were “just as deserving of compensation for a work accident as an employed earner” (1). The Commission had heard evidence from the (then) DHSS on the range of difficulties which could be expected when applying the scheme to the self-employed, but it said “we acknowledge these difficulties but do not consider them overwhelming. They appear to have been solved in other countries” (2).

2.3 The Pearson recommendation was examined in 1980, in the DHSS Discussion Document, *Industrial Injuries Compensation*. This presented arguments for and against the inclusion of the self-employed in the scheme. It began by saying:

“The argument of principle is that, on grounds of equity, the self-employed ought not to be excluded from access to benefits which are available to employed people who suffer accidents at work. If the risk of

injury is the same for both employed and self-employed, then the same protection should be afforded” (3).

2.4 The main argument against was based on the three principles set down by Beveridge as reasons for having a separate Industrial Injuries scheme for employees. These were:

- (i) that many industries vital to the community were dangerous and it was desirable that men in them should have special protection;
- (ii) that those disabled at work were acting under orders;
- (iii) that only if special provision was made could an employer’s liability at common law be restricted to the results of his negligence (4).

The DHSS considered that neither (ii) nor (iii) could be applied to the self-employed. Number (i), on the other hand, could be interpreted as embodying the idea that those who contribute to the wellbeing of the community by their work deserved special protection when they suffered injuries through that work.

2.5 But two-thirds of the section on the self-employed in the discussion document was devoted to the problems of implementation (5). The DHSS offered two possible definitions of those to be covered:

- (a) all those in gainful self-employment. This, the Department thought, would be too wide, and it offered as an extreme example the allotment holder who sold his surplus vegetables;
- (b) cover for a selected group, defined by hours worked, or earnings above a specified threshold, or those who depended for the main part of their livelihood on self-employment, or those who paid Class 2 contributions. The Department saw difficulties in all of these.

2.6 Finally, the problem of showing that the injury arose “out of and in the course of employment” was emphasised. “There may be less help to be had from witnesses and there would be no employers to make reports” (6).

2.7 The subsequent rejection by the Government of the inclusion of the self-employed in the scheme was based on these two elements of the case against – the failure to meet two out of the three Beveridge principles and the difficulties of implementation. These arguments were again cited by Government in 1989 (7).

3. The IIAC review of the basis for the Industrial Injuries scheme

3.1 In November 1980, the IIAC accepted the DHSS arguments against the inclusion of the self-employed, referring to the “acting under orders” principle and the difficulties involved in corroborating accidents (8). However, the Council’s review in 1989/90 of the case for an Industrial Injuries scheme moved away from the Beveridge based arguments to more modern analysis of the reasons for having a special scheme (9).

3.2 The paper finally adopted by the Council in early 1990 argued that a special scheme to cover industrial injuries was required on the grounds that:

- (a) work is necessary for society;
- (b) work is required of the individual by society, in so far as it is needed to fulfil the duty of self-support;
- (c) work carries risks, not all of which have been or perhaps can be, eliminated;
- (d) workers do not have ultimate control over the safety of their work environment.

The paper was concerned with employees and trainees and did not directly discuss the position of the self-employed. But the analysis does open the way for a reconsideration of possible industrial injuries cover for at least some of the self-employed.

3.3 Access to the Industrial Injuries scheme offers notable advantages. If benefits outside the scheme are considered on their own, then it can be said that work-injured employees and self-employed receive equal treatment. Provided the benefit conditions can be met, including medical proof of incapacity for work, both employees and self-employed receive Statutory Sick Pay/Sickness Benefit for up to 28 weeks absence from work, followed by Invalidity Benefit and Invalidity Allowance, through to retirement if incapacity persists that long. But employees who, 15 weeks after an industrial injury, are found to be 14% or more disabled as a result, can also receive the Industrial Disablement Benefit. The benefit rate varies by the degree of disability – from £17.68 per week for the lowest eligible disability, through to £88.40 per week for 100% disability. Disablement Benefit at the 100% rate, in turn, can give access to Constant Attendance Allowance at four rates, some of which are higher than the general community Attendance Allowance. The Industrial Injuries scheme also provides an Exceptionally Severe Disablement Allowance. Only in the War Pensions Scheme is there an allowance equivalent to this. These benefits are paid on top of Sickness and Invalidity benefits and will continue even where there is a return to work, as compensation for the disability caused by the work injury. These Industrial Injuries benefits are not available to the self-employed.

4. Should there be a step by step approach?

4.1 The considerable growth in the number of self-employed people in the past decade, and the expected further growth in the 1990s, in itself points to the need for a reappraisal of their situation in relation to the Industrial Injuries scheme. But the self-employed sector of the labour force has become, if anything, even more diverse during the 1980s, including a wide range of occupations and work settings.

4.2 In the past, proposals to bring self-employed people into the Industrial Injuries scheme have been directed to the whole of this sector of the labour force. Such proposals invite an “all or none” response. Because the inclusion of all the self-employed raises so many practical difficulties (defining self-employment for purposes of the scheme, showing the injury was work caused, and dealing with marginal cases), and because the case for including some self-employed people in the scheme is much weaker than it is for others, then the whole proposal is rejected. So a different approach may be needed.

4.3 One possibility considered by the Council would be to adopt the principle that self-employed people who are working under the same or similar safety conditions as employees, often working alongside them, should be covered by the Industrial Injuries scheme. A good case can be made out for this approach. But a move from total exclusion of the self-employed to inclusion based solely on this principle could involve many thousands of individual decisions and raise substantial administrative problems and costs. It might be rejected on these grounds.

4.4 The Council, therefore, turned to a second possibility – a step by step approach. There are industries where the case that can be argued for including the self-employed in the Industrial Injuries scheme is so strong that it would warrant immediate attention. These are industries which show three characteristics. The first of these relates to the principle set out in 4.3; the second two constitute practical reasons why these industries would be selected for early action. In these industries:

- (i) self-employed people are working under the same or similar safety conditions as employees, and often working alongside them;
- (ii) a high proportion of the labour force has self-employed status;
- (iii) there is a substantial incidence of industrial injury incurred by self-employed people.

In these industries, it could well happen that two people are injured in the same industrial accident. One is an employee and can claim the additional benefits available under the Industrial Injuries scheme; the other is self-employed and cannot.

4.5 The industries that most clearly display these characteristics are construction, and the industry group which comprises agriculture, horticulture, forestry and inland fishing. So the next stage would be to consider in more detail where self-employed people in these industries ought to be brought into the scheme, and if so, how this could be done.

