

Health and Safety Commission Minutes		HSC/03/M10	
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Health and Safety Commission

Minutes of a meeting of the Health and Safety Commission held on 14 October in the Hope Room, 2 Southwark Bridge, London SE1 9HS

Present

Bill Callaghan – Chair
 Abdul Chowdry
 Joyce Edmond-Smith
 John Longworth
 Judith Hackitt
 Margaret Burns
 Owen Tudor
 Judith Donovan

Apologies

George Brumwell

Officials Present

Timothy Walker
 Kate Timms
 Vivienne Dews
 Robert Humm
 Paul Kloss
 Mark Dempsey
 Paul Denman
 Sian Lewis
 Ashley Salandy

Presenters

Item 3 – Dr Elizabeth Gibby, Robin Foster, Peter Hornsby, Amanda Stevens
 Item 4 – Elizabeth Gyngell, Malcolm Darvill, David Lewis
 Item 5 – Elizabeth Gyngell, Neal Stone, Steve Vinton
 Item 6 – Peter Brown, Susan Mawer, Ann Marie Farmer
 Item 7 – HELA members: Bill Myers, Alan Craft, Janet Russell, John Arthur, Rod Denley-Jones, Derek Allen, Nick Clack, Phil Winsor. HSE officials: Elizabeth Gyngell, Jeanette Reuben, Phil Scott, Allan Davies, Gareth Broughton, Tony Hetherington, Nick O'Donnell, Margaret Harris, Paul Edens, Phil Kemble.

1	Minutes of the meeting held on 16 Sept 2003
	The minutes were agreed.
2	Urgent business not covered by items on the agenda
2.1	<ul style="list-style-type: none"> • The Commission noted that Andrew Smith had made an announcement at the Labour Party conference on funding for the Worker Safety Adviser scheme. • The Chair congratulated Owen Tudor on his appointment as the head of the TUC's International Department.
3	Safety on the Railway – Shaping the Future (HSC/03/101)

3.1	<p>Dr Elizabeth Gibby introduced the paper. A Discussion Document (DD) was to be published on HSE's website in order to invite views on options to update the main regulatory requirements for health and safety on the railways and to facilitate the development of industry schemes for the supply of safety critical goods and services and licensing of key safety critical workers. A DD was considered essential to generate debate and engage industry and stakeholders in the policy development process. Due to the demanding deadlines, HSE intended to publish the DD as an internet document only. The DD presented to the Commission would now have to be slightly amended to reflect recent positive news. Network Rail was now developing an accreditation steering group on which HSE would participate and RSSB will Chair. ATOC, in collaboration with RSSB and HSE is now likely to take the lead on the work on driver licensing. The Commission</p>
	<p>was asked to consider the following strategic issues:</p> <ul style="list-style-type: none"> • The scope of future legislative arrangements; • The promotion of greater responsibility and accountability for health and safety in providers and operators of railway infrastructure, trains and other related forms of transport; • The circumstances in which third parties should play a role in maintaining health and safety on the railway and what that role should be. <p>HSE hoped to publish the DD on 27 October, subject to the approval of HSC.</p>
3.2	<p>Margaret Burns updated the Commission on the RIAC discussion from the previous week. The main points were that:</p> <ul style="list-style-type: none"> • The document was labelled as a positive way forward; • HSC/E needed to explain more clearly its philosophy of regulation as this was not currently well understood; • Worker safety needed to be considered; • There was a short (but unavoidable) consultation period for this DD.
3.3	<p>The Commission felt the DD was clear, logical and well presented. This was a difficult area and the DD provided a good analysis. Statistically, the rail industry was a safe mode of transport, but the regulatory framework was not necessarily well understood by the public. A considerable effort would now be needed to ensure that stakeholders were aware of the DD's publication and took the opportunity to comment. The credibility of the core proposals was important. HSC/E must be clear on whether it was people and equipment or the systems of management that required certification. The role of RSSB was not made clear in the DD and comparisons on how Britain compared with the European Union would be useful. The main objective for the future was to ensure a safe, well managed industry.</p>
3.4	<p>The Chair thanked the presenters. A complex set of Regulations was being simplified here, with more responsibility being put on the dutyholder. The presentation of the document was important. An Executive Summary of the DD was needed and hard copies should be distributed to those that required them. The Commission supported the main direction of the document. Summing up, the Commission:</p> <ul style="list-style-type: none"> • Considered the strategic issues arising and provided comments; • Agreed to the publication of the DD on HSE's website; • Agreed that the Chair should sign the foreword to the Document at Annex 2; • Noted that editorial work on the DD, including tidying of cross-references, was on-going; • Asked that hard copies and an Executive Summary of the DD be made available to stakeholders.

