

Health and Safety Executive Board		Paper No: HSE/14/70	
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Acting Chief Executive's Report to the Board			

1. Gas Safety Week

Gas Safety Week is a national safety campaign to raise awareness of gas safety in the UK's 23 million gas fuelled homes. The week ran from 15-21 September 2014, following a well-attended launch at the House of Commons on 9 September. It is co-ordinated by Gas Safe Register with support from stakeholders including retailers such as B&Q, registered gas engineers, manufacturers, consumer bodies and the public; with a mix of national and local media coverage including radio, newspapers and increasingly through social media. In its fourth year, Gas Safety Week had its greatest level of support from nearly 4,000 stakeholders and during the week there was a wide range of activities including stands at DIY stores and local events with Fire and Rescue services, all delivering the following key gas safety messages.

- Check your gas appliances every year
- Check your engineer is Gas Safe registered
- Check your engineer's Gas Safe ID card

The full analysis of the week's activities will be available in due course.

2. Summary of International Visit requests received January – 11 September 2014

30 international visit requests have been received since January and 13 have taken place so far. Four visits are agreed for later in the year and four requests are pending. In 2013 there were 13 visits.

As usual, visitors have been from a wide range of places, both geographically and in maturity of health and safety systems, and have included China, Dubai, France, Japan, Korea, New Zealand and Norway amongst others.

Visits have covered a broad range of topics, including how HSE regulates sector specific issues (e.g. in agriculture, construction, energy), how HSE gains and uses statistics and how HSE implements better regulation.

Challenges in assessing requests and delivering those subsequently agreed include teasing out exactly what applicants hope to achieve through a visit, so that HSE can

assess its response and, if agreed, develop a programme to deliver the applicants' expectations. Multi-topic visits by high-level delegations can require significant resource from staff in order to plan and deliver successfully, for example a recent visit held for the Mexican state of Nuevo Leon's Ministry of Labour involved 25 delegates.

Visits from non-government organisations in 2014 have included a University and an employers' and manufacturers' association.

3. Thefts from pipelines

In the last 12 months there has been a significant increase in the number of RIDDOR reports of theft by organised criminal gangs from fuel pipelines (both diesel and kerosene). In 2012 and 2013 three incidents were reported to HSE compared to 7 incidents in the first 6 months of 2014. Although the Police have primacy in this matter, HSE also has an interest in measures taken by pipeline operators to identify and prevent incidents of theft. HSE is also concerned about the increased potential for theft damage to HP gas pipelines caused as a result of pipeline 'mistaken identity' by criminals.

Energy Division (ED) has asked members of the UK Onshore Pipeline Operators' Association (UKOPA) to be alert to the increased threat to their pipelines and, where necessary, to increase vigilance through both in-line inspection ('pigging'), above ground inspection and identification of high-risk theft locations. HSE has also contacted other parts of Government with an interest in national infrastructure issues. This includes the Oil and Pipelines Agency since they provide fuel via pipeline to the MOD across the country

4. Asbestos Campaign

The asbestos behaviour change campaign got underway on 29 September 2014 with B&Q TradePoint beginning distribution of 200,000 asbestos safety kits to at-risk tradespeople in Great Britain. The distribution of the kits has been supported by 'point of sale' posters at TradePoint stores, as well as direct email correspondence to TradePoint customers. A link to the campaign web app is appearing on all till receipts from B&Q TradePoint. The official campaign launch will take place in the week commencing 6 October 2014.

5. BRE Focus on Enforcement - COMAH

Background

The BRE Focus on Enforcement Review of the chemicals (COMAH) sector sought views from businesses on their experience of the COMAH regulatory regime. The review's recommendations were published in February 2013. The COMAH Competent Authority (HSE and the three environment agencies) (CA) set in train a programme of improvements to deliver the recommendations, with the support of the

industry. The improvements built on the work delivered through the COMAH Remodelling programme launched in 2010.

Current position

Major progress has been made in delivering the programme with work either complete or in hand to implement from October 2014. The changes have been met with widespread support from industry and the Government's Reducing Regulation Sub-Committee (RRC) which is overseeing delivery. An update on progress is going to the RRC later in October.

Key improvements include:

- Establishing the COMAH Strategic Forum comprising senior industry and CA representatives.
- Ensuring coordination of the planning and delivery of COMAH and other environmental inspections so as to minimise unnecessary overlap. A single Intervention Manager for each COMAH site has been appointed to lead on delivering this.
- Where appropriate for lower tier sites, to deliver COMAH through just one of the CA partners.
- A clearer mechanism for COMAH operators to challenge regulatory decisions.
- Establishing a performance recognition framework with the opportunity for operators to influence the degree of intervention by the CA by demonstrating effective risk control and mitigation

The CA is working with industry to develop an effective mechanism to assess the impact of the improvements.