4.6 It may be argued that it would be invidious to select certain groups of the self-employed for inclusion in the scheme. Inevitably there will be self-employed people in other industries disabled by an industrial accident or disease who will be left without rights to benefits from the Industrial Injuries scheme. Government may be criticised for excluding such people. Some of the respondents to the Council's Consultation Paper argued that all the self-employed should be entitled to claim for a work injury (Federation of Small Businesses, for example). It was also pointed out by an individual respondent that (on the figures given later) the number of people injured at work who would continue to be excluded if the proposals made here are accepted was so small as to make it unnecessary to deprive them of the right to benefit. The Council accepts the justice of these views, but is still of the opinion that a proposal to bring all the self-employed into the scheme in one move risks rejection on grounds of the administrative problems it would raise. At the same time, it considers that it is not appropriate to continue to exclude those self-employed people who both should and could be included in the scheme, only because the inclusion of other groups of the self-employed would raise problems that cannot be easily overcome. And at a later stage, further extensions might be possible, based on the experience gained from this first step forward.

5. The case for including the self-employed in construction

5.1 Table 1 shows the size and proportion of the self-employed labour force engaged in construction, and how it has grown since 1981. The self-employed now make up 41% of the industry's labour force (almost all of them men), and it thus shows the second of the characteristics set out in para 4.4.

Table 1. The number and proportion of self-employed workers in the construction workforce, 1981 to 1989, United Kingdom.

| Year | Thousands and per cent | | | |
|------|------------------------|------------|-------|--------------|
| | Employees | S/Employed | All | % S/Employed |
| 1981 | 1,130 | 396 | 1,526 | 25.9 |
| 1984 | 1,037 | 472 | 1,509 | 31.3 |
| 1986 | 999 | 495 | 1,494 | 33.1 |
| 1988 | 1,043 | 601 | 1,644 | 36.6 |
| 1989 | 1,044 | 731 | 1,775 | 41.2 |

Source: Social Trends 1988/9/90/1

5.2 The first – and most important – characteristic suggested in 4.4 related to the nature of the working conditions. Work in the construction industry is dispersed across large and small sites. A site may be for new building, repair, alteration or demolition, and it may be “public”, as opposed to work undertaken for a private household.

On “public” sites, the job itself is the responsibility of the main contractor, but commonly the work, or part of it, is sub-contracted to another. The sub-contractor, in turn, may employ his labour force or may sub-contract the work. This may be to a self-employed tradesman, on a “supply and fix” basis, in which the tradesman provides his own materials and tools and, perhaps also his own employees or self-employed people sub-contracting to him. Or it may be to a gang leader who provides workers on a labour only basis. These in turn may be employees of the gang leader or may be self-employed. Self-employed people may also work as individual labour only sub-contractors.

5.4 It is a characteristic of this system that the control of the safety environment is not commonly in the hands of the individual self-employed person. The responsibility will lie with the main contractor or the main sub-contractor. Even where a sub-contractor lower down the chain has the ability to control some of the safety conditions, it will not necessarily be total control. In these circumstances, the position of self-employed people does not differ greatly from that of employees.

5.5 On “private” sites, that is, work for private households, the small building firm may have an employed labour force, but may prefer (for financial reasons) to use self-employed people. Where a number of workers are engaged on one job, the private household will become a small building site, with characteristics similar to a public site. But there are often situations where a single worker is engaged in the operation and is responsible for his own safety precautions. Even then, he cannot guarantee that all parts of the house are in a safe condition for work.

5.6 The individual worker may sometimes do direct work for a private household, and at other times be a tradesman or a labour only sub-contractor on a public site. A study of the construction industry in 1979 looked at 328 self-employed people and found that 41% worked only for contractors, 26% only for private households and 33% for both (10). When available work is in short supply, it seems likely that even more flexibility would be in operation.

5.7 Table 2 shows reported major non-fatal injuries to self-employed people in Great Britain from 1986/89, (a period covered by the most recent definition of this category of injury). The figures for construction are compared with those of all the self-employed in Great Britain. (Less than 2% of all the UK self-employed, and 1% of the self-employed in the UK construction industry, work in Northern Ireland.) In 1988/89, there were 1,152 reported major non-fatal injuries to self-employed people, of which 753 were incurred by self-employed people in construction. This represents 65% of all such reported major injuries to self-employed people. According to the Health and Safety Commission, this industry is particularly prone to under reporting injuries to the self-employed (11), so the percentage may in reality be higher. Thus the construction industry shows the third of the characteristics listed in 4.4.

Table 2. Major non-fatal injuries to self-employed workers in construction as a percentage of all such injuries to self-employed people, Great Britain 1986/9.

| Year | Numbers and per cent | | |
|--------|----------------------|--------------|------|
| | All self-employed | Construction | % |
| 1986/7 | 690 | 443 | 64.2 |
| 1987/8 | 867 | 561 | 64.7 |
| 1988/9 | 1,152 | 753 | 65.4 |

Source: Health and Safety Statistics 1988/9

5.8 It cannot simply be assumed that the major non-fatal injuries will leave disabilities sufficient to attract the Industrial Disablement Benefit (or that more minor injuries will not). But if we take these injuries as a reasonable proxy for

eligibility for this benefit, it can be said that, by extending cover to the self-employed in construction, some two-thirds of eligible injuries would be covered through the inclusion in the scheme of some 23% of the self-employed, comprising around three-quarters of a million workers. Further comments on the number of claims on the scheme likely to be involved will be made in Section 8.

6. The case for including the self-employed in agriculture

6.1 Table 3 shows the size and proportion of the self-employed labour force engaged in agriculture, including horticulture, forestry and inland fishing. (References to "agriculture" hereafter will include all the list just given unless otherwise stated.) There has been an overall fall in the size of the agricultural workforce over the past decade. In this context, the actual numbers of self-employed have declined, but they have come to represent an increasing proportion of the workforce. This now stands at 47%, of whom 89% are male and 11% are female. Thus with nearly half of the workforce self-employed, agriculture shows the second of the characteristics set out in para 4.4.