4	Musculoskeletal Disorders Priority Programme (HSC/03/67):
4.1	<p>Elizabeth Gyngell introduced the paper. The Musculoskeletal Disorders (MSD) Priority Programme had come a long way since HSC last received a report on work in June 2001. There were three strands to the paper:</p> <ol style="list-style-type: none"> I. A description of the achievements since 2001; II. Steps taken to measure progress against targets; III. Suggestions on how HSC/E can become world class in relation to MSD's. <p>HSC was invited to provide a steer on future developments.</p>
4.2	<p>The Commission welcomed a very good paper. A lot had been done, including work on RSI's and HSE was on the way to becoming "world class". However, more work was required and the issue of MSD's needed a higher profile. MSD's were a major reason for absenteeism in the workplace and the damage caused deserved publicity. The Commission was in a position to attract Ministerial attention to this through the DTI, Department of Health and DWP. More emphasis should be given to the economic</p> <p>benefits that businesses could obtain by managing MSD's correctly. The link between stress and MSD's was clarified. Statistics, (eg; loss of time, the worst performing industries etc) would provide bench marks that could draw success on MSD's together. More information of this nature would enable HSC/E to better understand the progress that was being made.</p>
4.3	<p>The Commission welcomed the success of the "Working Backs Scotland" public health campaign that had been developed with the support of the MSD programme team. Future success in terms of meeting PSA health targets would depend on the correct balance of prevention and case management work but a dual track approach between the two was the right approach. The Commission also expressed support for the two pronged approach of compliance and problem solving through providing access to practical advice and support through working with others.</p>
4.4	<p>The Chair thanked the presenters and congratulated them on the work done so far. It was important to get this issue right. Progress had been noted, but more information in terms of statistics was needed. Summing up, the Commission:</p> <ul style="list-style-type: none"> • Noted the progress of the Priority Programme and some of its considerable successes; • Gave a view on the future work proposed to achieve world leadership in the prevention and management of MSD's.
5	Corporate Responsibility and Accountability for Occupational Health and Safety: A progress report on HSC/E initiatives and measures (HSC/03/105):
5.1	<p>Elizabeth Gyngell introduced the paper. The paper reported progress on a range of measures put in place by HSC/E over the last three years aimed at promoting greater corporate responsibility and accountability for health and safety . The Commission's advice was sought on the current voluntary approach and on further work that was being proposed. A note from the CBI giving its views of this subject was circulated at the meeting.</p>

5.2	<p>The Commission felt that the measures currently in place constituted a coherent body of work but that more needed to be done to achieve our goal. It was important to ensure that there was top-level leadership and accountability on health and safety in the public as well as the private sector. HSC needed to ensure that in the current debate on new company law the need for corporate responsibility and accountability for health and safety issues was not lost sight with the focus on financial management and governance. Organisations and their stakeholders were able to make more informed judgements concerning the management of health and safety when information was more transparent and accessible. Research had revealed that 91 of the FTSE100 companies now report publicly on their management of health and safety – and that evidence showed that many large organisations were paying heed to the HSC guidance. Although legal obligations</p>
	<p>did make people take their responsibilities more seriously, further legislation should be seen as an option only once all other avenues, including voluntary approaches, had been fully explored. An approach based on voluntarism might be the most appropriate way of bringing about cultural and behavioural change rather than separating out directors' responsibilities for managing the risks to health and safety rather than as an integral part of the responsible management of businesses and other organisations. At this time the case for new law on directors' responsibilities had not been made. Corporate social responsibility, reputation and other factors would contribute to further improvements.</p>
5.3	<p>The Chair thanked the presenters. The goal of greater corporate responsibility and accountability was an important one and was rising up the board agenda. There was a need to ensure that health and safety formed an important part of the wider political agenda. External stakeholders, including importantly the Institute of Directors, had helped to get the messages across. Smaller firms had genuine concerns on this front as they were more likely to be personally responsible and lacked the infrastructure of their larger counterparts. On balance, HSC was agreed on the way to take the work forward. HSC/E would:</p> <ul style="list-style-type: none"> • continue with their existing voluntary approach to promote and encourage greater corporate responsibility and accountability including through engagement and publicity and guidance. In summing up, the Commission noted the progress that had been made on a range of issues, especially on the public reporting of health and safety management by large organisations and the plans for new work: integration of this work into a single coherent major block (see paragraph 5 and Appendix A); • directors' responsibilities (see paragraphs 7 -11 of this paper and Appendix B); • public reporting of health and safety (see paragraphs 12 - 17 and Appendix C); • development of the health and safety management and performance index and case studies to show the business benefit of effectively managed health and safety (see paragraphs 18 - 20 and Appendices D and E).
5.4	<p>The Commission did not consider it appropriate at this time to recommend to Ministers a new legal duty on directors. The Commission would continue to look for opportunities to influence the development of Company Law and the Operating and Financial Report Review, but recognised that the coverage of health and safety would, necessarily, be limited. The actions and recommendations in paragraphs 5, 11 and 17 were agreed.</p>
6	EU Negotiating Strategy and Planned International Activities 2003-04 (HSC/03107):