6. Update on FFI Publication Report

HSE published the report completed by an independent panel in response to one of the recommendations in the Triennial Review and discussed by the Board at the August meeting: <http://press.hse.gov.uk/2014/fee-for-intervention-is-effective-and-should-stay-says-report/> A communications strategy was delivered to advise key external stakeholders and staff in FOD and HID of the report's findings and to confirm that FFI was to continue.

7. Significant Prosecutions

Disqualified director jailed over worker death and company deception

HSE worked closely with colleagues in BIS to secure successful prosecutions against two company directors after a fatal incident in September 2010 when a 40 year-old Southampton worker was crushed and killed by a two-tonne metal sand-moulding box that fell from the lifting chains of a crane.

Both men were disqualified from being company directors, the leading defendant for the maximum 15 years. He was also jailed for 26 months for serious fraud and safety

offences. The second defendant was given a suspended 12 month prison sentence for similar offences and for aiding and abetting the first one.

The Companies Act offences came to light during the HSE investigation and triggered a joint investigation with BIS. The crane at the centre of the incident had not been checked or tested and there were inadequate arrangements for competency, supervision or training. The company was also prosecuted and pled guilty through its administrators. The court imposed a fine of £100,000.

The court was told that the lead Director had previously contravened two orders disqualifying him as a director by acting in that capacity in four separate companies and had been responsible for the cross-firing of cheques. BIS investigators established that this raised almost £92,500 by taking advantage of a short window after the cheques were presented but before they bounced. The second defendant aided and abetted the first by writing blank cheques and failing to fulfil his responsibilities as a director.

In his sentencing comments, the Recorder concluded that the main defendant had behaved in a 'disgraceful' way and had been culpable of 'extremely shoddy business practice'.

CEMHD

Prosecution of BOC Ltd at Bristol Crown Court: Update on court case - BOC Ltd pleaded guilty to a breach of Section 2(1) of the Health and Safety at Work Act and were fined £175,000 with £85,000 costs.

Prosecution of BOC Ltd at Bristol Crown Court: Following the explosion and fire at the company's Acetylene cylinder filling facility in Brislington, Bristol on the 7th January 2010, BOC Ltd were prosecuted at Bristol Crown Court for breaches of Section 2(1) of the Health and Safety at Work Act and Regulation 4 of the Control of Major Accident Hazards Regulations 1999. Three employees were injured in the explosion, one seriously, which also caused extensive disruption to local road and rail networks and the closure of a number of businesses nearby while the fire was brought under control.

On 7th August 2014, as a result of the lengthy and complex investigation by HID, BOC Ltd pleaded guilty to the breach of Section 2(1) and were fined £175,000 with £85,000 awarded in costs. The Court accepted a not guilty plea to the COMAH charge with no further action on this charge.

8. Scottish Referendum

Following the result of the referendum in Scotland, the Government has committed to transferring further powers to the Scottish Parliament. Lord Smith of Kelvin has been appointed to oversee the process of taking those commitments forward. There are a number of potential regulatory and structural proposals that could be envisaged. HSE will play its part in discussions leading to an agreed policy on changes to the arrangements concerning health and safety regulation. Meanwhile

HSE will continue to provide its full range of regulatory functions and services, on the present basis.

Communications Overview

Communications Overview September 2014

Introduction

This report to the Board summarises key communications activity supporting organisational priorities for Summer 2014.

News and PR

In addition to the day-to-day business of responding to media requests, Press Office worked with DWP to highlight summer related myths which gained widespread media attention in August. Also, our Chair Judith Hackitt helped bust a number of myths including in support of pop singer Will Young and his dismay at some park wardens in London who refused to allow him into one of their vehicles to look for his lost dog, on “health and safety grounds”.

A safety awareness campaign began in Wales with National Farmers Union and Ministerial support, aimed at rural farming communities, particularly regarding falls through roofs after HSE investigated four fatalities since April 2013. Also HSE and NFU Scotland saw a significant amount of coverage in the Scottish media for the launch of Farm Safety Scotland a partnership to reduce the number of people who are killed or seriously injured each year on Scotland’s farms and crofts.

In addition, press office promoted sensible risk in education guidance, the independent report on Fee for Intervention, and engaged with national media titles on issues such as microbiology laboratory incidents and the collapse of wind turbines. The team also supported Gas Safety Week and launched the national construction refurbishment initiative.

Internal Communications

Feedback from the recent SMT Visits has been collated and shows that the majority of staff found the sessions ‘extremely’ or ‘very’ useful. Comments from colleagues indicated that an opportunity to meet members of the SMT and discuss issues directly was appreciated. The appraisal of the ‘bigger picture’ and an opportunity to look towards the future were also positively regarded.

The fourth Pulse Survey attracted a response rate of nearly 65 per cent – 10 per cent higher than the average for Quarter 1 (waves 1-3). The Engagement Index remained static at 53 per cent – still three per cent higher than the 2013 People Survey results. Likewise, scores for the five key engagement questions are largely unchanged, but all five continue to track higher than the People Survey 2013 scores.

