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Update on waste management and recycling programme of work

Purpose of the paper

1. This paper provides a summary update at the midway point of the current four year programme of work with the waste management and recycling (W&R) industry (2009 to 2013).

Background

2. W&R is recognised as a priority industry by the HSE Board. The current four year programme of work was approved in December 2008¹. An update paper covering the first year (2009/10) was provided in July 2010². The priority status has been reinforced more recently with an acknowledgement by Government that it is a comparatively high risk industry and that proactive inspection remains necessary³.
3. Annex 1 provides a summary profile of the industry. Annex 2 provides summary data relating to the industry's health and safety performance. Although there continues to be welcomed improvement in some areas (e.g. RIDDOR 'all injury' rates) there is no perceptible trend in fatal incidents and the industry's performance in comparison with other industries remains poor. There are also a range of health issues for the industry to address. Whilst data is limited (see Annex 2), work to date indicates local authority employees involved in waste and recycling to have a higher average sickness rate.

Argument

Progress and delivery in 2010/11

4. A three year phased inspection by FOD teams of all local authorities as clients and managers of waste services commenced in October 2010⁴. The aim is to assess compliance with the key principles outlined in web based guidance launched specifically for local authorities in January 2010⁵. Preliminary analysis of early returns received to date indicates 86% of local authorities are complying with the principles outlined in the guidance⁶.
5. There has been continued progress with the FOD national lead inspector (NLI) interventions with selected significant W&R companies. All are now underway

¹ See <http://intranet/boards/hseboard/2008/papers/b88.pdf>

² See <http://intranet/boards/hseboard/2010/280710/pjlyb1062.pdf>

³ See <http://www.dwp.gov.uk/docs/good-health-and-safety.pdf>

⁴ See http://intranet/operational/sims/manuf/03_10_04/index.htm

⁵ See <http://www.hse.gov.uk/waste/services/index.htm>

⁶ This is based on assessment of the ratings in relation to Section 1 of the inspection proforma "Procurement and management of the contract/ service" (i.e. achieved rating scores of 1-3 for at least 21 out of 23 questions in that section).

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and implementation and actions plans are in place for eight of the ten interventions. Delays have been due to outstanding enforcement action and mergers.

6. FOD targeted inspection of 'hotspots' during 2010/11 focussed on skip hire activities with a particular emphasis on workplace transport issues. 83 enforcement notices were issued at 33 of the 118 sites visited (28%) demonstrating the effective targeting of the approach. Local initiatives attracting publicity included a blitz of skip hire and waste transfer sites across Derbyshire which resulted in a similar enforcement notice issue rate (25%)⁷ and prosecution of a skip hire company in Surrey⁸.
7. Some FOD regions built on the hotspots work by running local projects involving inspection to a wider variety of waste and recycling sites, often in conjunction with the Environment Agency. These also returned high enforcement notice issue rates e.g. 61 notices issued at 36 of 90 premises visited (40%) in FOD London and 25 notices issued at 13 of 24 sites visited (54%) in FOD Wales. FOD ESE also ran a skip hire Safety Health and Awareness Day (SHAD) with subsequent follow up demonstrating that companies had implemented actions as a result of attending.
8. Communications activity included an HSE stand and seminar presentation at the RWM Exhibition in NEC, Birmingham 14-16 September 2010. The theme of the stand centred on "*Local authorities as clients*" to reinforce commencement of the inspection programme outlined in paragraph 5. Sandy Blair provided HSE Board support at the event by attending a media breakfast meeting and presence on one day. The event was visited by over 12,000 delegates and exhibitors. A waste and recycling e-Bulletin was launched in January 2011. It is sent out three-monthly and there are currently over 2,900 subscribers.
9. 2010/11 saw HSL conclude a number of research reports related to bioaerosols including: sampling of levels from composting operations; review of effectiveness of vehicle cabs; and review of data relating to potential effect of fortnightly collections on levels at waste sites. Key messages from these reports will be incorporated into web based guidance. A report on sampling and measurement of worker's exposure to gases in landfill was also finalised and published⁹. Progress with the three year survey of sickness absence across the industry¹⁰ included development and piloting of the metrics, database, input and output data and benchmarking reports. 28 local authorities and 13 private sector companies representing 7,000 workers have so far signed up to participation in the project, towards the 2013 target of signing up sufficient employers to provide a minimum of 20,000 workers.
10. We have sought to effect change directly by engagement with stakeholders and through the industry-chaired Waste Industry Safety and Health (WISH) forum and working groups. Their buy-in, influence and actions are vital in driving changes in attitudes and behaviour and securing improvements in health and safety performance.

