

Small Business Trade Association Forum Minutes

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Small Business Trade Association Forum

Minutes of the Meeting of the Small Business Trade Association Forum, Held on 21 July 2009 in the 8th Floor, South Wing Conference Room, Rose Court.

Present:

Judith Donovan CBE,	Chairman
George Anastasi	Professional Contractors Group
Annabel Berdy	British Retail Consortium
Colette Best	Royal Institute of Chartered Surveyors
Michael Britten	National Farmers Union
Ron Bonner	Professional Lighting and Sound Association
Robert Cummings	Confederation of British Industry
Michael Davison	UK Warehousing Association
Alexander Ehmann	Institute of Directors
Linda Gowling	Association of Charity Shops
Sara Higham	Federation of Small Businesses
Tony Hutchinson	Rural & Industrial Design and Building Association
Martin Isles	Mineral Products Association
Phil Marsh	British Glass Manufacturers' Confederation
Declan Moore	Glass and Glazing Federation
Peter Newport	Chemical Business Association
Wendy Nixon	Hair and Beauty Industry Authority (HABIA)
Bettine Pellant	PICON
Phil Russell	Federation of Master Builders
David Ursell	Registered Nursing Home Association
Pete Walker	British Constructional Steelwork Association
Steve Walter	EEF – The Manufacturer's Organisation
Stefan Wojciechowski	National Federation of Retail Newsagents

Apologies were received from other members.

HSE Officials Present:

Jenny Eastabrook	Joint-Head, Cross Cutting Division
Norman Smith	Radiation Policy Unit
David Lewis	Health Policy Development Team
David Smeatham	Head, Worker Involvement Team
Paul Cook	Worker Involvement Team
Tony Hetherington	Head, Local Authority Unit
Julian Delic	Work, Environment, Gas and Radiation Division
Claire Lonsdale	Small Business Trade Association Forum Secretariat

Observers:

Charlotte Mellor	Local Authorities Coordinator of Regulatory Services (LACoRS)
Tom Moody	LACoRS

1. Introductions and apologies

- 1.1 Judith Donovan welcomed the attendees and introduced Alexander Ehmann and Sara Higham, who were attending their first meeting.
- Charlotte Mellors and Tom Moody from the Local Authorities Coordinators of Regulatory Services (LACoRS) also attended in an observational capacity.

1.2	<u>Secretariat's Note</u> : Please refer to the appropriate slides on the e-community for more information on the presentations.
2.	Minutes of the last meeting
2.1	It was agreed that the minutes reflected an accurate and true description of the April 2009 meeting.
3	Hot Topics
3.1	<p>Claire Lonsdale provided members with an update on current health and safety initiatives, together with an insight into possible items for future Forum meetings:</p> <p><u>Asbestos E-Tool</u>: 'Managing My Asbestos: A Step by Step Guide to the Duty to Manage Regulations' launched on 3 July and is now available on the HSE website at: http://www.hse.gov.uk/asbestos/managing/index.htm</p> <p>The Forum were thanked for their help in developing the tool and were asked to make their members aware of it.</p> <p><u>European Campaign for Risk Assessment</u>: The second year of the European Campaign for Risk Assessment is looking to build on the good work of the previous year. HSE will be supporting the campaign and plans to develop CD-ROMs for distribution to (mainly small) businesses in September. These will probably contain the following HSE guidance:</p> <ul style="list-style-type: none"> • 5 Steps to risk assessment • All of the current Example Risk Assessments • Combined Policy Statement and Example Risk Assessment Template • Example Policy Statement • European Campaign Material (quizzes, posters etc) <p>A press release should be distributed via the SBTAf e-community in August and members were asked to contact the Secretariat if they would be interested in obtaining free copies of the discs to distribute to their own membership. European Week 2009 will take place in late October.</p> <p><u>Health and Safety Law Poster</u>: HSE previously sent a warning via the e-community that some companies were targeting small businesses with misleading mailshots about the new poster. They imply that if businesses do not buy the new poster immediately, they will lay themselves open to prosecution. Members were reminded that businesses have until March 2014 to switch to the new poster (see April Meeting Minutes) and were thanked for forwarding reports of suspected misselling to HSE. As a result of this, HSE lodged an official complaint with the Advertising Standards Agency (ASA), which is currently under investigation. Further information regarding the outcome will be forwarded via the e-community as soon as it becomes available.</p> <p><u>Free HSE Publications Online</u>: From 1 September 2009, the content of HSE's 250 priced publications will be freely accessible to read or print via the HSE website. Priced hard copies of the guidance will continue to be available for purchase for those who need or prefer this format. HSE is currently converting its titles into accessible, printer-friendly pdfs and hope to complete this process by March 2010. Dvds, posters and The Accident Book are the only publications currently excluded from this project. The Forum were asked to advise their members of this change prior to the launch of the service in September.</p> <p><u>SBTAf Stocktaking</u>: It is now one year since HSE conducted a stocktaking exercise with the assistance of Forum members. In response to suggestions received, the Secretariat has been</p>