Table 3. The number and proportion of self-employed workers in the agricultural workforce 1981 to 1989, United Kingdom.

| Year | Thousands and per cent | | | |
|------|------------------------|------------|-----|--------------|
| | Employees | S/Employed | All | % S/Employed |
| 1981 | 363 | 276 | 639 | 43.2 |
| 1984 | 340 | 275 | 615 | 44.7 |
| 1986 | 329 | 274 | 603 | 45.4 |
| 1988 | 313 | 268 | 581 | 46.1 |
| 1989 | 300 | 267 | 567 | 47.1 |

Source: Social Trends 1988/9/90/1

6.2 Presenting a picture of self-employed in agriculture is more difficult than for construction. There is no reference to self-employment in the annual census made by MAFF and somewhat limited information is available from other sources. As Table 3 showed, the main impact of the reduction of the agricultural labour force has fallen on employees, who account for 87% of the decline since 1981. The pattern across the industry has been to reduce the number of year round full-time employees to an essential minimum and, at a lower rate, to reduce year round part-time employees. Seasonal and casual workers are still recruited as needed, usually though not always, from the local area.

6.3 Within the self-employed sector, a sizeable proportion – perhaps up to half – are owner farmers or tenant farmers, or people running small businesses in horticulture, fish farming etc. Labour force data show that 32% of all the self-employed in agriculture etc have employees (12). A further proportion are running family farms or other agricultural units in which the regular labour force is made up of self-employed family members. In the main, these owner or tenant farmers or heads of other units will not be working under a contract for services, but are themselves in charge of the unit's operations. However, some of the farmers may undertake contract work for other agricultural units at certain times of the year.

6.4 The second large group comprises family workers – wives, sons and other relatives – who work as self-employed people in the agricultural unit. According to the National Farmers Union (in response to the Council's paper), the normal relationship on family farms is one of partnership. There may be one person who is regarded as the senior partner, and who carries the ultimate responsibility for the unit, but more often it is a partnership of equals. In these cases, one member of the family would not be working under a contract for

services to another member. Most of these farm family workers are engaged on tasks which would otherwise be carried out by regular employees, and they may also be used in contract work for other agricultural units from time to time.

6.5 The third and growing group is made up of agricultural contractors and of people contracted to them. Contractors are now extensively used in agriculture for work formerly done by employees. One study (in the early 1980s) documented 299 tasks undertaken by contractors, the majority of which would in the past have been performed by farm-based workers (13). The agricultural contractor may, himself, be an individual self-employed person, supplying labour only or, more likely, labour with machinery (eg a tractor) direct to the farm or other unit. There are also some self-employed specialist workers, such as contract dairymen, engaged under a contract for services. But the contracting firm may be a substantial one, with year round, seasonal and casual employees. Some of these companies also use self-employed people who sub-contract to the firm and are contracted out by it.

6.6 A feature of the East Anglian scene, in particular, is the agricultural gang, recruited by gangmasters and contracted by them to farmers etc as casual labour in peak work periods, such as the harvest. Enquiries suggest that most of the gang members are employees, but it would not be surprising to find the use of self-employed status in the gangs for the financial convenience this can offer the gangmaster.

6.7 Finally, there is a certain amount of evidence – mainly from clients coming into Citizens Advice Bureaux – of regular farm employees being required to take self-employed status as a condition of obtaining or retaining a job (14).

6.8 From the evidence the Council has been able to collect, it is clear that there are self-employed people in agriculture, horticulture, forestry and inland fishing who work under the same or similar safety conditions to those of employees, thus fulfilling the first of the characteristics in 4.4. But it is also the case that a large proportion of the agricultural self-employed do not work under a contract for services. However, it was pointed out as an example that where there was a risk from a prescribed disease such as orf, it might equally be the farmer, one of the partners, an employee or a self-employed person under contract who handled the infected sheep.

6.9 Table 4 shows the major non-fatal injuries to self-employed people in agriculture in Great Britain from 1986 to 1989, and compares these with the figures for all the self-employed in Great Britain. (Just under 9% of the agricultural self-employed are in Northern Ireland.) In 1988/89, there were 132 reported major non-fatal injuries to self-employed people. Both the number of reported injuries and the percentage figure is much lower than for construction. Nevertheless, the overall figures show that agriculture has the second highest record of reported major non-fatal injuries to self-employed people and, as with construction, the Health and Safety Commission believes there is serious under reporting of the injuries incurred (15). Its data also suggests that this is a hazardous industry, including risks related to agricultural machinery, tree felling, pesticides and contact with animal-related diseases. Agriculture can, therefore, be said to show the third of the characteristics listed in 4.4.

Table 4. Major non-fatal injuries to self-employed workers in agriculture as a percentage of injuries to all self-employed people, Great Britain 1986/9.

| Numbers and per cent | | | |
|----------------------|-------------------|-------------|------|
| Year | All self-employed | Agriculture | % |
| 1986/7 | 690 | 72 | 10.4 |
| 1987/8 | 867 | 91 | 10.5 |
| 1988/9 | 1,152 | 132 | 11.4 |

Source: Health and Safety Statistics 1988/9

6.10 The comments made in para 5.8 on the use of major non-fatal injuries as a proxy for eligibility for Disablement Benefit apply to agriculture also. Accepting this as a reasonable proxy for the moment, it can be said that, if the agricultural injury figures are added to those of construction, then by including both industries in the Industrial Injuries scheme, three-quarters of eligible injuries would be covered by the scheme. This would bring in some 29% of the self-employed or nearly one million people. It may be noted that there are five European Community countries, including Germany, France and Italy which already include the self-employed in agriculture in their schemes for compensation for occupational injury (16).

7. The question of implementation

In the past, the principal obstacle to the inclusion of the self-employed in the Industrial Injuries scheme was the expected problems in determining the right to its benefits. It is, therefore, necessary to examine how a proposal to include selected groups in the scheme could be implemented. When reading this section, it should be borne in mind that the burden of proof of eligibility lies with the claimant. (According to Social Trends 1988, 96% of the self-employed in construction are men, as are 89% of those in agriculture, so he/his will be used hereafter, but for convenience only.)

7.1 Can construction workers be identified?

7.1.1 At present, a claimant for benefits under the Industrial Injuries scheme has to show that he is an employed earner. If self-employed people in construction were to be included, such a claimant would have to show he was working in the construction industry at the time of the injury, and so had a right to have his claim examined.

7.1.2 The Board of Inland Revenue has a Special Tax Deduction Scheme for the construction industry. It is not advocated that there should be any specific link with this scheme, which is designed for tax purposes and includes requirements which would be inappropriate for the Industrial Injuries scheme. But the Scheme does have a very full definition of a "construction operation", which forms Section 567 of the Income and Corporation Taxes Act 1988. This is shown as Appendix A. The Board, in its booklet on the Scheme (IR 14/15) also sets out guidance on "which types of construction work are within the Scheme and which are not". This is shown as Appendix B.

