

Health and Safety Commission Minutes		HSC/M05/2004	
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Health and Safety Commission	
Minutes of a meeting of the Health and Safety Commission held on 11 May in the Hope Room, 2 Southwark Bridge, London SE1 9HS	
<p><b>Present</b>  Bill Callaghan – Chair  Abdul Chowdry  Joyce Edmond-Smith  John Longworth  Judith Hackitt  Hugh Robertson  Judith Donovan  Elizabeth Snape  Margaret Burns  <b>Apologies</b>  George Brumwell</p>	<p><b>Officials Present</b>  Timothy Walker  Justin McCracken  Kate Timms  Vivienne Dews  Alex Brett-Holt  Colin Douglas  Susan Mawer  Paul Kloss  Paul Denman  Ashley Salandy  Paul Baldwin</p>
<p><b>Presenters</b>  Item 3 – Kate Timms  Item 4 – Marcia Davies, Roger Nourish  Item 5 – Kate Timms, Elizabeth Gyngell, Steve Vinton, Terry Rose  Item 6 – Professor Stephen Wood, Neal Stone, James Whitman, Matthew Holder  Item 7 – Keith Wiley, June Manson, Stephen Taylor</p>	

<b>1</b>	<b>Minutes of the meeting held on 6 April 2004</b>
1.1	With minor changes to paragraph 9.2, the minutes were agreed
<b>2</b>	<b>Urgent business not covered by items on the agenda</b>
2.1	<p>I. The Commission asked for an updated briefing on the Rail Review. This would be circulated shortly.</p> <p>II. A letter from the Chair to David Arculus was now ready to be sent.</p> <p>III. The Chair welcomed Susan Mawer to her first meeting as Commission Secretary. Paul Denman would be leaving Commission Secretariat, to be replaced by Paul Baldwin.</p>
<b>3</b>	<b>Delivering HSC/E's PSA Targets: Performance Report: 2003-04 (HSC/04/60)</b>

3.1	<p>Kate Timms introduced the paper. This was a quarterly performance report which used a traffic light system of classification. The targets had been discussed by the Delivery Board and would form the basis of advice to Ministers. Attention was drawn to the “Government setting an example” (GSE) programme which had been classified as red for the quarter ending 31 March. There had been limited progress in engaging DWP Ministers and although the Chancellor of the Exchequer had now expressed an interest in GSE it was felt that a red classification seemed appropriate at this stage. Musculo-skeletal disorders (MSD’s) showed a slight fall in the information being reported by inspectors and this would be looked into. Consequently, MSD’s were currently classified as amber. The major hazards sector was also a cause for some concern. There had been an improvement in rail, especially relating to SPAD’s which warranted a green classification but the offshore sector was classified as amber over the reduction of hydrocarbon releases. The information contained within the paper would form the basis of a Ministerial submission.</p>
3.2	<p>The Commission questioned the paper. The use of one traffic light for all the major hazard sectors should be re-examined. The offshore sector was a red area of concern and the overall classification of the major hazards sector as amber was challenged in light of this. The Commission was reassured that these “sub-categories” were a useful way of conveying important information in an open document. Separate major hazard indicators seemed more reflective of progress, especially in this first year. HSC/E needed to communicate its ability to manage different sectors and it was useful to see exactly where the problems were. The information on slips and trips was challenged. A greater number of discussions but fewer notices issued could possibly indicate that this area was not being seriously enforced. The Commission accepted however that advice on slips and trips could provide a suitable level of contact with industry unless there were repeat offences. The classification of slips and trips was compared to the section on MSD’s. Officials were challenged as to why MSD’s were amber and slips and trips were green. Commissioners were assured that it was the number of contacts relating to the slips and trips sector that could justify a green classification in this instance. The Commission requested an official update on developments with the two Strategic Programme Plans.</p>
3.3	<p>The Chair thanked the presenters. The Commission was happy for this information to be sent to Jane Kennedy MP, subject to a few minor amendments to Annex 1. Summing up, the Commission:</p> <ul style="list-style-type: none"> <li>• noted the report and advised the Chair on any issues it wished to be drawn to the Minister’s attention;</li> <li>• noted the position with the development of the two Strategic Programme Plans– Better Health at Work Partnership and Local Authorities. An update at a forthcoming Commission meeting was to be provided.</li> </ul>
4	<p><b>Progress with operational interventions to meet the challenge in Agriculture: Oral Update:</b></p>
4.1	<p>Marcia Davies introduced this item and Roger Nourish gave a powerpoint presentation. A line graph showing “fatal incident rates (per 100,000) in agriculture over 15 years” was displayed. There had been a doubling in the number of incidents in the self employed sector and a decline in the number of employees. Together, the statistics generally negated each other. Transport related accidents and falls were the main areas of concern.</p>