	<p>working to increase the use of SBTAF for consultation purposes by:</p> <ul style="list-style-type: none"> • The publication of an SBTAF information leaflet for prospective members and HSE staff • Publishing an article about SBTAF in HSE’s Health and Safety Newsletter • Meeting with HSE policy teams to advise them about the Forum and how it can help them. <p>It is believed that this has resulted in an increased number of policy makers consulting with SBTAF. The Secretariat emphasised that if this was to be maintained, Forum members would have to ensure that they respond to requests for advice and assistance wherever possible, including outside of meetings. Member feedback was also invited on whether the Forum has improved within the past year.</p> <p><u>Work at Height Access Equipment Information Tool (WAIT)</u>: This was originally intended for launch in March 2009, but this has been delayed to allow more time for development and consultation.</p> <p>NB – Since the meeting, it has been decided that it will not be feasible to produce a simple e-tool that takes into account the full range of ‘Work at Height’ issues that a dutyholder needs to consider. Work will continue on ‘WAIT’ in an alternative format and HSE will be looking to consult on this in the future. SBTAF will be contacted with further information once a draft becomes available.</p> <p><u>Workplace Temperatures Review</u>: The Secretary of State has requested that HSE conduct a review of legislation relating to workplace temperatures. At present, there is no specified upper limit and the review will consider cases for and against the introduction of this. Questionnaires were previously issued via the e-community, along with invitations to attend a stakeholder workshop on 23 July. Members who wished to contribute to the review were asked to contact the team via the Secretariat, as the findings are due to be published in autumn 2009.</p> <p><u>Proposed EU Biocides Regulation</u>: The EU is proposing to introduce a new regulation governing the evaluation and licensing of biocides. Biocides are chemicals that control harmful organisms and include disinfectants, preservatives (wood and masonry), insecticides, rodenticides and anti-fouling paints. (Excludes pesticides for use on plants – ie. Weed killers). The intention is to review and replace existing legislation as there is a general consensus that the current regime is not working. The new regulation will aim to simplify the existing system. HSE will be negotiating on behalf of the UK and an online consultation will run from 27/07/2009 – 05/10/2009. Links will be sent out via the e-community and the Forum were asked to respond to the consultation and encourage their own members to do the same.</p> <p>Consultation link: http://www.hse.gov.uk/consult/condocs/cd222.htm</p>
3.2	<p>The Workplace Temperatures Review was discussed and members expressed concerns about any potential introduction of an upper temperature limit. Such a regulation could result in severe financial and practical difficulties for businesses who attempt to comply, especially regarding the need to install air conditioning in retail units and difficulties in compliance for the tunnelling, quarrying and mining industries. Jenny Eastabrook emphasised that this work was a result of a request from the Secretary of State and that this did not necessarily mean new regulations, although that might be an option. Members were advised to use this opportunity to voice any concerns as feedback from the private sector was critical in order to assure a satisfactory outcome from the review. Contact details will be circulated by the Secretariat following the meeting.</p>
3.3	<p>Members also questioned whether the proposed Biocides Regulation would result in the simplification of existing systems. Peter Newport advised members that a review of legislation was necessary as in its current form it was delaying safe and useful biocides from reaching the market. Members were advised that the Biocides Regulation is separate from REACH but the Secretariat will contact the Biocides Team to clarify the extent and nature of its relationship to REACH.</p>
3.4	<p><u>Artificial Optical Radiation Directive</u>: Norman Smith (HSE Radiation Policy Unit) completed the Hot Topics presentation by updating the Forum on the forthcoming EU Directive on Artificial Optical Radiation (AOR). This must be implemented in the UK by April 2010 and HSE aims to</p>