7.1.3 Information from the Inland Revenue indicates that, while borderline cases do occur, the guidance in the booklet and if necessary, a closer examination of the nature of the work carried out under the contract, are usually sufficient to determine whether particular types of work can be treated as "construction operations". The Inland Revenue lawyers and the courts have not had to concern themselves unduly with matters arising from the definition. The legal advisers of the Department of Social Security may wish to suggest some modifications to the definition so as to avoid what may seem to be unnecessarily arbitrary cut off points when using the definition for a social security scheme. Subject to this it would be reasonable to adopt this definition of construction operations for the purposes of the Industrial Injuries scheme. The guidance could usefully be set out as a DSS pamphlet to assist potential claimants and their advisers.

7.2 Can agriculture workers be identified?

7.2.1 There is no similar and readily available definitions of a worker in agriculture, horticulture, forestry and inland fishing. However, the Standard Industrial Classification and the Standard Occupational Classification together provide a full description of such agricultural operations, from which a definition for the purposes of the Industrial Injuries scheme could be

formulated by those skilled in the task of classification. These standard classifications are shown in Appendix C (Industrial) and Appendix D (Occupational).

7.2.2 There are a number of activities which take place within agricultural units, which form part of that unit's economy but are not strictly agricultural in nature. These include shops to sell the unit's goods, various tourist-related activities, such as the provision of bed and breakfast accommodation, serviced camp sites, holiday farm cottages and farm tours, as well as leisure and sporting activities such as fishing, shooting and riding. The expected further diversification of agriculture is likely to lead to an increase and even greater variation of such activities. It would be necessary to decide whether such activities should be included in or excluded from the definition of "agricultural operations". In themselves, they cannot really be described as "agricultural". But a self-employed person may be occupied for part of the day on these activities and for another part of the day on work which is clearly agricultural. This might suggest that, for the sake of greater simplicity in deciding benefit entitlements, the definition framed for Industrial Injuries scheme purposes should include activities of the type outlined above, as long as they are based on agricultural premises.

7.3 Can basic eligibility be defined?

7.3.1 At present, to be eligible for benefits under the scheme, it must be shown that the injury "arose out of and in the course of employment". Employment is "employed earner's employment", and is often referred to as a "contract of service". Some other groups are defined into the scheme, for example, apprentices and certain office holders, but the central group covered by the scheme is employees.

7.3.2 Self-employed people also work under contract, but in their case it is a "contract for services". The Inland Revenue booklet IR 14/15 offers advice on the meaning of contract in these circumstances. It says:—

"a contract means any legally binding agreement or arrangement under which one person does work or provides services for another person. A contract includes an arrangement made by word of mouth, as well as a written document (para 2.16)".

7.3.3 Self-employed people who can establish that they work in construction or agriculture as defined, would also have to show that the injury for which the claim was being made "arose out of and in the course of a contract for services". The existence of the contract would have to be shown and the fact that the injury was incurred within that contract.

7.3.4 It should be noted that these requirements would exclude from benefit self-employed people who headed a construction firm or agricultural unit and had the responsibility for controlling the safety environment in which its work was undertaken. They would also exclude farm partners not working under a contract for services. The National Farmers Union pointed out to the Council that the outcome of such rules in agriculture would be to limit severely the number of people who could qualify under the scheme. It suggested that means be sought to extend the scheme to working farmers as well as members of their families who work with them. This would be to go well beyond what the Council is proposing at this stage. It may, therefore, be more sensible to apply the same rules to agriculture as to construction, but to review the situation when the outcome is clearer.

7.4 The issue of corroboration

An issue that has often been cited as a potential problem is the possible absence of corroboration where a self-employed person claims he is injured at work. First, it should be said that, given the nature of self-employment in construction

(section 5.2 to 5.6), corroborative evidence would very frequently be available, and probably more often than not. Agricultural work is often more isolated. But one union indicated that in agriculture, as well as construction, an accident to a self-employed worker would be just as likely to be witnessed as one occurring to an employed worker. Second, there is, in fact, no requirement that the claimant's statement be corroborated. In presenting his case, he must show that, on the balance of probabilities, this is an industrial injury within the terms of the scheme (see the Commissioner's decision R(1) 2/51 on this point).

7.5 The problem of marginal cases

A natural fear when the inclusion of the self-employed in the Industrial Injuries scheme is discussed is that there will be numerous and time consuming marginal cases, leading to high administrative costs. In practice, a large proportion of claims from the self-employed in these two industries ought to be fairly straightforward. It could, in any case, be argued that the fact that there will be some marginal cases ought not to be a reason for withholding the benefits of the scheme from this self-employed group, since there will equally be some marginal cases for employees in the same industries. A useful question to ask whenever an example of possible difficulties is given is: "could this equally occur if this was an employed claimant, and how would it be dealt with?".

7.6 Is there a need for special rules for the self-employed?

After examining the various implementation issues, there does not seem to be any need to devise special rules to cover self-employed cases, except that, for the self-employed, there would be four, not three, stages to the inquiry. To sum up, these would be:

- (a) was the claimant an employee or self-employed at the time of the injury? If he is an employee, go straight to question c. If self-employed, answer b;
- (b) was the self-employed claimant in the construction industry or in agriculture, as defined? If yes, go on to c;
- (c) has the injury arisen out of or in the course of a contract of service/a contract for services? The evidence for this must be presented by the claimant and judged on the balance of probabilities;
- (d) has the injury resulted in a disablement of at least 14%?

8. Cost and related issues

8.1 The likely size of the claimant population

8.1.1 In earlier paragraphs, major non-fatal injuries were used – with caution – as a proxy for eligibility for Industrial Injuries scheme benefits. The question now is, is it possible to estimate how many such injuries are likely to lead to a successful claim for Disablement Benefit? The Health and Safety Statistics 1988/89 show that in 1987/88 there were 2,767 major non-fatal injuries from accidents to employees in the construction industry. The Social Security Statistics 1990 show that 810 construction employees commenced receiving Disablement Benefit in 1987/88 for the results of accidental injury. The construction employee figures for 1988/89 were 2,907 major non-fatal injuries and 830 Disablement Benefit commencements. In percentage terms, the figures for Disablement Benefit for these two years represented 29% and 28% of the major non-fatal injuries these employees incurred. Similarly in agriculture, there were 498 major non-fatal injuries to employees in 1987/88 and 180 commencements of Disablement Benefit, while in 1988/89 the figures were 451 and 160. The percentages of successful claims in these two years were 36% and 35% respectively. A straightforward comparison of this kind presents obvious difficulties, because the two sets of statistics are operating to different timetables, but the percentage figures do offer a rough guide.

