

Written evidence submitted by Electrical Safety First (COR0143)

1. Introduction

- 1.1 Electrical Safety First is the UK charity dedicated to reducing deaths, injuries and fires caused by domestic electrical accidents. The Charity does this through raising awareness with the public, campaigns and political engagement.
- 1.2 The Home Affairs Committee's Inquiry into Online Harms and COVID19 is very timely for Electrical Safety First and we would urge the Committee to consider the broader issues with online harms. The Charity believes that online harms goes further than the UK Government's current approach to potential regulation of social media, fake news or scams. **Sales of goods is equally important and COVID19 has significantly increased the use of online platforms and highlighted the issues caused by their poor regulation..**
- 1.3 With the closure of many personal hygiene and beauty establishments under the Public Health (Control of Disease) Act (1984), electrical items that are incompatible for being used in the UK, which are normally associated with these businesses are increasingly being sold online and are potentially dangerous to anyone using them. Whilst this is a phenomena associated with the closure of businesses during the COVID19 pandemic, **we firmly believe the UK Government needs to regulate online sales as part of its intended online harms legislation.**

2. Background

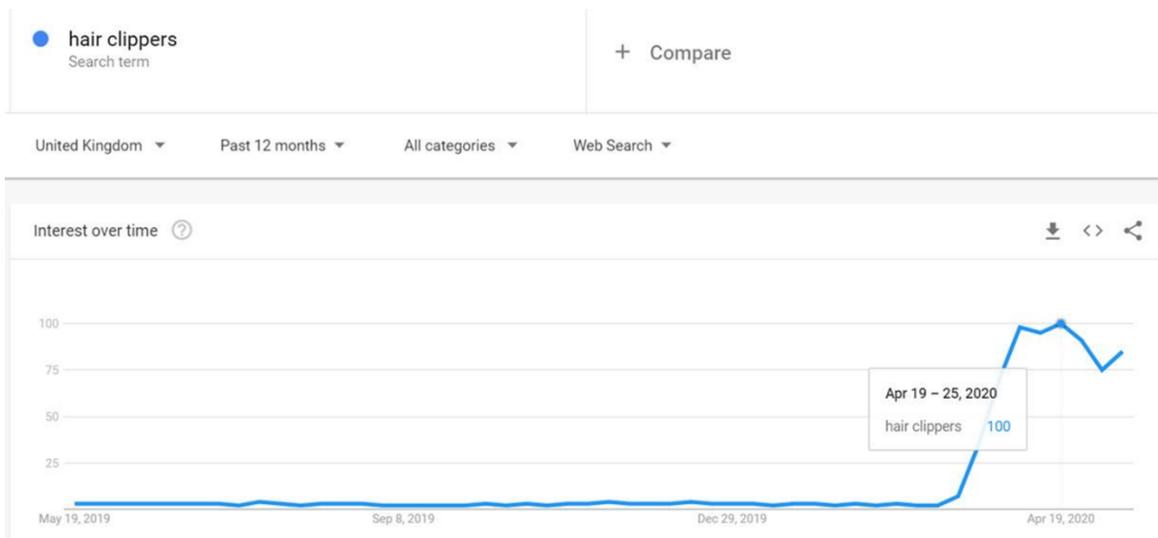
- 2.1 Electrical Safety First is campaigning to raise awareness of unsafe online sales. 64% of people who purchased a fake electrical item bought them online. ⁱ We consider the sale of fake and/or unsafe products online is an online harm issue which should be included in the Bill. COVID19 has increased the number of online sales of electrical goods, including professional products that have now come into mainstream consumer usage due to the closure of professional premises.
- 2.2 In the UK, there is a lack of regulation of online marketplace sales. Consumers are able to purchase unsafe electrical goods with ease, which are sent direct to the consumer from third-party sellers who operate on well-known online marketplaces., Consumers often do not realise that they are buying a product that could harm them – causing a fire, injury, electric shock or even death.ⁱⁱ
- 2.3 The lack of regulation online through marketplaces contrasts with the 'High Street' where all retailers need to adhere to strict rules around product safety. There is a disconnect in regulation that 'High Street' retailers follow rules, but online marketplaces appear to allow their third-party individual sellers to by-pass regulations by selling direct to the consumer - often from abroad - without it would seem awareness of even basic UK laws governing electrical safety
- 2.4 'High Street' retailers and those selling online must act in conformity with the regulations to protect the public, but this is often not the case in practice when it comes to goods being sold by third-party sellers through online marketplaces. UK law states that only safe products must be placed on the market. Under the Electrical Equipment (Safety)

Regulations 2016 any distributor (retailer) must act with due care and where a product is found not to be in conformity with essential safety requirements, they have a duty to not make it available on the market and to inform the manufacturer or importer, as well as the market surveillance authority. Online marketplaces fall outside this legal framework as they are not designated as a distributor (retailer), which means consumers are wholly reliant on the voluntary measures that a marketplace may put in place. In Electrical Safety First's experience these voluntary measures are wholly inadequate as fake, unsafe goods are all too commonplace.