	<p>take a minimalist approach in order not to impose any unnecessary burdens on business. Current UK control of risks encompassed under this Directive is generally very good, so most businesses won't have to do any more than under their existing responsibilities to comply. The industries most likely to be affected are those which use high powered lasers, such as printing and certain types of manufacturing, who may need to review their risk assessments. The EU will produce a guide to this regulation, which will appear at the end of 2009, but as this may be too complex for smaller businesses, HSE will draft an alternative, succinct version of the guidance to reassure employers and to guard against any unnecessary action. A consultation on the implementation of the Directive will start in September 2009 and SBTAF were asked to respond and to also direct their own members to do the same.</p>
3.5	<p>Members were interested in the Directive and asked whether AOR produced by a variety of equipment would be over the accepted limits. It was emphasised that, unless the circumstances were extremely unusual, AOR produced by data projectors and car headlights would not be high enough to be affected by the legislation. EU guidance will provide examples of such 'worst case scenarios' and how to approach them. Norman highlighted that for affected industries, such as welding, control of related risks was historically good and so most businesses should not have to alter their existing working practices in order to ensure compliance. Ron Bonner advised that the PLASA represents industries who are likely to be most affected by this Directive and that they were not expecting it to result in huge problems. Norman finished by advising that the SBTAF will be able to participate in the consultation via links that will be sent out by the Secretariat in September.</p>
4	EU Directive on Musculoskeletal Disorders
4.1	<p>David Lewis (Health Development Policy Team) provided an update on progress with the proposed EU Directive on Musculoskeletal Disorders. This represents an attempt to simplify existing legislation by consolidating the requirements of 2 existing Directives (Manual Handling and Display Screen Equipment) into 1. It would not include requirements from the Vibration Directive, which will remain separate. This will also be used as an opportunity to address gaps in the existing legislation. HSE is leading the preliminary discussions on behalf of the UK and considers that a full review of the existing requirements and their effectiveness should be carried out before the introduction of any new Directive.</p> <p>The Commission produced a second draft of the Directive in June 2009, which included a short annex on a basic screening tool for MSD risks, but an agreement on the detail of such a tool will be difficult. There was also a suggestion that practical, non-binding guidelines could be issued in place of a tool to help businesses carry out risk assessments, but no further information on this is currently available. Under the existing drafts, the Directive would require risk assessments to be conducted in 2 stages; the first using a basic screening tool and then, if this shows the likelihood of harm is above a certain level, a second, more detailed assessment should be carried out. The re-assessment might lead to permanent or temporary adaptation of the workplace or tasks to reduce the risk of injury.</p> <p>Two working groups are currently considering the drafts (Advisory Committee on Safety and Health and a Group of Ergonomics Experts (including an HSE representative) to help draft the screening tool. Both groups plan to meet for further discussion in September and October 2009, but it is still unclear as to when a draft will be adopted as the basis for negotiations to start. The Commission will also have to produce an Impact Assessment to accompany its proposal. Questions and initial views on the Directive were then invited from Forum members.</p>
4.2	<p>Michael Britten (NFU) raised concerns that unless the MSD Directive also implemented the requirements of the existing Vibration Directive it could not be considered a simplification. As nothing new appeared to be added to the Directive, members questioned its longevity and were advised that at present, there was little information about how far it was intended to go. Generally though, Directives do start with the least possible imposition and then work their way up to more detail. Rob Cummings stated that the CBI is keeping an eye on the progress of this Directive but every indication is that the European Parliament will press for it to proceed. Pete Walker emphasised that he believes that work-related MSD injuries are over-reported in the UK by as much as 50%. This is because so many are the result of worker self-certification and there is no way a company can truly discover if they were sustained at work. The amount of resource</p>