4.2	<p>In terms of occupational health:</p> <ul style="list-style-type: none"> <li>• agriculture had the highest occupational ill health prevalence rate;</li> <li>• 80% workers had musculoskeletal injuries;</li> <li>• asthma levels were at twice the national average;</li> <li>• 20,000 suffered from zoonotic infection each year;</li> <li>• 25% had noise induced hearing loss.</li> </ul> <p>The age profile of the industry confused the issue here since many workers carried on working past the retirement age.</p>
4.3	<p>Key issues to be considered were:</p> <ul style="list-style-type: none"> <li>• a deep seated culture of unwise risk-taking within the industry;</li> <li>• farmers were often resistant to officialdom;</li> <li>• health and safety was not yet regarded as integral to good farm business management.</li> </ul>
4.4	<p>Horizon scanning had highlighted that between 2004-2009 the biggest changes in the agricultural industry since the 2<sup>nd</sup> world war were expected due to the effects of Common Agricultural Policy. There would also be Decoupling and Implementation of Curry/Government “Sustainable Food &amp; Farming” Strategy. These would have big impacts on the nature and scale of employment, land management, diversification and potentially on health and safety outcomes.</p>
4.5	<p>A graph showing “projected agricultural holdings in England” was displayed. By 2010 there was a predicted increase of 90% in the number of self employed small holdings. Family farms were expected to decrease by 20%. The key issue here was the increased number of small holdings.</p>
4.6	<p>HSC/E’s nine point strategy was focussed on the self-employed. The main points were:</p> <ul style="list-style-type: none"> <li>• engaging stakeholders;</li> <li>• extending competencies;</li> <li>• targeted publicity/guidance;</li> <li>• targeted inspection – employed;</li> <li>• stimulate action by self-employed;</li> <li>• influence safety through design;</li> <li>• promote occupational health provision;</li> <li>• evaluating interventions;</li> <li>• open public debate on child safety.</li> </ul>
4.7	<p>The delivery mechanisms were:</p> <ul style="list-style-type: none"> <li>• an agriculture summit – this took place in January 2004 and was attended by Bill Callaghan and lord Whitty. The aim was to secure widespread agricultural engagement;</li> <li>• inspection – efficiency and effectiveness were key here.</li> <li>• accredited competence qualifications;</li> <li>• evaluating occupational health and rehabilitation pilot for rural areas – aiming to have a profound impact on quality of life;</li> <li>• safety awareness days (SAD’s) – there had been a good take up for these so far and mini SAD’s were being organised for more isolated communities such as those in Scotland;</li> <li>• an interactive self assessment tool.</li> </ul> <p>Overall, encouraging people to take up these initiatives was key in the agricultural community.</p>