- 2.5 Consumers have reported to Electrical Safety First their experiences with online marketplaces and the potentially harmful and unsafe goods available. In a survey carried out by Electrical Safety First - 93% of consumers said that they expect e-commerce sites to protect them from counterfeit and substandard goods and 33% have fallen victim to a counterfeit scam - the equivalent of 18 million people.ⁱⁱⁱ Out of those who bought these items, 8% experienced an electrical fire that caused injury and 11% had a fire that damaged possessions/property.^{iv}
- 2.6 Whilst there has been a focus on social media, fake news and scams and the failure of social media giants in their duty of care, we strongly urge the Home Affairs Select Committee to consider the wider issues during the COVID19 pandemic regarding the various forms of online harms. We recognise the Government's upcoming online harms legislation is primarily concerning harmful online content, we nevertheless see unsafe electrical goods as harmful and this legislation is an opportunity to address this issue, and as such would like to see the Government broaden its legislative scope.

3. COVID19 Pandemic and Online harms

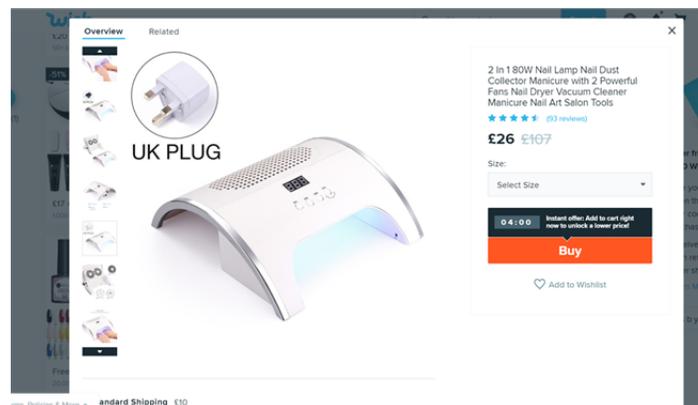
- 3.1 With the rise in online shopping as a result of lockdown, we believe that consumers, unbeknownst to themselves, are purchasing potentially unsafe electrical goods online.
- 3.2 Due to the closure of professional establishments, such as barbers, hairdressers and beauticians under the Public Health (Control of Infection) Act (1984) consumers have increased their interest and use of products previously seen to be reserve of professionals.
- 3.3 Analysis of Google trends by Electrical Safety First has shown an increase in the searches for professional beauty electrical products. Analysis during the start of the COVID19 pandemic shows a spike in searches for hair clipping equipment.^v



3.4 A consumer survey undertaken by Electrical Safety First has found that nearly 40% of people asked had bought an electrical beauty product online as a result of the COVID19 pandemic, this is the equivalent of over 21m consumers in the UK.^{vi} This raises real risks that consumers will receive items that are unsafe and / or incompatible for use in the UK from unregulated market places.

3.5 Desktop research by Electrical Safety First during COVID19 has seen several apparent non-compliant products being sold directly to UK consumers. These are just examples of several the Charity has seen online: -

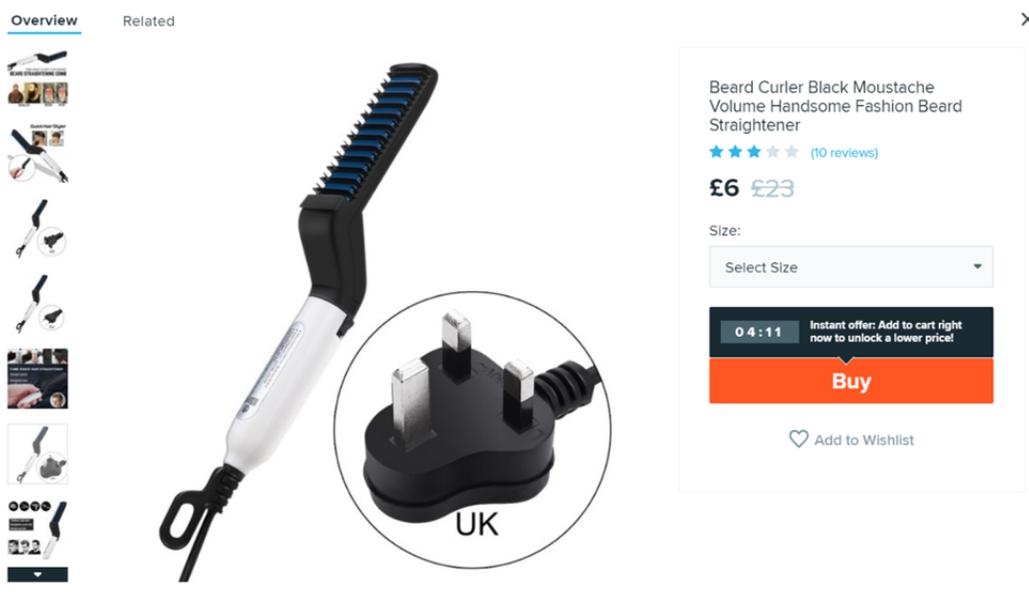
3.5.1 Nail Lamp – advertised with a substandard UK plug^{vii} - this item has the potential of causing an electric shock due to the plug being non-compliant with British Standard 1363.