	<p>allocated to the problem of MSDs may therefore be better directed elsewhere. David Lewis advised that in the absence of advice from statisticians, he would find it difficult to comment on the figures, but they do create the perception that MSDs are a real problem for health and safety in the workplace. It was agreed that SBTAF would be informed of any notable developments with a view being consulted at a future Forum meeting, when more definite information is known.</p>
5	Worker Involvement: Reinforcing Promotion and Increasing Competence
5.1	<p>David Smeatham spoke to members about HSE's plans to help SMEs involve their workforce in health and safety decisions. Worker involvement is an integral part of HSE's new strategy and the benefits of worker involvement were highlighted in the recommendations contained in the recent Rita Donaghy report on fatalities in the construction industry. David emphasised that work is at a relatively early stage and that his team were actively seeking SBTAF members' views on their proposed interventions.</p> <p>A communications campaign with messages aimed at employers and employees is planned to make all aware of the benefits of worker involvement and to help promote a series of part-funded training interventions.</p> <p>Following the recommendations in the Worker Safety Adviser (WSA) evaluation, new training will include 'soft' or 'people' skills for health and safety representatives, such as communication and negotiation skills as well as covering basic health and safety law. The final intervention aims to facilitate joint problem solving between first line managers and health and safety reps in all workplaces. Part-funded training for health and safety representatives in non-unionised workplaces in the following four target sectors; manufacturing, motor vehicle repair, transport and construction has been identified as a priority. It will be emphasised that worker involvement needs commitment and leadership from senior level management in order to succeed. Forum members were asked for their views on the proposals from a small business perspective.</p>
5.2	<p>The Forum broadly approved of plans to encourage worker involvement among businesses and gave the following advice:</p> <ul style="list-style-type: none"> • Some degree of worker involvement is already encouraged in the construction industry through 'toolbox talks'. If the team could work with these it might provide additional resource. <p>David Smeatham advised that a pilot of this was scheduled with UCAS for the autumn. It was noted that the construction industry is a great example of how good use of worker involvement can lead to real improvements in health and safety.</p> <ul style="list-style-type: none"> • Getting the workforce to cooperate with health and safety issues is often difficult for employers, so as current plans revolve around the voluntary uptake of training they could be a bit optimistic. <p>David advised that the team appreciate the size of their task and are conducting further research to help inform their approach. There are two strands to the research:</p> <ol style="list-style-type: none"> 1) Interviewing existing safety reps to ascertain why they volunteered to help and what works to provide some insight to inform future communications and; 2) Interviews with non-unionised employers in the target sectors to ascertain what the potential barriers are to involvement and what incentives would help. <p>It was acknowledged that there is a need for cultural change with regard to health and safety in British workplaces and that achieving this will be a long and difficult process.</p> <ul style="list-style-type: none"> • In the very smallest businesses, front-line managers are often also the company directors, therefore targeting them with a communications campaign overlaps with the guidance on Directors Duties. It might be an idea to further segment such approaches to cater for this group. <p>The Worker Involvement Team agreed that for SMEs, directors and line managers are often one and the same and they would investigate treating them as different audiences.</p> <ul style="list-style-type: none"> • SMEs are suffering the most during the current recession. The financial benefits of worker involvement and any training should be emphasised to encourage them to participate. • The wider 'stigma' associated with health and safety matters needs to be addressed. Trade Association award schemes can be a useful way of doing this. The Mineral Products Association is giving an award for worker involvement in 2009 and over 1/5 of