4.8	The internet was a key tool and the HSE agriculture pages received up to 2000 hits per month. Further development of the site was an ongoing process and feedback from stakeholders had been encouraging. HSE's agricultural self-assessment tool had also been developed to ask specific questions of different types of farms. Self-assessment screens allowed a whole range of specifically tailored, regional questions to be raised. The results of the London and North-West pilots would be built on and the role of Workplace Contact Officers (WCO's) would look to be extended. In conclusion, HSC/E was committed to improving agricultural health and safety, particularly by developing novel new ways of working. The signs were encouraging since the implementation of the nine point strategy.
4.9	The Commission welcomed the presentation. The involvement of Lord Whitty was important since political will and support could make a huge difference. The agricultural sector was more joined up with DEFRA than ever before and it was hoped that the Department for Health (DoH) would join up further with HSE too. Work was in progress on issues involving seasonal and migrant workers and a paper on this would be brought to the Commission in June. Commissioners were invited to encourage British Retailers to join up with HSC/E on agricultural issues. The complicated nature of the retail industry often meant officials received a slightly muted response. Getting retailers on board as a group was very important. The Commission expressed concern about future trends involving children and members of the public. There was likely to be an increase in Section 3 risk although HSE was alert to that. Joined up working would be important in making an impact here. "No child deaths by 2010" was a key target and there was one child fatality last year. Child safety was a flagship project for the TGWU and HSE had seconded someone to drive things forward. Local Authorities (LA's) were large land owners and good relations would make them useful stakeholders to have. Contact with the Samaritans was suggested as a way to improve issues of occupational health and rehabilitation.
4.10	The Chair thanked the presenters. The future could not be accurately predicted, but the presentation was helpful. There were good points to follow up on and it was important to maintain progress. The finance team would need to know about the joined up working with Defra in terms of the Hampton review. Discussions with DoH would need to be opened up in terms of the Occupational Health agenda. DEFRA should also be involved in this. Summing up, this was a good report with good examples of HSE doing things differently and having an impact. The Commission looked forward to continued progress.
<b>5</b>	<b>Developing our relationships with large organisations (HSC/04/44):</b>
5.1	Kate Timms introduced a strategic discussion paper which asked questions about HSC/E and its relationships with large organisations. Work was commencing to review and develop these relationships to form real partnerships taking account of the needs of both HSE and the organisations involved. The Commission was invited to help steer work forward.

5.2	<p>The Commission raised some questions about the strategic paper. There was a need to be clear about what “large organisations” meant. There was a big difference in terms of businesses and the public sector. Multi-national corporations would need to be handled differently. LA’s enforced large retail organisations and consideration would need to be given to LA’s and their role. LA’s would need to be engaged at the start of any dealings and their endorsement was important. The LA agenda would need to be looked at and an open debate was essential. The definitions of “appropriate” and “earned autonomy” were not clear and specific criteria would be helpful here. Thought would also need to be given to how “continuity” and “consistency” are achieved. The direction of the paper was encouraging and there were huge benefits to be had. Large organisations should be rewarded and encouraged to self-regulate, provided there was a sufficient level of workforce involvement. HSC/E knew what it wanted from others but what would organisations want in return? HSC/E would have to have something to offer them. Joined up working with other schemes (eg the Scottish Health at Work Scheme (SHAW) ) would be useful. Audit tools would be important in any self-regulation scheme and the publication of RIDDOR figures in annual reports could be used to encourage open reporting and to force organisations to take health and safety seriously. Large organisations could influence smaller organisations, particularly in terms of supply chains. Large organisations would need to understand HSC/E’s proportionate, risk based approach. There was a spectrum of approaches available and sometimes the trade associations would be a useful intermediary. HSC/E had met with 60-70 of the top 350 companies over the last 3 years. It was time to start finding new ways to influence.</p>
5.3	<ul style="list-style-type: none"> <li>• The Chair thanked the presenters. This was an issue that would need a lot of work done. No two companies could be treated exactly the same, especially where multi-nationals were concerned. There were different methods of engagement available and some prototypes would need to be examined. What HSC/E could offer was key here. Propositions would need to be drawn up. Continued discussions with LACORS and LGA were important. Proposals for trials should now be worked up and tested out to reflect the industries in Great Britain today. The Commission should be invited to comment on these proposals at a later date..</li> </ul>
<b>6</b>	<b>HSC/E Workers’ Safety Adviser Challenge Fund: Progress report and approval of the supporting arrangements (HSC/04/45):</b>
6.1	<p>Neal Stone introduced the paper. Considerable progress had been made in taking forward the arrangements to support of the HSC/E Workers’ Safety Adviser Challenge Fund. The Commission was now asked to formally approve these arrangements. There was an event planned in London on 30 June to announce the first round of Challenge Fund award winners. It was hoped that Commission members could attend.</p>
6.2	<p>The Commission welcomed the paper. This was a good initiative, completed in a tight time frame. However, the apparent lack of a small businesses representative on the Challenge Fund Management Board was questioned. The Commission was assured that this would be rectified.</p>