3.5.2 Hair Clippers – with substandard adaptor^{viii} - this item could cause a potential electric shock from an adaptor with no shutters. Adaptors must comply with the Plugs & Sockets (Safety) Regulations 1994 – the item shown is illegal for use in the UK.



3.5.3 Beard straightener - here we see an illegal clove shaped plug used^{ix} - this item poses a risk of fire and electric shock as the plug is not fused. This again is illegal under the Plugs & Sockets (Safety) Regulations 1994.



4. Key Issues that need to be addressed post COVID19

4.1 The UK Government issued a response to the consultation on online harms in February 2020.^x It mentions potential solutions to tackle online harms that are very much relevant to the sales of electrical goods in the UK and this is why Electrical Safety First believes the expected legislation must be broadened.

4.2 The Government's consultation response included the following which are of interest to Electrical Safety First's campaign. The Government's comments are in *italics* however

the Charity would like to make the respective responses to each of the individual points and how they are important to addressing ongoing problems with online marketplaces and unsafe electrical goods: -

- ***'Illegal and unacceptable content and activity is widespread online, and UK users are concerned about what they see and experience on the internet.'*** – this is exactly the problem with unregulated marketplaces and their potential for their sellers to ignore UK safety laws. Electrical Safety First firmly believes that online marketplaces should be designated as retail stores / distributors for the purposes of the current regulations and they must take pro-active action themselves to protect UK consumers when potentially dangerous goods are being sold on their sites.
- ***'A new regulatory framework for online safety'*** - Online marketplaces must make sure electrical products are safe for use in the UK. The Charity believes that a new duty should be placed upon them to ensure electrical goods offered for sale through fulfilment centers and/or by their third party sellers on these sites are safe. The examples shown above demonstrate that marketplaces are not able to regulate themselves and non-compliant products, especially during the COVID19 pandemic have greater potential to enter the UK supply chain and people's homes.
- ***'The government will establish a new statutory duty of care to make companies take more responsibility for the safety of their users and tackle harm caused by content or activity on their services.'*** - Introducing a duty of care on to online marketplaces would be an essential aspect in ensuring unsafe and substandard goods are not placed on to the UK market. We would also expect that a new duty should be placed on marketplaces to remove these products within 24hrs of them being reported. Furthermore, online marketplaces maintain 'purchase histories' so they must communicate with consumers who have previously bought items that have been removed from sites and safety information given to those consumers if it deemed those items are dangerous. Currently, there is a lack of transparency with UK consumers, as to what reasons items may have been removed by online marketplaces. There are potential failures in the duty of care to UK consumers in informing them of unsafe products.
- ***'Companies should invest in the development of safety technologies to reduce the burden on users to stay safe online'*** – Electrical Safety First believes that the online marketplaces must have a new duty on them whereby they will be required to ensure their technology, identifies and prevents such products being available for sale, e.g. items not-compatible for use in the UK – with an EU plug. Whilst many online marketplaces prevent the sale of items such as pets, knives and pornography for example – they must invest further in technology to prevent unsafe electrical goods from being sold. Electrical Safety First has lobbied the online marketplaces in this regard but it has become clear to us that regulation is now required.

4.3 **The COVID19 has demonstrated the need for online harms legislation to be broadened to ensure UK Consumers are kept safe.** Parliament has an opportunity to advise the UK Government on the need for a joined up cross-departmental approach on the differing aspects of online harms, and to use this Bill to further protect online users from harm.

- 4.4 **The Charity believes that COVID19 has further exacerbated the online harms potential with unsafe electrical goods. We would urge the Home Affairs Committee to consider these and include in its response to Government on the need for a broader policy approach to tackle these issues.**

May 2020

ⁱ Electrical Safety First - <https://www.electricalsafetyfirst.org.uk/what-we-do/facts-and-figures/>

ⁱⁱ BBC News – Linda Merron death <https://www.bbc.co.uk/news/uk-wales-south-west-wales-32046682>

ⁱⁱⁱ Electrical Safety First – Online Marketplaces Regulation campaign <https://www.electricalsafetyfirst.org.uk/what-we-do/our-policies/westminster/regulating-online-marketplaces/>

^{iv} Electrical Safety First – Consumer Survey January 2020.

^v Electrical Safety First Analysis of Google Trends information – 14 May 2020

^{vi} Electrical Safety First - Censuswide Consumer Survey May 2020

^{vii} <https://www.wish.com/search/nail%20lamp%20uk%20plug/product/5d53c96d8dea5a4d87282769?source=search&position=25&share=web>

^{viii} <https://www.wish.com/search/hair%20trimmer%20for%20men%20uk/product/5e8ed9cf2f91ef020151f911?source=search&position=99&share=web>

^{ix} <https://www.wish.com/search/beard%20comb%20uk%20plug/product/5d98498416c1c0433bb52bb4?source=search&position=77&share=web> –

^x <https://www.gov.uk/government/consultations/online-harms-white-paper/public-feedback/online-harms-white-paper-initial-consultation-response>