	<p>entries received relate to this category. HABIA have also created a very successful health and safety awards scheme for the hair and beauty industry.</p> <ul style="list-style-type: none"> • A worker involvement campaign for agriculture is not currently in scope as it is recognised that this sector will require a different approach. The idea of travelling agricultural union safety representatives was previously rejected for a number of reasons, such as issues about third party access to premises and employers not being made aware of visits in advance. <p>Judith Donovan concluded that it would be very important to carefully consider the terminology and language of any promotional campaign if small businesses were to respond.</p>
6	HSE and LA Partnership Working
6.1	<p>Tony Hetherington (Local Authority Unit) presented an overview of efforts to encourage partnership working between HSE and Local Authorities (LAs). Members were informed that enforcement responsibility for health and safety is split between the two and that LACoRS support was very important in encouraging partnership working. Methods to align LA and HSE approaches to the enforcement of health and safety were discussed, including the Section 18 Standard, Regulatory Development Needs Analysis Tool and the Local Better Regulation Office (LBRO) Excellence Framework. LAs enforce health and safety, as well as other regulations, for many SMEs and their support is crucial to the delivery of HSE's strategic goals. Examples of HSE/LA partnership working include:</p> <ul style="list-style-type: none"> • Use of flexible warrants for LA and HSE Inspectors to reduce the number of multiple inspections • 'Band Hand Day' Dermatitis Campaign for the hair and beauty industry (run in conjunction with SBTAF member HABIA) • Workwell Dorset – HSE and LAs pooled their resources to deliver enforcement and advice across the county regardless of traditional areas of jurisdiction. This increased the amount of resource available for higher risk sectors. <p>Tony finished the presentation by inviting member comments on recent initiatives, together with a steer on whether health and safety advice for small businesses should be incorporated into a wider package of advice from LAs or delivered separately by HSE. Charlotte Meller and Tom Moody from LACORS were also in attendance and participated in the following discussion.</p>
6.2	<p>Members were very interested in the examples of partnership working and asked how well the single inspections encompassing health and safety, food standards, environmental health etc were working in practice. The benefit SMEs derive from a single inspection would be reduced if the expertise of enforcement officers was in any way compromised. There was also the question of whether inspection activities should continue in areas struggling under the Swine Flu pandemic. Tony Hetherington advised that evaluation of the Retail Enforcement Pilot had been passed to LBRO, but that decisions regarding Swine Flu were best taken by the Health Protection Agency, which is leading on the issue. Charlotte Meller noted that LAs were likely to be equally affected by any outbreak of Swine Flu and in that case operations would be scaled back, in accordance with contingency plans. In conjunction with the Health Protection Agency, HSE has developed brief guidance to managing Swine Flu for businesses, which can be accessed via the HSE website at: http://www.hse.gov.uk/news/2009/swineflu.htm</p> <p>This also provides a link to Department of Health guidance that covers not just health and safety aspects, but also business continuity issues and has been widely welcomed by business.</p> <p>Regarding the use of 'generalist' inspectors for single visits, LACORS confirmed that feedback suggested that this often results in the SMEs losing out on specialist advice.</p> <p>HSE and LA enforcement of health and safety among small businesses was also discussed. Members enquired whether LAs were better resourced than HSE in terms of being able to deliver advice rather than just enforcement. LACORS confirmed that LAs were often willing to give advice over a wide range of issues, as they have responsibility for enforcing other areas as well as health and safety. They prefer to undertake an advisory role, but the numbers of inspectors and resourcing varies in each LA. It was pointed out that, whereas HSE acts as a national regulator and interacts with business representatives at a national level, LAs have much more direct contact with local businesses.</p> <p>It was agreed that coordinated enforcement between HSE and LAs was very important to ensure</p>