Other activities included the announcement of HSE’s new Chief Executive; planning for People Survey, which is due to launch on 1 October; providing IT service delivery updates and information about the restarted Windows 7 upgrade schedule; and a report back to staff on the positive response to the Spending Wisely campaign, which elicited 216 suggestions to generate savings and deliver value for money.

Digital Marketing

Highlights for the month include:

- 4.9 million people visited the HSE website 7.8 million times in the first quarter of 2014/15, 200,000 more people visited than the same period last year (4.7 million visits in 2013/14).
- eBulletin articles linking to a safety alert about devices used to reduce operator entrapment in mobile elevating work platforms attracted 7,816 visits in June. eBulletins accounted for 47% of all visits to the newsletter (16,590 visits overall)
- eBulletin articles linking to a Myth Busting case about removal of England flags during the World Cup attracted 14,630 visits in June. eBulletins accounted for 91% of all visits to the case (16,024 visits overall)

Online revisions and improvements

A total of 146 online content and PDF revisions include:

- Revised leaflet *Risk assessment: A brief guide to controlling risks in the workplace* INDG163(rev4) Replacement for 'Five steps to risk assessment' and updated risk website.
- Revised leaflet *Health and safety made simple: The basics for your business* INDG449(rev1) and updated Health and safety made simple' website.
- Updates to Toolbox as a result of controlling the risks in the workplace.
- 'Busy builder' sheets produced for the Refurbishment Initiative
- Regulation of health and safety at work (HSE51) was published.
- HSE supported ONR with copy editing/proofreading on UK's fifth national report on the Joint Convention report for DECC

Online Consultations

The following HSE consultations began or concluded during July to September 2014 (inclusive):

Consultations that began during August and September 2014

- CD270 – Consultation on draft Approved Code of Practice - L122 Safety of Pressure Systems
Consultation began on **1 September** and ends on **13 October 2014**
- CD275 – Consultation on draft Approved Code of Practice (ACOP): Safe use of lifting equipment (L113)
Consultation began on **20 August** and ends on **14 October 2014**

Consultations that ended during July, August and September 2014

- CD274 – Consultation on draft Approved Code of Practice (ACOP): Safe work in confined spaces (L101)
Consultation began on **20 August** and ends on **30 September 2014**
- CD272 – Consultation on the implementation of Directive 2013/30/EU on the safety of offshore oil and gas operations and amending Directive 2004/35/EC, and on the review of offshore Approved Codes of Practice and the updating of UK onshore oil and gas safety legislation to cover emerging energy technologies
This consultation invited views on the UK's proposed approach to implement

the offshore safety Directive, and included proposals on amendments to existing legislation, new requirements, new administrative procedures, and the establishment of an offshore competent authority.

Consultation began on **28 July** and ends on **21 September 2014**

- CD273 – Consultation on proposals to exempt self-employed persons from section 3(2) of the Health and Safety at Work etc. Act 1974, except those undertaking activities on a prescribed list

This consultation sought views on the clarity of the proposed definitions, relied upon in the draft regulations, of those self-employed persons who it is proposed will continue to have duties under health and safety law.

Consultation began on **7 July** and ended on **31 August 2014**

- CD269 – Consultation on proposals on the alignment of health and safety regulations with the EU direct acting Classification, Labelling and Packaging Regulation

Consultation began on **12 June** and ended on **5 August 2014**

- CD271 – Consultation on Dangerous Substances and Explosive Atmospheres Regulations 2002

This consultation invited views on HSE's proposed revised version of the ACOP on DSEAR, including unloading petrol from road tankers.

Consultation began on **11 June** and ended on **22 July 2014**

Fatality details

Since the last update to the HSE Board on Wednesday 13th August 2014, there was **1** fatal accident for 2013/2014 and **22** fatal accidents for 2014/15 reportable under RIDDOR and subsequently published on HSE's website. Please see [Annex 3](#) for details.

In some cases, the publication of a fatality on the HSE website and notification to the Board may be some months after the actual date of the initial incident. This is due to the verification checks that are carried out to ensure that the fatality is within HSE's enforcement remit and if so, the correct information is subsequently published. The complex nature of some fatality investigations may mean that it can take some time to verify this information.

Of the **23** fatalities listed in the current report, **13** occurred prior to July 2014. **10** fatalities occurred in July 2014, compared with **17** which occurred in July 2013.

The full list of the names of the deceased plus additional details may be viewed at: <http://www.hse.gov.uk/foi/fatalities/in-year-names.htm>.

