

AI, ESG, EDI, HSEQ – the alphabet's guide to legal compliance and safety leadership

GLC.



Mishcon de Reya

It's business. But it's personal.

Public vs Private Accountability?

Corporate vs Individual responsibility
(HSSEQ)



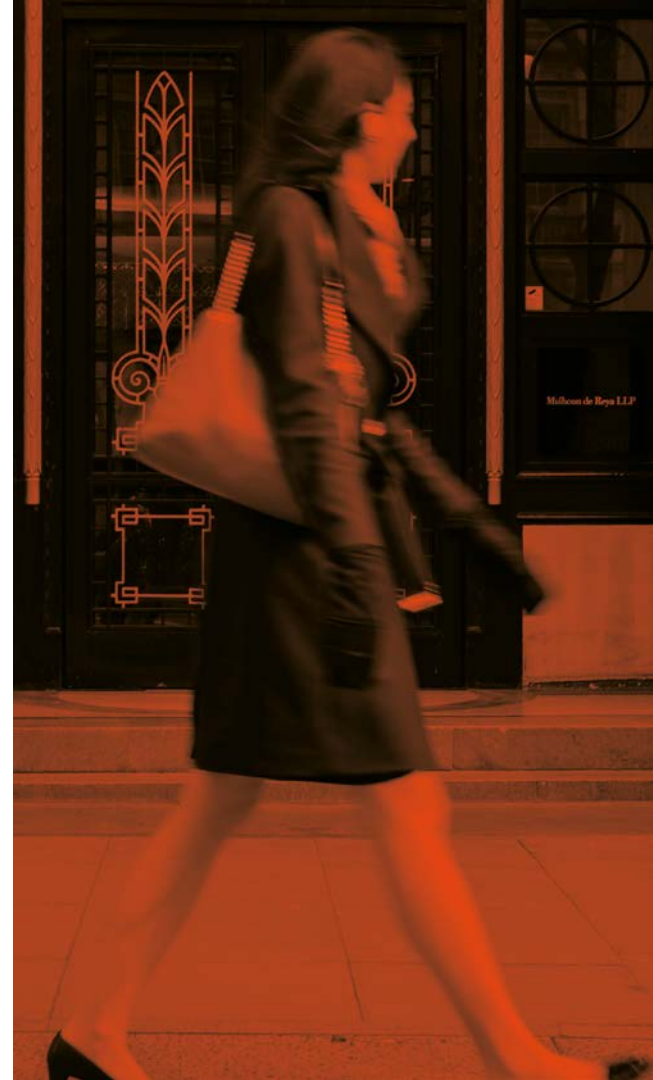
Corporate vs Individuals

- Most countries hold corporates accountable for H&S compliance
- In some countries – there is more of a push for “public” accountability
 - i.e. Building Safety Act post Grenfell Fire
- Overarching responsibility – secure the health, safety and welfare of employees (and non-employees?)
- Expectation that employees will play a part in the organisation’s approach to compliance
- Individual employees usually have their own duty to secure their own H&S and that of those affected by their activities
- More responsibility for senior managers, directors and leaders within the organisation
 - *What about consultants, advisers, temporary / agency workers?*
 - *What about cross jurisdictional senior leadership discussions?*

Best practice for executive directors

The main expectations imposed on senior execs are:

- to ensure it is aware of the risks faced by the business and to provide visible leadership on safety
- to ensure that appropriate systems are in place and regularly reviewed and that adequate resources are available
- to delegate, empower and hold accountable
- to check compliance with the systems developed by the Company to manage risk
- review safety performance at least once a year.
- *What about Non-Execs?*