6.1	<p>This paper was originally sent to the Commission below the line on 16 September. It advised the Commission that HSE's strategy for negotiating in the European Union (EU), agreed with Ministers in 1997, should be modified to reflect the shift to consolidation and non-legislative measures in an enlarged EU. The Commission requested that the paper was brought above the line for discussion. HSC was concerned about the proposal to revise the negotiating strategy to bring it in line with current government policy by deleting the the final two bullet points and replacing them with a statement reflecting the better regulation principles.</p>
6.2	<p>There was no agreement on the suggested possible deletion of the final two bullet points:</p> <ul style="list-style-type: none"> • that will achieve real improvements in health and safety standards across Europe, as long as consequences for the UK are not unacceptable; • where standards in the UK are already acceptable, that will raise standards elsewhere in Europe, thus to achieve a level playing field for UK business." <p>It was agreed that the strategy should reflect better regulation principles along the line suggested in the paper: new measures will be supported when they are based on scientific evidence, proportionate, targeted and will achieve improvements in health and safety standards. In conclusion, the Commission noted that enlargement would be a big issue for the forthcoming year and invited HSE to redraft the strategy on this basis</p>
7	<p>A Strategy for Workplace Health and Safety in Great Britain - A HELA Discussion with the Commission (HSC/03/85):</p>
7.1	<p>The Chair welcomed HELA members to the meeting and introduced the discussion. This was an opportunity for HELA to discuss proposals and agree to how it would like to respond to the further development of the detail of the strategy. The focus of the discussion was to be the proposal concerning the relationship between HSE and LA's. Change was essential as HSC sought a move to a more genuine partnership with Local Authorities (LA's). Bill Myers (LA Chair HELA) said that HELA was happy with the strategy and was pleased to see the role of LA's woven into that.</p>
7.2	<p>HELA members noted the challenges around a change programme. These included:</p> <ul style="list-style-type: none"> • the need to work smarter as a partnership; • the need for LA's to be involved at an earlier stage in the development of a strategy; • the need to define further the strategy for dealing with those LA's that were underperforming. <p>HELA felt that although UNISON statistics were useful, they were only a snapshot of the way that things were. The serious lack of resources should not be underestimated. Social services and education tended to take the majority of the available resources. Further drops in health and safety enforcement over the last five years could be attributed to the Food Standards Agency (FSA) . It was suggested that HSC/E should seek ways to move the FSA towards a more co-operative use of resources.</p>
7.3	<p>HELA commented that, at a political level, health and safety issues were not a high priority. LACORS had recently commissioned a "perception survey" and it had shown that health and safety was not seen as having a high impact on quality of life. This perception would need to be changed and one possible way was by drawing links to economic vitality benefits. An effective, proportionate enforcement service was required. If health and safety was higher up the political agenda, resources should be more readily available. One suggestion for the future included having HSC/E act as an independent auditor to FOD and LA's. Another suggestion would be to produce and take forward a model of what would work.</p>

7.4	The Commission felt it was important to better relate to the LAU sector. There was a need to get health and safety on to LA agenda's in a more positive way. The key was in getting the communication right. Target setting for improvements was felt to be a good way forward. Inconsistencies would arise where there was diversity and decentralisation. Discussion would be needed on where HSC/E and LA's should be consistent and on what should be allowed to change. HSC/E raised the possibility of working towards a partnership at regional level. A pilot programme was seen as a possibility to take work forward. However, it was noted that there were patchy results/turnout for a recent FOD "falls from height" project around the London region.
7.5	The Chair thanked the HELA members for their contributions and concluded the discussion. There was a need to get health and safety higher up the political agenda. A better relationship between HSC/E and LA's was a clear objective. For the time being, work would need to be taken forward on "interim measures". Another paper by the end of the year would be useful, discussing ways to take suggested measures forward.
	Below the Line Items:
8	Proposals for the Control of Vibration Regulations (HSC/03/130):
8.1	The Commission approved the two consultative documents for publication
9	Review of the ELCI – 2nd Stage Progress Report (HSC/03/138):
9.1	The Commission noted the progress of the DWP review
10	Progress on Constructing Better Health – Occupational Health and Safety for Construction (HSC/03/140):
10.1	The Commission noted the development on this project
11	Safe and Healthy Working – Occupational Support for SME's in Scotland (HSC/03/141):
11.1	The Commission noted the information provided
12	Amending HSWA Section 28 (HSC/03/113):
12.1	The Commission noted the progress to date and endorsed the approach set out in the paper
	MISC Papers circulated:
13	Diverging Junctions – Decision on Exemption (MISC/03/26):
13.1	The Commission noted the information in the paper

**Commission Secretary
October 2003**