Significant Prosecutions during July and August 2014

1. [Costain Limited](#) was fined a total of £525,000 and ordered to pay a further £90,577 in costs at Reading Court after a worker was killed when a telehandler overturned during the construction of the Parkway development in Newbury
2. [Airbus Operations Ltd](#) was fined £200,000 and ordered to pay £58,891 in costs at Mold Crown Court following the death of an employee who was crushed between a tractor and a fertiliser spreader at the firm's plant in Broughton
3. [East Coast Viners Grain LLP](#) was fined £240,000 at Aberdeen Sheriff Court after a lorry driver was crushed to death when a two-tonne, fully-loaded grain bin fell onto him from a forklift truck
4. [Dengie Crops Ltd](#) was fined a total of £100,000 and ordered to pay £28,437 in costs at Chelmsford Crown Court after a worker was killed when the tailgate of a hydraulic trailer fell and struck him across the neck
5. [M Baker \(Produce\) Ltd](#) was fined £100,000 and ordered to pay £18,477 in costs at Lincoln Crown Court after a mother of two was killed when she was run over by a reversing tractor trailer
6. [Scottish Borders Abattoir Limited](#) was fined £100,000 at Jedburgh Sheriff Court for failing to ensure the health and safety of an employee when they died after becoming trapped between a partition door and a support frame within their Winston Road premises

7. [J McArdle Contracts Ltd](#) – now in liquidation, was handed a fine of £2,000 and the judge commented on sentencing that if the company had still been trading the fine would have been £200,000. And [Stephen Blackmore](#) was given a six month prison sentence, suspended for 12 months, and ordered to pay costs of £2,500 for serious safety failings after a worker was run over and killed while working on the M25 widening project
8. [Life Style Care PLC](#) was fined a total of £85,000 and ordered to pay a further £48,000 in costs at St Alban's Crown Court after a resident with clinical dementia was suffocated by an unsecure wardrobe
9. [BOC Ltd](#) was fined £175,000 with costs of £85,000 at Bristol Crown Court after an explosion at one of its manufacturing plants in Bristol left a worker with life changing injuries
10. [Turfgrass Services International Ltd](#) trading as Inturf was fined £67,000 and ordered to pay £33,000 in costs for a catalogue of safety failings that led to the death of a 30-year-old employee and father of two
11. [SPS Aerostructures Ltd](#) was fined a total of £125,000 and ordered to pay £65,805 in costs at Nottingham Crown Court for failing to protect its employees from the effects of vibration, after 24 workers were diagnosed with debilitating nerve conditions
12. [H & M Distribution Ltd](#) was fined a total of £150,000 and ordered to pay costs of £13,996 and [H E Payne Transport Ltd](#) was fined a total of £100,000 and ordered to pay costs of £13,996 for safety failings after an HGV driver was left paralysed from the chest down following an incident at a transport yard in Sandy, Bedfordshire
13. [Blackpool Coastal Housing Ltd](#) was fined £50,000 and ordered to pay £27,821.25 at Preston Crown Court when residents at a block of flats in Blackpool narrowly avoided being seriously injured or killed when the second floor walkway he was standing on collapsed
14. [Crusaders Scaffolding Ltd](#) was fined a total of £15,000 and ordered to pay £526 in costs and Gary John Driver was fined £5,000 with £500 costs by Cambridge Magistrates' Court after an unsecured scaffold collapsed into a street
15. [Cummins Power Generation Ltd](#) was fined £20,000 and ordered to pay £49,149 in costs at Canterbury Magistrates' Court after one of its employees was left with a severe long-term disability following prolonged working with a range of vibrating machine tools
16. [GW Padley Poultry Ltd](#) was fined £9,000 and ordered to pay £15,000 costs, Harlow Brothers Ltd was fined £30,000 and ordered to pay £15,000 costs, K&M Tomlinson Ltd was fined £1,000, Kenneth Tomlinson was fined £1,000 and ordered to pay £3,000 costs and Philip Bates was fined £4,500 and ordered to pay £5,550 costs at Lincoln Crown Court for repeated safety

failings after workers were caught on a roof without taking proper safety precautions

17. [Right Angle Ltd](#) was fined £15,000 and ordered to pay full costs of £5,375 and John Donald, was fined £4,000 with £3,965 costs at Westminster Magistrates Court after a worker was seriously injured when he plunged almost six metres through a void for a roof light
18. [Eze Kinsley](#) was given a 30 months prison sentence to be served concurrently with three 12-month prison sentences at Chelmsford Crown Court for contravening a Prohibition Notice and he was also ordered to pay costs of £5,000
19. [Redmist Internatonal Ltd](#) escaped penalty for separate breaches of the same legislation because it is no longer trading and is the subject of a winding up order. The judge ruled that had it the means to pay, a £50,000 fine would have been imposed to reflect the significance of the failings – as illustrated by Mr Islam's custodial sentence at Southwark Crown Court for exposing workers to harmful stone dust and ignoring notices to improve extraction ventilation
20. [Valley Grown Nurseries Ltd](#) was fined £22,000 and ordered to pay £8,830 in costs at Chelmsford Crown Court after a worker suffered extensive injuries when she had to jump from a runaway mobile working platform at its nurseries in Nazeing
21. [Gateshead Metropolitan Borough Council](#) was fined £40,000 and ordered to pay £5,854 in costs and Mark Anthony Connelly was sentenced to 150 hours of unpaid work and ordered to pay £5,854 in costs at Newcastle Crown Court after a worker was injured when a tree he had been felling landed on a railway line and was hit by a train
22. [Reactive Roofing \(UK\) Ltd](#) was fined a total of £17,500 and ordered to pay costs of £7,077 by Stevenage Magistrates' Court after a worker suffered multiple injuries when he fell four metres from the roof of business park premises in Hoddesdon
23. [Equestrobed Ltd](#) was fined £18,000 and ordered to pay £6,929 costs and Timothy David Howard, managing director, was fined £1,800 at Bury St Edmunds Magistrates' Court after a young employee's arm was crushed when he was removing compacted dust from a baling machine
24. [MTI Welding Technologies Ltd](#) was fined £53,000 and ordered to pay costs of £3,100 by Dudley Magistrates' Court after a catalogue of safety failings led to a worker losing two fingers
25. [Jon Walker Timber Products Ltd](#) was fined £15,000 and ordered to pay £9,850 costs by Nottingham Magistrates' Court after an employee was run over by a forklift truck