⁷ See <http://www.hse.gov.uk/press/2011/coi-em-124.htm> and <http://www.hse.gov.uk/press/2011/coi-em-14210.htm>

⁸ See <http://nds.coi.gov.uk/content/detail.aspx?NewsAreaId=2&ReleaseID=417113&SubjectId=12>

⁹ See <http://www.hse.gov.uk/research/rrhtm/rr870.htm#?eban=rss-research>

¹⁰ HSL research project OH2112 "*Data acquisition and statistical analysis of sickness absence data for the UK waste and recycling industry y 2011-2013*"

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11. In addition to the programme of work, a W&R industry sector strategy¹¹ has been developed within HSE to help deliver the overall GB strategy “Be part of the Solution”. It chimes with and complements the pre-existing WISH forum charter and strategy objectives¹².

Key work to be delivered in 2011/12

12. A broad package of work is planned for delivery during the next 12 months. One priority will be to review and update existing W&R guidance (web site, internal and external guidance). Restructuring and updating of the W&R web pages and initial review of all guidance will dominate the early part of the year, with the revised website available by end of September. Plans are in place to complete the majority of the remaining activity by the year end.

13. FOD proactive activity with the industry will continue in 2011/12, targeting areas of likely greatest impact and leverage and poorly performing or hard-to-reach groups. In particular, the phased inspection of local authorities as clients and managers of waste and recycling services to assess compliance with the guidance launched in January 2010⁵, and the NLI activity will continue. There will be emphasis on evaluating these initiatives by the year end, and as part of this process an evaluation workshop for NLIs was held in early July. The hotspot inspections for 2011/12 are centred on waste electrical and electronic equipment (WEEE) processing sites, with a particular focus on health and exposure control standards for substances hazardous to health (e.g. lead and mercury)¹³. Despite a slow start in the earlier part of the work year, FOD remain committed to delivery of these proactive inspections through the remainder of the year.

14. A communications strategy for 2011/12 has been developed. As part of this HSE will attend the combined Recycling and Waste Management and Futuresource industry trade exhibition at NEC, Birmingham 13-15 September 2011. The stand will focus on HSE and WISH forum working in partnership. To underline this relationship the intention is that WISH forum representative members will help resource the stand.

15. The HSL industry sickness absence research project (see paragraph 9) will continue through 2011/12. To assist local authorities and contractors include health and safety considerations when selecting waste and recycling collection and processing systems, HSL will develop an on-line user manual and short video demonstration to improve the usability¹⁴ of the waste risk comparator tool¹⁵.

16. HSE will continue to promote, encourage and support the WISH forum in taking forward a more strategic agenda and identifying priorities for action. This will necessitate ongoing and symbiotic development of both the HSE W&R and WISH strategies. Through the website review process steps are being taken to improve the visibility of WISH. To promote greater industry leadership, options for industry taking future ownership of the WISH related web pages and current jointly produced guidance are also being actively explored.

¹¹ TRIM: 2011/37979

¹² See <http://www.hse.gov.uk/waste/charter.htm>

¹³ See http://intranet/operational/sims/manuf/3_11_01/index.htm

¹⁴ HSL research project PH05184 “Improving usability of the Waste Risk Comparator Tool”

¹⁵ See <http://www.hse.gov.uk/research/rrhtm/rr609.htm>

Next steps – driving change

17. We are in the middle of a co-ordinated programme of work for 2009-2013. Much is in train to influence the industry, improve compliance and reduce the accident and ill health rates. Our knowledge of the issues, and solutions, is improving. Nonetheless, the burden of harm remains stubbornly constant and we need to look to new, effective levers to effect change. Board members will recall from their visits issues arising from the use of agency workers and the importance of having clear means of communicating health and safety messages to migrant workers.
18. The Ministerial announcement of 21 March 2011 “Good Health and Safety, Good for Everyone”¹⁶ in highlighting the poor record of the industry emphasises again the importance of the Board’s appropriate focus on this industry and provides a further opportunity to remind stakeholders of their obligations.
19. A sector specific strategy has been developed by HSE and is currently being discussed with industry stakeholders. This provides a further opportunity for review and reflection. In order to ensure this focus is co-ordinated in HSE and to champion the work, Heather Bryant (a member of the SCS and director for FOD South-East, East and London Division), has been appointed as the sector strategy “owner”.
20. FOD will also continue to target W&R in its proactive inspection programme directed at local authorities, significant private companies and hotspot premises.
21. The potential for expansion/formalisation of the NLI initiative to a wider range of significant duty holders will provide increased opportunities for influence. HSE will work with these stakeholders to develop further the cascade of influence through the supply chain.
22. Additionally, the enhanced focus on poor performers arising from the Ministerial announcement offers a further chance to help influence those within the industry who are not achieving compliance and contribute disproportionately to the harm to employees.
23. The development of the sector specific strategy, the appointment of an SCS owner and renewed emphasis on this industry also provide a timely window to challenge the industry through the WISH forum, and elsewhere, on its engagement and willingness to show high level leadership in promoting good standards of health and safety. Echoing the work done in construction, HSE will consider with all stakeholders what can be done to engage more with the most senior leaders in all sections of this industry with the aim of identifying effective levers for change.
24. In setting out the way forward, we recognise there will be significant challenges. Industry stakeholders (in particular local authorities) are subject to a range of economic and political pressures which may adversely impact on their delivery of W&R health and safety activity. Never was there a better time to emphasise the link between good health and safety and good business.