8.1.2 If these percentages were applied to the self-employed in construction, there would have been around 163 successful claims for accidental injuries in 1987/88 and 211 in 1988/89. For agriculture, the numbers would have been 33 and 45. However, as indicated, there is thought to be a good deal of under reporting of self-employed injuries in these two industries. If benefits could be claimed, more injuries might be reported – an advantage in itself, because it would highlight the need for greater attention to safety. If, for the sake of argument, the number of reported major non-fatal injuries from accidents to the self-employed reached 1,000 in construction and 175 in agriculture then the estimated number of possible successful claims would be 290 and 60. It should be added that, on the basis of the views expressed by the National Farmers Union, the claims from the self-employed in agriculture may be lower than these estimates. To put these figures in context, the total number of Disablement Benefit commencements for accidents for all industries in 1987/88 was 10,430 and for 1988/89 was 7,060.

8.1.3 The published Social Security data do not show if the percentage disability which results from accidents in construction and agriculture tends to be greater than for other industries. But if the normal pattern applies, most of the assessments will be found within the lower percentage ranges.

8.1.4 So far, reference has been made mainly to injury from accidents. But the Industrial Injuries scheme provides for prescribed occupational diseases as well. Examples in the construction industry would include, among others, asbestos-related diseases, vibration white finger and occupational deafness, and in agriculture, the effects of pesticides and animal-related diseases. There were 20 commencements of Disablement Benefit for prescribed diseases for construction employees in 1987/88 and none in agriculture. The figures for 1988/89 were 60 and 10 respectively. This suggests that the extra numbers arising from giving occupational disease cover through the scheme to the self-employed in these two industries would be quite small. In the case of prescribed diseases, there is often a need to trace the employment history to establish industrial cause. These are difficult cases, but the inquiries needed to determine eligibility for the self-employed will not differ greatly from those required for employees.

8.2 Meeting the cost

8.2.1 In earlier years, it would have been necessary to consider an increase in Class 2 contributions to meet the additional cost of extending the Industrial Injuries scheme to some self-employed people. However, the scheme has now been officially classified as non-contributory, and its funding transferred from the National Insurance Fund onto general taxation. Thus, contribution increases will not arise though costs will have to be met through tax funding. The extra numbers with benefit entitlement are likely to constitute 4-5% of new cases and under 0.2% of all cases. In proportional terms, therefore, the additional costs will be quite modest. It is also worth remembering that many of these self-employed workers will be paying Class 4 contributions which earn no direct benefit rights, but instead constitute a general contribution by the higher earning self-employed to the cost of benefits which most of the self-employed are entitled to receive.

8.2.2 It remains true that there will be additional costs to be met. But should this be seen as an automatic reason to reject this proposal? Government has, as a policy, actively promoted and encouraged self-employment for its economic and labour market advantages. Such a policy would properly include attention to the social security needs of self-employed people. As the tables showed, the growth in the numbers of self-employed people in construction has been accompanied by an increase in injuries to the self-employed at work, and reported injuries among the agricultural self-employed are growing in number. It can be argued that it is just to respond to this by ensuring that self-employed people are not deprived of rights to which employees in these industries have

access. More generally, the Federation of Small Businesses has argued that to use either the administrative burden or the financial cost to the Exchequer as reasons for not including the self-employed in the scheme was “grossly unfair”.

9. Some other issues

9.1 The DSS has expressed an initial view on bringing the self-employed into the Industrial Injuries scheme. It considers that most of the difficulties and objections which have been put forward in the past to extending the Industrial Injuries scheme to self-employed people would remain serious obstacles today. Some are concerned with practicalities, for example, the difficulties of establishing whether accidents to self-employed people arose out of and in the course of employment; and the problems of defining categories of self-employed who should or could be included in the scheme and the inevitable cases which would come within the grey areas either side of the borderlines. These, the Department say, would represent unwelcome complications in the structure and administration of the scheme at a time when Ministers have been making determined efforts to simplify the social security system. Other possible objections raise issues of principle. There has been virtually no pressure from self-employed people themselves for title to Industrial Injuries scheme benefits; the majority have chosen self-employment, possibly for the independence which it offers and/or its favourable tax incentives. In making such a choice, the Department says, they would presumably have weighed up the various advantages and disadvantages (including the non-eligibility for the Industrial Injuries scheme); it is of course open to them to take out accident insurance. The Department says that, in considering the case for extending the scheme to the self-employed, Ministers would need to consider the priorities of that particular group against others within the social security system for additional public expenditure.

9.2 Most of these areas of possible concern have been considered already in this paper, but two of them need further comment.

9.2.1 The first of these is that the self-employed make a free choice to become self-employed, in the knowledge that their social security rights will be restricted. In return, they receive what is often described as favourable tax treatment. There are three points to be made on this.

9.2.2 The decisions made by the Inland Revenue, within tax policy, about the treatment of business expenses and the timing of tax payments do not seem particularly relevant to social security policy. It is relevant, however, to consider the specific tax concessions for social security needs. The available tax reliefs are directed to provision for retirement, widowhood, and for early retirement from work due to total and permanent incapacity for work. It is possible to allocate part of the tax reliefs to premiums paid for Permanent Health Insurance (PHI), to cover longer term absence from work – though this implies a lower tax relief for other long term needs. But there are no specific tax reliefs for accident and sickness insurance. Moreover, premiums for accident and sickness insurance and PHI are related to the degree of risk – the greater the occupational risk, the higher the premiums. Both construction and agriculture are in the higher risk categories, with premiums set accordingly.

9.2.3 It may have been correct in the past to say that all or most of the self-employed freely chose this status. But the high unemployment and economic change of the 1980s has introduced new elements. Studies of those who entered self-employment in 1986 and 1987 found that “about one-third of people entering self-employment in recent years are doing so primarily because of the job shortage” (17). There is also evidence from Citizen’s Advice Bureaux that some people (and not only in agriculture) are faced with the option of accepting self-employed status or losing their jobs, (18) as industry seeks to save costs and to increase its ability to make flexible use of labour. Responses to the Consultation Paper from the TUC and from unions representing construction

and agricultural workers indicated that there were many examples of construction employers stating directly that employed people would not be engaged and that only if the job applicant adopted the status of self-employed would he be offered work. This practice was also known to occur in agriculture. In these circumstances, the loss of benefit rights is not by choice but has to be accepted as a fact of life.