26. [Primopost Ltd](#) was fined £30,000 and ordered to pay £2,979 in prosecution costs at High Peak Magistrates' Court after an employee suffered severe injuries to his leg when he was struck by a forklift truck
27. [NHS Ayrshire and Arran Health Board](#) was fined £50,000 by Kilmarnock Sheriff Court for serious safety breaches after a mental health patient was able to hang herself
28. [West Hertfordshire Hospitals NHS Trust](#) was fined £55,000 and ordered to pay £ 34,078 in costs at St Albans Crown Court after it was found likely to have exposed workers to potentially fatal asbestos material for more than a decade at its three hospitals in Hertfordshire
29. [Akram Hussain and Inam Hussain](#) were both given custodial sentences and ordered to pay costs of £43,000 by Stafford Crown Court when they exposed workers to asbestos
30. [Asbestos Damage Limitations Ltd](#) was fined £15,000 and ordered to pay £4,000 in costs by Brighton Magistrates' Court after it flouted asbestos regulations and removed some of the dangerous material just three weeks after being refused a licence to carry out such work
31. [Paul O'Boyle](#) was jailed for a total of 26 months and he was also disqualified from being a company director for the maximum of 15 years. [Russell Lee](#) was given a 12-month prison sentence suspended for two years he was also disqualified as a director, for seven years, ordered to pay £8,000 toward prosecution costs and given 150 hours' community service. [Aztech BA Ltd](#) was fined £100,000 by at Winchester Crown Court following joint proceedings brought by BIS (the Department for Business Innovation and Skills) and the Health and Safety Executive (HSE). The safety offence related to the tragic death of a 40 year-old Southampton worker in September 2010

FOI Requests made to HSE

HSE received 806 FOI requests during the months of July and August 2014.

Parliamentary Business

HSE answered 13 PQs during the Months of July and August 2014.

The following table is an extract of all work-related deaths in 2013/14 and 2014/15 notified to HSE since the last update to the Board on Wednesday 13th August 2014 and contains fatalities notified to us in July 2014. It is taken from the latest "Names and details of fatalities" update published on HSE's website on Monday 8th September 2014.

HSE's internet publication is the collated picture of 'as reported' information on fatalities. It does not purport to be a formal statistical release. Subsequent investigation may determine that some are not reportable under RIDDOR, for example deaths due to natural causes. Other deaths shown here may have been caused by gas incidents in the home. In such cases these deaths will not be counted in our statistics for workplace fatal injuries. Provisional quarterly figures for workplace fatal injuries are available from our latest quarterly injury figures and validated figures and information will only be available on publication of the annual fatality statistics for Great Britain.

Date of incident	Name	Age	Description of incident	Location of incident	Local Authority	General Industry Sector	Detailed Standard Industry Classification	Employment status
16/03/2014	Samantha Barton	37	The deceased died whilst under medical care	Nottingham	Newark & Sherwood	Services	Hospital Activities	Member of the public
14/04/2014	Michael Fisher	52	The deceased fell from height	Richmond	Richmond upon Thames	Construction	Other building completion	Self Employed
18/04/2014	Preston Flores	7	The deceased was exposed to fire	Aberdeen	Aberdeen City UA	Services	General Public Administration	Member of the public

Annex 3

Date of incident	Name	Age	Description of incident	Location of incident	Local Authority	General Industry Sector	Detailed Standard Industry Classification	Employment status
28/04/2014	Ivan Hancox	88	The deceased died following a fall	York	York	Services	Hospital Activities	Member of the public
09/05/2014	Adam Withers	20	The deceased fell from height	Epsom	Epsom & Ewell	Services	Hospital Activities	Member of the public
13/05/2014	Aidan Gallagher	34	The deceased was struck by a vehicle	Lidgate	St Edmundsbury	Construction	Construction of roads and motorways	Employee
24/05/2014	John Morris	76	The deceased died following a fall	Gillingham	Medway Towns UA	Services	Hospital Activities	Member of the public
02/06/2014	Gary Ford	54	The deceased died from suspected carbon monoxide poisoning	Wirral	Wirral	Services	Housing Association Real estate	Member of the public