Presentation

¹⁶ See <http://www.dwp.gov.uk/docs/good-health-and-safety.pdf>
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25. None.

Difficult/sensitive issues

26. There was a significant increase in total reported fatalities last year (15) compared to a low (seven) in 2009/10 (see Annex 2). There have been no reported fatalities to date in 2011/12. However, there are often variations from year to year and it is of greater statistical significance to look at the longer-term trends. The average number of fatalities over the last five years is 15 and it is of concern that no clear downward trend has emerged.

Action

27. The HSE Board is invited to note: the continued progress with the work programme through its second year; acknowledge the breadth of activity being undertaken, often in partnership with stakeholders; future work planned and next steps for driving change. There are no particular issues requiring intervention by the HSE Board at this stage.

Paper clearance

28. Consultation has taken place through the W&R Programme Board which is chaired by OPSTD, but includes representatives from FOD, CDS, and CSEAD. The paper was produced by Chantal Nicholls, Stephen Williams and Peter Woolgar. It was cleared by Kevin Myers and the SMT on 6 July 2011.

Annex 1: Waste Management and Recycling Industry Summary Profile

29. Precise **employee and worker** numbers are difficult to obtain due to the spread of the industry across and within different Standard Industrial Classification (SIC) categories. It is particularly difficult to obtain an accurate picture of numbers employed in the public sector waste management and recycling (W&R) workforce.
30. A current estimate of employment across the wider industry (including an element of agency workforce) using SIC 2007 is around 180,000.¹⁷ The greatest proportion (over 70%) are involved in collection and processing activities (predominantly household/municipal versus commercial/industrial), split 35:65 between public and private sector (although the ratio of private versus public sector workers is subject to periodic fluctuation). Recycling of metal and non-metal waste and scrap accounts for around 15% of employees in the industry, wholesale waste and scrap around 6% and sewerage activities around 10%.

2009/10p employment based on SIC 2007 codes			
Collection, treatment & disposal of waste (38.1 & 38.2)		83400	127890
	Local authority workers - 3% of (84)	44490	
Recovery of materials (38.3) – includes metal <u>and</u> non-metal		17700	17700
Wholesale waste and scrap (46.77)		10000	10000
Sewerage (37)		17800	17800
Remediation & other waste management activities - 40% of (39)		1188	1188
Employment activities - i.e. agency workers - 4% of (78.2)		22000	22000
Total			179078

31. The vast majority of the workers in the industry are thought to be direct employees with self-employed making up a small percentage of the overall total (around 5-10%).¹⁸ Thus the total number of workers across the industry is estimated to be between 190,000 to 200,000.
32. The industry is **characterised** as comprising local authorities, a relatively small number of large private employers, a plethora of small to medium sized enterprises (SMEs), and an active third sector of community and voluntary organisations. Some organisations in the sector work across the whole range of processes and activities, others specialise in particular sub-sectors. EU Skills¹⁹ have estimated a lower overall employment level for the industry of 142,550 in 2010 (based on a narrower definition²⁰). Their analysis does, however, provide an indication of industry employee segmentation based on business type:

Employer category	Employee estimates
Private sector - large	41400
Private sector - SMEs	49900
Local authority	46650
Third sector	3600
Other	1000
Total	142550

¹⁷ Data supplied by HSE's Corporate Science, Engineering and Analysis Directorate (CSEAD) Statistics Unit (NB uses broad definitions of the industry including 2007 SIC 37 related to **sewerage activities**).

¹⁸ Data supplied by HSE's Corporate Science, Engineering and Analysis Directorate (CSEAD) Statistics Unit

¹⁹ Energy & Utilities Skills (2011) "The UK Waste Management and Recycling Industry 2010 Labour Market Investigation" at <http://www.euskills.co.uk/download.php?id=1188>.