9.2.4 It is probably still true that a majority of self-employed people do choose that status, or if they become self-employed unwillingly, choose to remain so as long as they can earn a living by it. But even so, it is questionable whether a decision on retaining or losing rights to Industrial Injuries benefits ought to be imposed upon the self-employed, especially where their work involves risks similar to those of employees in the same industry.

9.2.5 The second area for comment is the argument that no change is necessary because self-employed people are not demanding it. The voices for the self-employed most clearly heard in the 1980s were organisations which principally represented self-employed people who were also employers. But according to Labour Force Surveys, 68% of the self-employed in agriculture and 82% in construction have no employees (19). The voice of the many one person operators has been less often heard, especially where they have not been union members. Where there is union representation – in construction and in several other industries – there is evidence of concern about how the social security system operates in relation to self-employed people, and pressure for improvements.

9.2.6 It might be considered that the low response from self-employed individuals to the Council's own Consultation Paper confirms the alleged lack of concern on the part of self-employed people. The exercise, in fact, highlights the difficulties of this form of consultation. The probabilities are that the vast majority of self-employed people did not even know of the existence of the Consultation Paper. It received little or no attention in the media. A few self-employed individuals did become aware of it through the local press and wrote to express their sense of injustice at being excluded from the scheme. The main responses were from the Federation of Small Businesses, the National Farmers Union, the Transport and General Workers Union (both the headquarters and the Building, Construction and Craft Workers Trade Group) and the TUC, based on responses from its member unions. These are all legitimate voices on behalf of the self-employed, and all were in favour of including the self-employed in construction and agriculture in the Industrial Injuries scheme. The full list of those who responded will be found in Appendix E.

10. Making the change

The legal advisers of the DSS will be able to say whether primary legislation would be needed to extend the Industrial Injuries scheme to the self-employed in the two industries discussed in this paper, or if it could be accomplished through changes in regulations. In either case, it would be useful to allow for the possibility of further extensions, in order to facilitate such action.

11. Conclusion and recommendation

Both from its own inquiries and deliberations and as a result of the consultation it undertook, the Council has concluded that there is a strong case for extending the Industrial Injuries scheme to self-employed people working under the same or similar working conditions as employees, and that it would be right and practicable to do so. It recommends that, as a first step:

- (i) self-employed people in the construction industry who meet the requirements set out in this paper and summarised in 7.6 be brought into the scheme;

(ii) that self-employed people in agriculture, horticulture, forestry and inland fishing, who meet the requirements set out in this paper and summarised in 7.6 be brought into the scheme.

Note: Much of the background research for this paper was provided by Joan Brown, using information collected for her study of social security for the self-employed (including provision for industrial injuries) which was funded by the Joseph Rowntree Foundation.

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Construction Operations

Extract from Income and Corporation Taxes Act 1988

Section 567

(1) In this Chapter “construction operations” means operations of any description specified in subsection (2) below, not being operations of any description specified in subsection (3) below; and references to construction operations shall be taken—

- (a) except where the context otherwise requires, as including references to the work of individuals participating in the carrying out of such operations; and
- (b) except in the case of offshore installations, as not including references to operations carried out or to be carried out otherwise than in the United Kingdom.

(2) The following operations are, subject to subsection (3) below, construction operations for the purposes of this Chapter—

- (a) construction, alteration, repair, extension, demolition or dismantling of buildings or structures (whether permanent or not), including offshore installations;
- (b) construction, alteration, repair, extension or demolition of any works forming, or to form, part of the land, including (without prejudice to the foregoing) walls, roadworks, power-lines, telecommunication apparatus, aircraft runways, docks and harbours, railways, inland waterways, pipe-lines, reservoirs, water-mains, wells, sewers, industrial plant and installations for purposes of land drainage, coast protection or defence;
- (c) installation in any building or structure of systems of heating, lighting, air-conditioning, ventilation, power supply, drainage, sanitation, water supply or fire protection;
- (d) internal cleaning of buildings and structures, so far as carried out in the course of their construction, alteration, repair, extension or restoration;
- (e) operations which form an integral part of, or are preparatory to, or are for rendering complete such operations as are previously described in this subsection, including site clearance, earth-moving, excavation, tunnelling and boring, laying of foundations, erection of scaffolding, site restoration, landscaping and the provision of roadways and other access work;
- (f) painting or decorating the internal or external surfaces of any building or structure.

(3) The following operations are not construction operations for the purposes of this Chapter—

- (a) drilling for, or extraction of, oil or natural gas;
- (b) extraction (whether by underground or surface working) of minerals; tunnelling or boring, or construction of underground works, for this purpose;
- (c) manufacture of building or engineering components or equipment, materials, plant or machinery, or delivery of any of these things to site;
- (d) manufacture of components for systems of heating, lighting, air conditioning, ventilation, power supply, drainage, sanitation, water supply or fire protection, or delivery of any of these things to site;
- (e) the professional work of architects or surveyors, or of consultants in building, engineering, interior or exterior decoration or the laying-out of landscape;
- (f) the making, installation and repair of artistic works, being sculptures, murals and other works which are wholly artistic in nature;
- (g) sign-writing and erecting, installing and repairing signboards and advertisements;
- (h) the installation of seating, blinds and shutters;

- (i) the installation of security systems, including burglar alarms, closed circuit television and public address systems.
- (4) In this section “offshore installations” means installations which are maintained, or are intended to be established, for underwater exploitation or exploration to which the Mineral Workings (Offshore Installations) Act 1971 applies.
- (5) The Treasury may by order—
 - (a) include in subsection (2) above any description of operations as to which they are satisfied that it is a normal activity of the construction industry and that its inclusion in that subsection is necessary for achieving the object of Section 559;
 - (b) include in subsection (3) above any description of operations as to which they are satisfied that it cannot properly be considered a normal activity of the construction industry and ought to be excluded from subsection (2) above.
- (6) An order under subsection (5) above shall not have effect unless a draft of the instrument containing it has been laid before and approved by a resolution of the House of Commons.

Construction Operations – Scope

Extract from Inland Revenue Leaflet IR 14/15

The scope of construction operations

The list gives some guidance on which types of construction work are within the scheme and which are not. The list is not exhaustive. If you are unsure whether work is within the scope of the legislation, contact your Tax Office.