Annex 3

Date of incident	Name	Age	Description of incident	Location of incident	Local Authority	General Industry Sector	Detailed Standard Industry Classification	Employment status
02/06/2014	Dennis Cheatham	47	The deceased died from suspected carbon monoxide poisoning	Wirral	Wirral	Services	Housing Association Real estate	Member of the public
Date of incident	Name	Age	Description of incident	Location of incident	Local Authority	General Industry Sector	Detailed Standard Industry Classification	Employment status
04/06/2014	Alvaro Estrada Ramirez	61	The deceased came into contact with machinery	Dorset	Poole UA	Manufacturing	Concrete construction products	Employee
10/06/2014	Rambai Samgani	57	The deceased was struck by an object	London	Brent	Services	General Public Administration	Member of the public
11/06/2014	Ionel Soci	33	The deceased was trapped by something collapsing	Cornwall	Cornwall UA	Construction	Specialised construction not scaffolding	Self Employed
30/06/2014	Barrie Power	63	The deceased fell from height	Bridgend	Bridgend UA	Construction	Specialised construction not scaffolding	Employee

Annex 3

Date of incident	Name	Age	Description of incident	Location of incident	Local Authority	General Industry Sector	Detailed Standard Industry Classification	Employment status
01/07/2014	Sean Hogan	70	The deceased fell from height	Somerset	South Somerset	Construction	Roofing Activities	Self Employed
08/07/2014	Richard Reddish	29	The deceased was trapped by something collapsing	Worksop	Bassetlaw	Manufacturing	Concrete construction products	Employee
08/07/2014	Malcolm Owen	58	The deceased fell from a vehicle	Hanley	Stoke on Trent	Services	Freight transport by road	Employee
09/07/2014	Arthur Mason	21	The deceased was asphyxiated	Kings Lynn	West Norfolk & Kings Lynn	Agriculture	Mixed farming	Employee
12/07/2014	Arthur Mellar	47	The deceased was struck by an object	Peterborough	Peterborough UA	Services	Historical site/building	Employee
14/07/2014	Paul Dakin	72	The deceased was struck by an overturning vehicle	Skipton	Craven	Agriculture	Raising of Dairy Cattle	Employee

Annex 3

Date of incident	Name	Age	Description of incident	Location of incident	Local Authority	General Industry Sector	Detailed Standard Industry Classification	Employment status
18/07/2014	Malcolm Bevan	66	The deceased fell from height	Plymouth	Plymouth UA	Services	General Secondary Education	Employee
23/07/2014	William Steele	61	The deceased came into contact with machinery	Hull	Hull City UA	Manufacturing	Treatment and coating metals	Employee
30/07/2014	Stephan Woollas	49	The deceased was struck by an object	Grantham	South Kesteven	Manufacturing	Tyres/tubes retread/rebuilding	Employee
31/07/2014	Jonathan Evans	43	The deceased was struck by an object	Carmarthenshire	Carmarthenshire UA	Agriculture	Raising of Dairy Cattle	Employee

AUGUST 2014 UPDATE ON EU HEALTH AND SAFETY DOSSIERS
SEPTEMBER 2014 UPDATE ON EU HEALTH AND SAFETY DOSSIERS

This annex to the Chief Executive’s Report provides the Board with a monthly update on progress with EU health and safety dossiers that HSE leads on for HMG or other dossiers that HSE has an interest in but not the lead. To help the Board keep track of developments, each dossier is either marked ‘**UNCHANGED FROM LAST BOARD UPDATE**’ or ‘**NEW DEVELOPMENTS**’. For further information about this annex, please contact Stephen Taylor, EU Coordinator in HSE’s International Unit (Tel: 020 7227 3830 or e-mail: stephen.taylor@hse.gsi.ov.uk)

SOCIAL DIALOGUE:

EMPLOYMENT AND SOCIAL AFFAIRS DOSSIERS:

Social partners consultation on environmental tobacco smoke	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission has announced that it will not propose legislation on environmental tobacco smoke during its current mandate.	
Lead Department HSE contact	DH HSE SCS Lead – Kären Clayton HSE Policy Lead – Gillian Smith, Long Latency Health Risks Division, 0151 951 4919, gill.fod.smith@hse.gsi.gov.uk HSE SCS Lawyer – Hilton Leslie

Social partners consultation on reviewing the Working Time Directive	
Current status (UNCHANGED FROM LAST BOARD UPDATE): In September 2009, the European Commission (EC) announced its commitment to review the Working Time Directive, following the collapse of the previous round of negotiations on amending the Directive in April 2009. There have since been two rounds of social partner consultation on options for the Directive, with the social partners subsequently having decided to open negotiations on an agreement on the Directive, though those talks have now reached an impasse. The EC is now deciding on next steps. HSE has a role in enforcing the domestic regulation that transposes the original Directive.	
Lead Department HSE contact	BIS HSE SCS Lead – David Sowerby HSE Policy Lead – Tanya Stewart, Field Operations Directorate, 0151 951 5851, tanya.stewart@hse.gsi.gov.uk HSE SCS Lawyer – Hilton Leslie