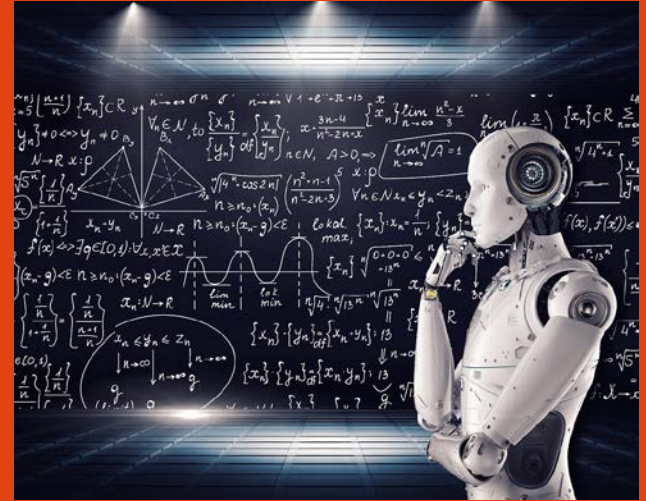
Senior Executive Training



- Senior executive offence of **neglect** under s37 HSWA (*not as proactive as someone in their position ought to have been*)
- Corporate manslaughter offence requires **senior management** failing, particularly if poor “**attitudes, policies, systems or accepted practices**”
- Understanding relevance of **IOD / HSE Guidance** (Leading H&S at Work) - <http://www.hse.gov.uk/pubns/indg417.pdf>



AI and H&S – the future is now....



UK AI Safety Summit

- The UK hosted the first global AI Safety Summit in November 2023 (second in Seoul – May 2024)
- 28 countries from across the globe agreed the The Bletchley Declaration on AI safety
 - *urgent need to understand and collectively manage potential risks to ensure AI is developed and deployed in a safe, responsible way*
 - *collaborating on testing the next generation of AI models against a range of potentially harmful capabilities*
 - *governments have a role in seeing that external safety testing of frontier AI models occurs*

Rishi Sunak: “....giving people the peace of mind that we will keep them safe...”

AI and H&S - the future?

- No longer a futuristic notion – reality
- Artificial Intelligence: computer science aimed towards making machines as capable – and sometimes more capable – of performing certain tasks as humans
- How is AI used in workplace safety?
 - To anticipate future incidents / mitigate risk of accidents
 - Predicting malfunctions
 - Assessing site safety
 - Machine learning (esp. for repetitive tasks)
- Are there benefits to using AI? Will people be replaced?

ESG: Environmental, Social and Governance



H&S and ESG – same thing?

ENVIRONMENT

- Controlling environmental impacts (alleged “sight pollution”)
- Caring for the planet and employees
- Conserving and consuming energy
- Environmental training for employees

SOCIAL

- Workplaces standards
- Product safety
- Reporting the amount of safety incidents on site
- Employee engagement / partner collaboration
- Ethical adverts

GOVERNANCE

- How the company is controlled, directed, and managed
- What processes and stipulations hold leaders accountable
- Accountability of Exec and Non Execs – leading health & safety from the “top”

The Culture Test

Attitude:

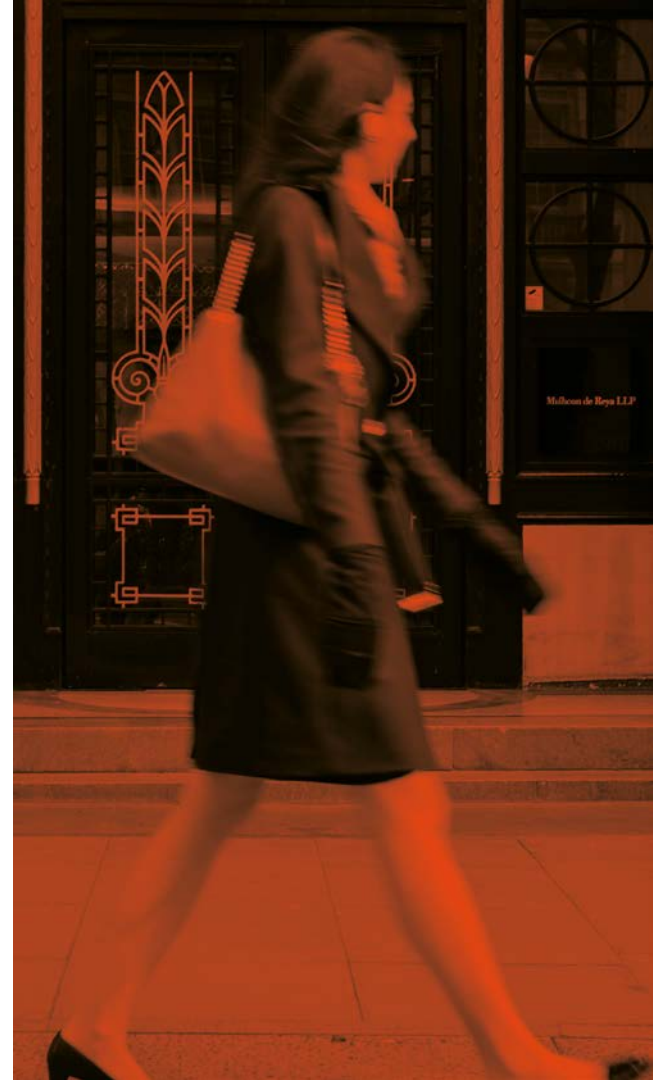
- What do the staff think & what would they say to an inspector?
- How seriously does the organisation take H&S / mental health and wellbeing? (civil and criminal liability)
- Evidence?