²⁰ Does not include data from SIC 2007 codes 37, 38.3, 46.77 and 78.2

33. In terms of **business size** estimates based on previous SIC 2003 codes suggest there may be up to 6,000 small and medium sized (SME) businesses (i.e. employing fewer than 250) across the industry: comprising 4,000 SMEs in SIC 90 (of which 2,200 are engaged in SIC 90.02 collection and treatment of other waste), plus a further 2,000 engaged in recycling (SIC 37.1 and 37.2).²¹ Other estimates suggest that excluding local authorities and community groups there may be around 7,747 private organisations employing fewer than 500 across the industry (including all of SIC 90). Of these 7,231 private organisations, employ fewer than 50.²²
34. It is thought significant numbers of **agency workers** and some **migrant workers** are employed in areas of the industry such as collection activities and working at onward processing facilities such as material recycling facilities (MRFs).
35. Analysis of the Fit3 employer survey suggests that formal **worker involvement** is strong in sewage and refuse (and public administration) sectors regardless of whether unions are recognised or not.²³
36. Reflecting the broad extent of the industry there are a large number and wide range of **stakeholders and intermediaries**. Some are involved with mainstream activities (e.g. Environmental Services Association), others specialist subparts (e.g. Association for Organics Recycling). Some are long established (e.g. British Metals Recycling Association), whilst others are relatively new reflecting the continuing development of the industry (e.g. Anaerobic Digestion and Biogas Association). Trade union representation (e.g. Unison and GMB) remains strong, especially in public sector organisations, but their presence and influence in private sector organisations is less.
37. The Waste Industry Safety and Health (WISH) forum is a multi-party forum made up of organisations broadly representing the waste and recycling industry: including representatives from HSE, main trade associations, professional associations, trade unions, recycling organisations and national and local government bodies.

²¹ See TRIM document: 2009/321838 “Analysis of available evidence to segment the SME market for targeting” SME Strategy Action Team (August 2009)

²² Entec report for CIWM “Health and Safety Initiative Scoping Study” (October 2007) at <http://www.iwm.co.uk/mediastore/FILES/15584.pdf>

²³ See TRIM document: 2010/3377 “Worker involvement – analysis of the Fit3 employer survey” Board1 (01.10)

Annex 2: Industry health and safety performance

38. Through WISH, the industry set itself a target of 10% year on year reduction in the 'RIDDOR' all injury rates starting from 2008/9²⁴. It has achieved a reduction of around 5% from 2008/09 to 2009/10. The steady decline from a high in 2003/4 has been maintained, with the rate in 2009/10p 21% lower than the high.
39. The Environmental Services Association's (ESA)²⁵ membership has made a significant contribution to the industry's overall performance. Between 2003 and 2010 there has been a 60% reduction in the all injury RIDDOR rate for ESA employees (based on ESA members supplying data).
40. Although there have been some improvements, the performance of the W&R industry is still poor compared to other industries. For example, in 2009/10p for employees the all injury rate compared to the all industry average was nearly 4.5 times, the major rate 4 times, and the fatal rate was 8 times.
41. The fatal rate for employees has shown considerable variation. Between 2004/5 and 2007/8 it was around 9/10 times that of the "all industry" average, in 2008/9 it was around 14 times, and in 2009/10p it was about 8 times. Provisional figures for 2010/11 indicate that the rate will be about 10 times the "all industry" average.²⁶ Because of the variability in fatal numbers a rolling five year average rate gives a more reliable indicator for comparison purposes. For W&R this is around 6 per 100,000 employees compared to 0.6 for all industries²⁷ (i.e. 10 times). There have been no fatalities reported to date in 2011/12.
42. Data relating to ill health in the industry is limited. A study by HSL indicated higher sickness absence rate in waste and recycling workers.²⁸ For example, the average number of days' sickness absence per local authority employee involved in waste and recycling activities was 12.8 days per year, compared to the average of 9.6 days for all local authority employees. For the private sector employees engaged in waste and recycling activities the figure was 7.0 days, compared to 6.8 days for private sector employees in the engineering sector.
43. As part of the piloting phase of the nationwide industry sickness absence survey²⁹ currently underway, data supplied by seven organisations were processed. Although the data set is small and no statistically significant conclusions can be drawn, the early results show the average number of working days lost per employee ranges between 9.5 and 22.1 days.
44. Approximately 223 enforcement notices were issued in 2010/11 compared to 149 in 2009/10. Over £1.5M worth of fines were generated by the successful conclusion of 17 prosecution cases (25 informations) in 2010/11 (compared to 19 cases (35 informations) in 2009/10).³⁰

²⁴ The WISH Charter launched in January 2009 set a 10% year on year improvement target for RIDDOR 'all injuries' to workers, starting from the year 2009 up to the end of 2013 (i.e. five calendar years).

²⁵ ESA is the trade association representing the UK's waste management and secondary resources industry. Its members are responsible for around 45,000 workers (i.e. around 25% of the total industry workforce).

²⁶ 5.2 per 100,000 employees for W&R compared to 0.5 per 100,000 employees for the all industry average

²⁷ 5 year rolling average based on 5 years between 2006/7 and 2010/11 inclusive.

²⁸ See <http://www.hse.gov.uk/research/rrhtm/rr750.htm>

²⁹ HSL research "Data acquisition and statistical analysis of sickness absence data for the UK waste and recycling industry 2011-2013"

³⁰ Enforcement data based on internal operational data