PRE-PROPOSAL STAGE:**EMPLOYMENT AND SOCIAL AFFAIRS DOSSIERS:**

Initiative on Ergonomics at Work	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission has announced that it will not propose legislation on ergonomics in the workplace during its current mandate.	
Lead Department HSE contact	HSE SCS Lead – Paul Logan Policy Lead – Rob Vondy, Work Environment, Radiation and Gas Division, 0151 951 3756, rob.vondy@hse.gsi.gov.uk SCS Lawyer – Hilton Leslie

Initiative to revise the Carcinogens and Mutagens Directive (2004/37/EC)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission has announced that it will not propose legislation on carcinogens and mutagens during its current mandate.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Gillian Smith, Long Latency Health Risks Division, 0151 951 4919, gill.fod.smith@hse.gsi.gov.uk SCS Lawyer – Hilton Leslie

Potential implementation of social partners agreement on the prevention of health risks in the hairdressing sector	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission has announced that it will not propose legislation to implement the social partner agreement on the protection of occupational safety and health in hairdressing during its current mandate. However, work underway to make an assessment of the agreement will continue.	
Lead Department HSE contact	HSE SCS Lead – Kevin Myers Policy Lead – Cameron Adam, Operational Strategy Division, 0141 275 3096, cameron.adam@hse.gsi.gov.uk SCS Lawyer – Hilton Leslie

UNDER NEGOTIATION:**EMPLOYMENT AND SOCIAL AFFAIRS DOSSIERS:**

Proposed amendment of Pregnant Workers Directive (92/85/EC)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Parliament (EP) has proposed a number of amendments to the Directive, including ones on health and safety, following its plenary session on 20 October 2010. The EP's amended proposal has been sent to the Council, where it remains under consideration. The European Commission has, however, recently announced, as part of its continuing regulatory fitness programme, that it will withdraw its proposal for amending the Directive.	
Lead Department HSE contact	BIS HSE SCS Lead – Clive Fleming HSE Policy Lead – Kate Haire, Strategic Interventions Division, 0151 951 3792, kate.haire@hse.gsi.gov.uk HSE SCS Lawyer – Hilton Leslie

ENTERPRISE AND INDUSTRY DOSSIERS:

Proposed Regulation on Product Safety and Market Surveillance	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission has published a proposal for a regulation on product safety and market surveillance as part of a coherent package to cover the market surveillance of industrial and consumer products, including explosives for civil use which is a HSE lead. It seeks to simplify the EU's market surveillance framework for manufacturers and market surveillance authorities. The proposal contains powers of product recall, specifies equal priority to dealing with administrative breaches, strengthens the obligation to respond to issues raised by other member states and explicitly makes provision for the ability to charge fees to cover the costs of market surveillance activities. HSE is acting as an advisor to the Department for Business, Innovation and Skills on the proposal.	
Lead Department HSE contact	BIS HSE SCS Leads – Paul Logan, Peter Brown HSE Policy Leads – Pete Lennon, Work Environment, Radiation and Gas Division, 0151 951 3014, peter.lennon@hse.gsi.gov.uk , and Debra Owen, Major Hazards Policy Division, 0151 951 3863, debra.owen@hse.gsi.gov.uk HSE SCS Lawyer – Hilton Leslie

Proposed Regulation on Consumer Product Safety	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission has also published, as part of the package of product safety and market surveillance measures mentioned above, a proposal for a regulation on consumer product safety. It would replace the General Product Safety Directive. The proposal includes in its scope products to which consumers are exposed in the provision of a service. HSE is acting as an advisor to the Department for Business, Innovation and Skills on the proposal.	
Lead Department HSE contact	BIS HSE SCS Leads – Paul Logan, Peter Brown HSE Policy Leads – Pete Lennon, Work Environment, Radiation and Gas Division, 0151 951 3014, peter.lennon@hse.gsi.gov.uk , and Debra Owen, Major Hazards Policy Division, 0151 951 3863, debra.owen@hse.gsi.gov.uk HSE SCS Lawyer – Hilton Leslie

Proposed Regulation on Personal Protective Equipment (replace the Personal Protective Equipment (supply) Directive (89/686/EC))	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission has published a proposal to replace the Personal Protective Equipment (supply) Directive with a European Regulation. The proposal will bring the supply side requirements of the Directive into line with the European Regulation on accreditation and market surveillance of products. Negotiations have now begun. HSE is acting as an advisor to the Department for Business, Innovation and Skills on the proposal. Negotiations are not expected to be complete until late 2015.	
Lead Department HSE contact	BIS HSE SCS Lead – Paul Logan HSE Policy Lead – Pete Lennon, Work Environment, Radiation and Gas Division, 0151 951 3014, peter.lennon@hse.gsi.gov.uk HSE SCS Lawyer – Hilton Leslie