	that a level of consistency was maintained. The Federation of Retail Newsagents asked about LA enforcement policy against tobacco smuggling and LACORS agreed to discuss this outside the meeting as it concerns trading standards (and HMRC) rather than health and safety.
7	Liquefied Petroleum Gas (LPG) Guidance
7.1	<p>Julian Delic attended the Forum to raise awareness of the issue of buried metallic LPG pipework and to seek views on HSE's plans in relation to providing advice to users of LPG on securing the safety of liquefied petroleum gas (LPG) pipework. In May 2004, nine people died and 33 were injured in an explosion at the ICL Plastics Factory in Glasgow. The explosion was caused by corrosion of a poorly installed and unmaintained LPG pipe buried under the factory. Lord Gill's Inquiry report into the explosion includes a recommendation to replace all buried metallic pipework with non-corrosive pipes and this is likely to affect around 30,000 UK businesses. LPG is used by businesses across a wide range of sectors, many of whom are likely to be SMEs; care homes, garages, factories, farms and newsagents are among the businesses likely to be affected.</p> <p>Given available resources all 30,000 businesses cannot be dealt with at once. A survey has been sent out to businesses by LPG suppliers to allow a risk based prioritisation to drive replacement. Suppliers will then work with those businesses that need to replace the pipework. SBTAF were asked to emphasise the importance of completing this survey to their members.</p> <p>At present, there is little LPG guidance available for users of LPG and HSE is proposing to draft some with a format similar to the example risk assessments. This could also be adapted into a case study approach. There are also plans to create a simplified, interactive and online version of this, which will be aimed at a September launch. SBTAF will be consulted during August via links sent out on the e-community. The Forum were asked to:</p> <ul style="list-style-type: none"> • Encourage their members to complete and return the LPG survey by the end of July • Give their views on HSE's proposed approach to providing guidance <p>Respond to future requests for feedback on the draft guidance.</p>
7.2	<p>Forum members supported HSE's approach to the provision of LPG guidance. The idea of a simple, interactive online version was also approved. It was agreed that there is a general lack of awareness about the risks associated with LPG and that working with the Gas Safe Register would be a good way of informing people.</p> <p>Judith concluded that this was a very current 'hot topic' and asked members to ensure that they respond to the survey and any future consultation requests via the e-community.</p>
8	Information Exchange
8.1	<p><u>Donaghy Report</u> – Members discussed the recommendations of the recent Rita Donaghy Report into fatalities in the construction industry. SBTAF considered that the report had been rushed and that the number of stakeholders consulted had been limited. Phil Russell noted that initial reaction in the construction industry was disappointment at the lack of issues covered and that the report needed more discussion. Judith Donovan agreed to pass the comments on via HSE's Construction Sector.</p>
9	<p>Date of next meeting – 29 October 2009, 10:00 – 12:30 (Please note this is a morning meeting)</p> <p style="text-align: center;">Brighton Suite, Premier Inn Kings Cross, London</p>
10	Actions
	<p>Secretariat to:</p> <ul style="list-style-type: none"> • Advise members of the outcome of ASA investigations into HSE's complaint about misselling of the new Health and Safety Law Poster. • Provide contact details for Policy Lead on Workplace Temperatures Review: The Policy Lead is Kate Haire e-mail: kate.haire@hse.gsi.gov.uk • Ask Bethan Slater to contact Phil Russell to clarify the relationship of the proposed EU Biocides Regulation to REACH. • Send out links to the future AOR Consultation via the e-community when available. • Provide Martin Isles with information as to what guidance HSE currently produced relating to the risks and control of MSDs in the workplace. • Send link to Swine Flu Guidance out via the e-community. Link:

<http://www.hse.gov.uk/news/2009/swineflu.htm>

- Distribute links to the draft LPG Guidance through the e-community when available.

Forum members to:

- Advise their own membership about HSE's plans to make 250 guidance publications freely available for download from the HSE website.
- Direct their members to the 'Managing My Asbestos' e-tool at: <http://www.hse.gov.uk/absestos/managing/index.htm>
- Participate in future consultations regarding AOR via the e-community.
- Participate in the consultation regarding the proposed EU Biocides Regulation via the e-community (27/07/2009 – 05/10/2009) and to encourage their members to do the same. Link: <http://www.hse.gov.uk/consult/condocs/cd222.htm>
- Respond to future requests for feedback on development of WAIT.
- Provide feedback for the Workplace Temperature Review via the Secretariat.
- Encourage their members to complete and return LPG pipework surveys by the end of July.
- Provide feedback on future draft versions of the proposed LPG guidance issued via the e-community (when available).

To contact the Small Business Trade Association Forum Secretariat, please email claire.lonsdale@hse.gsi.gov.uk or telephone 0151 951 3377 or access the e-community at <http://webcommunities.hse.gov.uk/inovem/inovem.ti/sbtafcommunity/grouphome>