*Operations Included**Operations Excluded***Planning**

- * None

Site Preparation

- | | |
|---|---|
| <ul style="list-style-type: none"> * Demolition of, for example, buildings, structures, tree-felling. * Preparation of site and site clearance, earthmoving on site, excavation, tunnelling and boring. | <ul style="list-style-type: none"> * Delivery of materials. * Transport of spoil from site. |
|---|---|

Construction

- | | |
|---|--|
| <ul style="list-style-type: none"> * Preparation and laying of foundations and piling. * Actual construction, alteration and repair of a permanent or temporary building or civil or chemical engineering work or structure forming part of the land. For example <ul style="list-style-type: none"> – storage tanks – silos – pylons – cranes or derricks – pumps. * Installation of prefabricated components or equipment under “supply and fix” arrangements. * Work done on installations (such as rigs, pipelines, construction platforms) maintained or intended to be established for under water exploration for or exploitation of, minerals where the work is on land or in the UK territorial waters (up to the 12 mile limit). * Installation of systems of heating, lighting, air conditioning, ventilation, power supply and distribution, drainage, sanitation, water supply and distribution, and fire protection works. | <ul style="list-style-type: none"> * Manufacture of off-site fabrication of components or equipment, materials, plant or machinery and delivery of these to the site. For example <ul style="list-style-type: none"> – traditional building materials – prefabricated beams and panel – ready mixed concrete – concrete flooring units. * Installation of security systems including burglar alarms, closed circuit television and public address system. * Drilling for or extraction of oil or natural gas. * Extraction of minerals, boring or construction of underground works for this purpose. * Manufacture, delivery, repair or maintenance of these items. |
|---|--|

- * Installation of lifts, plant or machinery needed by the specification of a building under construction or alteration.
- * Servicing, repair or maintenance of these items.

Finishing Operations

- * Site restoration and landscaping.
- * Tree planting and felling in the ordinary course of forestry or estate management.
- * Installation, structural repair and painting of lamp standards, traffic lights, parking meters and street furniture.
- * Manufacture and delivery of lamp standards. Routine maintenance such as cleaning and general replacement.
- * The fitting of flooring (other than carpets) where required by the specification of a building under construction, alteration or repair.
- * Manufacture off-site and delivery of flooring materials.
- * Installation of
 - double glazing
 - computer and instrumentation systems
 - thermal insulation materials
 - heating and ventilation systems
 - doors and rolling grills in a building under construction, alteration or repair
 - kitchens and bathrooms
 - doors and rolling grills
 - shop fittings and fixed furniture (except seating).
- * Manufacture and delivery of
 - glazing materials
 - computer and instrumentation systems
 - thermal insulation materials
 - heating and ventilation systems
 - doors and rolling grills
 - painting or decorating materials.
- * Painting and decorating the internal or external surfaces of any building or structure.
- * Manufacture, delivery and installation or seating, blinds and shutters.
- * Manufacture, installation and repair or artistic work (for example sculptures and murals).
- * Signwriting and erecting.
- * Installation and repair of sign boards and advertisements.

Construction

- * Installation of power lines, pipelines, gas mains, sewers, drainage, cable television and telecommunications distribution systems.
- * Installation of public services.
- * Transport of materials on site
- * Construction of site facilities.
- * Manufacture and delivery of prefabricated site facilities.
- * Running of site facilities such as canteens, hostels, offices, toilets and medical centres.

Operations Included

Operations Excluded

Construction

- | | |
|---|--|
| <ul style="list-style-type: none">* Construction, repair and resurfacing of roads and bridges.* Provision of temporary and permanent roadways and other access works such as drives.* Erection or dismantling of scaffolding, falsework and formwork. * Internal cleaning of buildings and structures carried out in the course of, or on completion of, their construction, alteration, extension, repair or restoration. | <ul style="list-style-type: none">* Delivery of road-making materials. * The hire of scaffolding equipment (without labour).* Delivery, repair or maintenance of construction plant or hire equipment without an operator. For example, concrete mixers, pumps and skips.* External cleaning (other than painting or decorating) of buildings and structures. |
|---|--|

Standard Industrial Classification

Division 0 Agriculture, Forestry and Fishing

Class 01 **AGRICULTURE AND HORTICULTURE**

(Note: Shops attached to agricultural and horticultural holdings are included in this heading if they cannot be separately identified.)

1 Arable farming and livestock production

All types of agriculture holdings except those used mainly for the production of fruit, vegetables, flower and seed growing, (hops and potatoes, peas for vining and peas for harvesting dry are included). Establishments where animals are reared for food, other products or research are included (horse breeding and bee-keeping are included).

2 Horticulture

Holdings used for the production of vegetables (other than potatoes, peas for vining, peas for harvesting dry), fruit, herbs, mushrooms, flowers, bulbs and seeds (other than seed potatoes, grass and cereal seeds which are classified to 01/1). Also included are nursery gardens producing plants, shrubs and trees other than for the purpose of afforestation.

3 Agricultural and horticultural services

Services such as ploughing, ditching, field draining, hedging, crop spraying (including aerial spraying), seeding (including aerial seeding), grain drying and dressing, threshing and fertilizer spreading for farmers on a contract basis. Thatching and the destruction of rabbits and other vermin are included.

Class 02 **FORESTRY**

Planting, replanting and maintenance of woodlands and forests; tree harvesting (except harvesting carried out by sawmilling establishments classified to headings 4610 or 4710); gathering of uncultivated vegetable products such as ferns, furze, moss, reeds etc from forests and elsewhere. The provision of recreational facilities such as car parks, toilets, etc, and the construction of forestry roads by forestry units are classified to this heading.

Class 03 **FISHING****1 Commercial sea fishing**

Not relevant to this report.

2 Commercial fishing in inland waters

Commercial fishing in rivers, lakes and canals and the operation of farms and hatcheries. Angling for sport is classified to heading 9791.

Reference: Central Statistical Office "Standard Industrial Classification". Revised 1980. Government Statistical Service/HMSO.

Extracts from standard occupational classification

Minor Group 90

Other occupations in Agriculture, Forestry and Fishing

Workers in this minor group cultivate and harvest crops, breed, tend and train animals, catch and breed fish and other aquatic creatures and perform forestry and related tasks.

Occupations in this minor group are classified into the following unit groups:

- 900 FARM WORKERS**
- 901 AGRICULTURAL MACHINERY DRIVERS AND OPERATIVES**
- 902 ALL OTHER OCCUPATIONS IN FARMING AND RELATED**
- 903 FISHING AND RELATED WORKERS**
- 904 FORESTRY WORKERS**

900 FARM WORKERS

Farm workers perform a variety of tasks, by hand and machine, to produce and harvest crops and to breed and rear cattle, sheep, pigs and poultry.