Systems & Accepted Practices:

- Do systems reflect what happens on the ground ?
- Is implementation the same across all of your premises?
- Better interaction between relevant departments (H&S advisors, Board, Senior Leadership,)
 - *level of communication and co-operation?*

Psychological / Psychosocial safety (ISO 45003)

- Do you allow employees to be “themselves” at work?



H&S Legal Review of Documents

- **H&S Safety Policy / Policy Statement**
- **Roles and responsibilities document** – remove common hostages to fortune
- **Incident / Accident response protocol**
- **Investigation processes?** Who does what, and when?



Key benefits of ESG

Streamlined regulatory compliance

- Committed to following regulatory guidelines
- Lower regulatory scrutiny and leniency if non-compliances are identified
- Meeting core responsibilities

Improved Efficiencies

- ESG strategies uncover inefficiencies across the organisation
- Transparency of reporting can impact operating expenses positively – benefiting various parts of the company
- Supports ethical business practices / better sustainability

Stronger ROI's

- Enhance their brand, legal position and financial standing
- Addresses stakeholder expectations
- Aids recruitment / retention
- Impacts and supports supply chain relationships

EDI: Equity, Diversity and Inclusion



Equity, Diversity & Inclusion – the global perspective

Inclusion in safety:

- Everyone feels valued and respected
- Safety is enhanced when employees feel psychologically safe to report hazards, near misses and safety concerns without fear of retaliation
- ISO 45001/3

Diversity of thought:

- Need different viewpoints (*Gen Z vs Baby Boomers?!*)
- Wider range of ideas, problem solving techniques and innovative solutions
- Better way to identify risks – not complacent or relying in assumptions
- Interaction between senior leaders and workforce

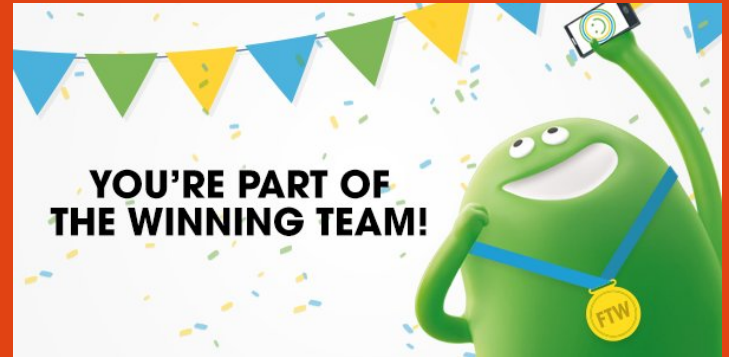
If we get inclusion right, will this impact on safety?

- Adopt intersectional approaches to EDI
- Holistic view enhances safety and wellbeing for all employees.
- Beyond cultural diversity – differences in education, expertise, personality
- Globally diverse teams can share best practices

Conclusion?

Use the new-ish concepts of AI, ESG and EDI to enhance the increasing responsibilities that are being imposed on professionals involved in the HSSEQ community

A proactive, preventative approach is the key to success!



Questions?



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