6.3	<p>The Chair thanked the presenters and Professor Wood for agreeing to Chair the Management Board. This work was making rapid progress. It was hoped that the result would be a genuine competition of applications for awards that sought to promote greater worker involvement in health and safety, build partnerships and demonstrated innovation. 70 applications had been received in the first round. At this time the quality was unknown. Summing up, the Commission:</p> <ul style="list-style-type: none"> <li>• noted and welcomed the progress made since the announcement concerning the creation of the WSA Challenge Fund by Andrew Smith, the Secretary of State for Work and Pensions in October 2003;</li> <li>• formally approved the arrangements in support of the WSA Challenge Fund as set out in Annex A – “The WSA Challenge Fund – The Roles and Responsibilities of the HSC, the HSE, the WSA Challenge Fund Management Board and WSA Challenge Fund Manager”; Annex B – “The WSA Challenge Fund – Information Pack”; and Annex C – “WSA Challenge Fund – Forward look, April – September 2004”;</li> <li>• looked forward to the event on 30 June.</li> </ul>
7	<p><b>Managing Sickness Absence and Return to Work – workplace managed rehabilitation and job retention (HSC/04/10):</b></p>
7.1	<p>Keith Wiley introduced the paper. This was not a traditional piece of work. This work engaged HSC/E with the wider health at work agenda. Consultees had generally been very supportive and their advice had been incorporated. Advice had been received from the Disability Rights Commission and DWP.</p>
7.2	<p>The Commission strongly supported the paper. It was felt that this would be well received. Employers needed guidance and advice here and the Commission asked for it to be launched as soon as possible. It should be remembered that HSC/E was concerned with preventing accidents and ill health as well as any treatment and rehabilitation. The suggestion was made to provide clearer links to information on statutory sick pay and other employment issues. Close working with DWP and DTI would take rehabilitation work forward. The DWP Framework for Vocational Rehabilitation would be useful in bringing this work together.</p>
7.3	<p>The Chair thanked the presenters. This was an important piece of work and the tone needed to be right. HSC/E had to emphasise this issue, especially in relation to small businesses. Close links with DWP should be maintained. The EEF had also produced a document on rehabilitation that will match what HSC/E is doing. The work on managing sickness absence and return to work would be launched in late summer in conjunction with DWP’s Framework for Vocational Rehabilitation. Summing up, the Commission:</p> <ul style="list-style-type: none"> <li>• noted the contribution the guidance made to the new Strategy;</li> <li>• noted that <i>managing sickness absence and return to work</i> marked a step change moving beyond traditional health and safety boundaries and engaging within the wider employment and health at work issues;</li> <li>• supported the best practice guidance as an authoritative source and the communications of the message to change the work culture in Great Britain;</li> <li>• requested further work be done in collaboration with the Communications Directorate; and</li> <li>• Requested that work continued on linking with DWP.</li> </ul>
	<p><b>Below the Line Items:</b></p>
8	<p><b>Publication of Consultative Document on Revision of the Offshore Installation (Safety Case) Regulations 1992 (HSC/04/27):</b></p>

8.1	The Commission: <ul style="list-style-type: none"> <li>• approved publication of the attached CD (Annex A);</li> <li>• approved the consultation list (Annex B); and</li> <li>• approved the suggested approach on key issues set out in paragraphs 10 and 12.</li> </ul>
<b>9</b>	<b>The Importation of Asbestos from the Sovereign Base areas in Cyprus (HSC/04/43):</b>
9.1	The Commission noted the Executive's decision to issue an exemption certificate under the Asbestos (Prohibitions) Regulations to allow the importation of asbestos waste from British military properties on the SBAs in Cyprus for the purposes of safe disposal in the UK.
<b>10</b>	<b>Constructing Better Health – An Occupational Health Support Scheme for the Construction industry (HSC/04/57):</b>
10.1	The Commission noted developments to date and formally directed HSE to participate in the Company Limited by Guarantee (CLG) set up to govern the pilot.
<b>11</b>	<b>Strategy Implementation (HSC/04/50):</b>
11.1	HSC noted the proposed approach to implementing the Strategy.
	<b>Miscellaneous Papers</b>
<b>12</b>	<b>Results of MORI survey on attitudes to health and safety and HSC/E (MISC/04/11)</b>
12.1	HSC noted the survey findings
<b>13</b>	<b>Update on the European Commission's Strategy for a Future Chemicals Policy (MISC/04/14):</b>
13.1	The Commission noted the publication of a UK Consultation Paper.

**Commission Secretary**  
**May 2004**