TASKS

- * operates farm machinery to prepare soil, fertilize and treat crops;
- * cultivates growing crops by hoeing, spraying and thinning as necessary;
- * weighs and measures feedstuffs, feeds animals and checks them for any signs of disease;
- * cleans barns, sheds, pens, yards, incubators and breeding units and sterilizes milking and other equipment as necessary;
- * treats minor ailments and assists veterinary surgeon as required;
- * tends flock of sheep and is responsible for their welfare;
- * implements breeding policy, mates animals and tends them during birth of young.

RELATED JOB TITLES

Agricultural worker
 Dairyman/woman (*farming*)
 Farm hand
 Farm worker
 Herdsman/woman
 Pigman/woman
 Poultry worker
 Shepherd
 Stockman/woman (*farming*)

901 AGRICULTURAL MACHINERY DRIVERS AND OPERATIVES

Workers in this unit group operate and drive tractor-drawn or other machinery to clear and cultivate land and to sow and harvest plants and crops.

TASKS

- * attaches plough, cultivator, distributor, mower, baler or other implement to tractor;
- * adjusts depth, speed and height of attached implement according to requirements;
- * drives and operates machinery to plough, fertilize, plant, cultivate or harvest crops;
- * services and maintains equipment and carries out any minor repairs.

RELATED JOB TITLES

Agricultural tractor driver
Tractor driver (*agriculture*)

902 ALL OTHER OCCUPATIONS IN FARMING AND RELATED

Workers in this unit group perform a variety of tasks in the breeding, rearing and care of domestic and wild animals, horses, game animals, bees and mink, inseminate animals by artificial means, assist in the picking and lifting of crops, plant and maintain hedges, oversee the incubation and hatching of eggs and perform other farming and related tasks not elsewhere classified.

TASKS

- * feeds, grooms, trims and exercises animals;
- * cleans animals' quarters and renews bedding as necessary;
- * extracts semen for storage, selects appropriate semen from store, injects recipient animal and issues certificate giving pedigree and date of insemination;
- * incubates eggs in hatchery and supplies chicks for meat and egg production and game birds for reserves;
- * plants cuttings or shrubs and maintains hedges by clipping, pruning and re-planting;
- * picks soft and hard fruits, vegetables, hops and flowers;
- * performs other farming and related tasks not elsewhere classified including sorting and marking livestock, catching rabbits, cutting peat, trimming dogs, shearing sheep and sexing chickens.

RELATED JOB TITLES

Artificial inseminator
Dog handler
Gamekeeper
Groom
Kennelman/maid
Mushroom picker
Stablehand

903 FISHING AND RELATED WORKERS

Fishing and related workers catch fish at sea, breed and rear fish in captivity and cultivate shellfish and mussels, gather seaweed and perform other fishing and related tasks not elsewhere classified.

Most of the tasks under this heading are not relevant to this report, but would include the task:-

- * nets river fish and feeds and maintains them in spawning pens, assists with feeding, water treatment and disease experiments and empties and cleans outdoor tanks.

904 FORESTRY WORKERS

Forestry workers perform a variety of tasks related to the planting, cultivation and protection of trees.

TASKS

- * prepares ground for planting by clearing vegetation and other debris;
- * drains and ploughs land and erects and maintains fences as necessary;
- * collects seeds, plants and prunes trees and selects and marks trees for felling;
- * fells trees using axe or power saw and saws wood into required lengths;
- * removes tops of standing trees and lops branches as necessary;
- * assists in the control of harmful diseases, pests or forms of wildlife;
- * maintains watch for fires and operates firefighting equipment.

RELATED JOB TITLES

Forestry worker
Lumberjack
Timber feller
Woodman/woman

Minor Group 59

Other craft and related occupations nec

Workers in this unit group perform a variety of craft and related trades not elsewhere classified in Major Group 5: Craft and Related Occupations.

Occupations in this minor group include the following unit groups:

594 GARDENERS, GROUNDSMEN/GROUNDSWOMEN

595 HORTICULTURAL TRADES

594 GARDENERS, GROUNDSMEN/GROUNDSWOMEN

Gardeners and groundsmen/groundswomen cultivate flowers, trees, shrubs and other plants in public and private gardens, construct artificial features to improve the appearance of existing terrain, cut and lay turf and maintain areas for sports and recreation.

TASKS

- * levels ground and installs drainage system as required;
- * prepares soil and plants and transplants, prunes, weeds and otherwise tends plant life;
- * protects plants from pests and diseases;
- * cuts and lays turf using hand and machine tools and repairs damaged turf;
- * moves soil to alter surface contour of land using mechanical equipment and constructs paths, rockeries, ponds and other features;
- * rolls, mows and waters grass.

RELATED JOB TITLES

Gardener
Greenkeeper
Groundsman/groundswoman
Landscape gardener
Turf cutter

595 HORTICULTURAL TRADES

Horticultural trades workers intensively cultivate vegetables, plants, fruit, shrubs, trees and flowers in greenhouses, market gardens, nurseries and orchards.

TASKS

- * prepares soil in field, bed or pot by hand or machine;
- * mixes soil, composts, fertilizers and/or organic matter and spreads fertilizer and manure;
- * sows seeds and bulbs and transplants seedlings;
- * propagates plants by taking cuttings and by grafting and budding;
- * applies weedkiller, fungicide and insecticide to control pests and diseases;
- * prunes and thins trees and shrubs;
- * supports trees by staking and wiring.

RELATED JOB TITLES

Greenhouse worker

Horticultural worker

Nursery hand

Nursery worker

See also Minor Group 16 Managers in Farming, Horticulture, Forestry and Fishing.

Reference: OPCS "Standard Occupational Classification" Vol 1 Government Statistical Service/HMSO.

Organisations and individuals who responded to the consultation paper

Graeme Aldous, Smallholder and agricultural journalist.

Federation of Small Businesses.

Jack Fox, Electrical Contractor.

National Farmers Union.

Martin Rathfelder, Welfare Rights Officer, Manchester City Council/Manchester Royal Infirmary.

Transport and General Workers Union, Legal Department.

Transport and General Workers Union, Building, Construction and Craft Workers Trade Group.

Trades Union Congress.

Dale Williams, TV and Electrical Contractor.

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