ENVIRONMENT DOSSIERS:

Proposed Commission Implementing Regulation for the approval of six active substances and non-approval of nine active substances under the EU Biocides Regulation (528/2012)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The March 2014 meeting of the Standing Committee on Biocidal Products voted to approve 6 active substances under the European Biocides Regulation (cyproconazole, silicon dioxide, transfluthrin, ethyl butylacetylaminopropionate, lauric acid and 4,5-Dichloro-2-octyl-2H-isothiazol-3-one (DCOIT)). The meeting also voted in favour of a European Commission Decision not to approve 9 active substances for use in specific product types and for which support has been withdrawn or dossiers have not been submitted for review by the required deadline (glutaral, disilver oxide, 4,4-Dimethyloxazolidine, 2-Butanone, peroxide, silver chloride, pine extract, triclosan Bis[1-cyclohexyl-1,2-di(hydroxi-kappa O)diazeniumato(2-)]-copper and 2-Phenoxyethanol).	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7556 3533, robin.foster@hse.gsi.gov.uk SCS Lawyer – Peter Loosley

Proposed Commission Implementing Regulation for the approval of two active substances and four administrative matters under the EU Biocides Regulation (528/2012)	
Current status (NEW DEVELOPMENTS): The September 2014 meeting of the Standing Committee on Biocidal Products is scheduled to vote on the approval of 2 active substances under the European Biocides Regulation (permethrin and tralopyril). Votes will also take place on three requests from Germany to limit or refuse 'mutual recognition' of biocidal product authorisations, and a correction to the Swedish language version of the Regulation on the fees and charges payable to the European Chemicals Agency.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7556 3533, robin.foster@hse.gsi.gov.uk SCS Lawyer – Peter Loosley

TRANSPORT DOSSIER:

Proposed Regulation on Cableways Installations (replace Directive on Cableways Installations (2000/09/EC))	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission has published a proposal to replace the Cableways Directive with a European Regulation. The proposal will bring the supply side requirements of the Directive into line with the European Regulation on accreditation and market surveillance of products. Negotiations have just begun. HSE is acting as an advisor to the Department for Transport on the proposal. Negotiations are not expected to be complete until late 2015.	
Lead Department HSE contact	DfT HSE SCS Lead – Paul Logan HSE Policy Lead – Pete Lennon, Work Environment, Radiation and Gas Division, 0151 951 3014, peter.lennon@hse.gsi.gov.uk HSE SCS Lawyer – Hilton Leslie

UNDER IMPLEMENTATION:**EMPLOYMENT AND SOCIAL AFFAIRS DOSSIER:**

Directive on electromagnetic fields (2013/35/EU)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The adopted Directive was published on 29 June 2013 and requires transposition by 1 July 2016. It replaces the 2004 Electromagnetic Fields Directive. HSE is continuing to work with stakeholders to develop guidance and to assess the impact of the Directive.	
Lead Department HSE contact	HSE SCS Lead – Paul Logan Policy Lead – Clare McNicholas, Work Environment, Radiation and Gas Division, 0151 951 3972, clare.mcnicholas@hse.gsi.gov.uk SCS Lawyer – Hilton Leslie

Directive (2014/27/EU) to amend certain health and safety at work directives to align them with the European Regulation on classification, labelling and packaging of substances and mixtures (1272/2008)
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Current status (NEW DEVELOPMENTS):	
The adopted Directive was published on 5 March 2013 and requires transposition by 1 June 2015. The public consultation commenced on 12 June for 8 weeks, closing on 5 August. There was positive agreement (90%) that the proposals properly transposed the directive and no significant issues were raised. The assumptions made in the impact assessment were also tested and the IA has been updated to strengthen the analysis. A paper seeking agreement to implement the proposals in this Parliamentary Session will be put to the Board at the 1 October meeting.	
Lead Department	HSE
HSE contact	SCS Lead – Kären Clayton Policy Lead – Sarah Mallagh, Long Latency Health Risks Division, 0151 951 4560, sarah.mallagh@hse.gsi.gov.uk SCS Lawyer – Peter Loosley

Directive on enforcement of posted workers rights (2014/67/EU)	
Current status (NEW DEVELOPMENTS):	
The adopted Directive was published on 28 May 2014 and requires transposition by 18 June 2016. It concerns the enforcement of workers' rights when they are posted abroad by their employers, i.e. what are classified as 'posted workers'. The numbers of posted workers in the UK is relatively small (less than 37,000. HSE met with BIS colleagues on 11 th August to discuss transposition. HSE outlined its approach to securing compliance with the law where posted workers are employed, and guidance available to those employing them.	
Lead Department	BIS
HSE contact	HSE SCS Lead – Clive Fleming HSE Policy Lead – Kate Haire, Strategic Interventions Division, 0151 951 3792, kate.haire@hse.gsi.gov.uk HSE SCS Lawyer – Hilton Leslie

INDUSTRY AND ENTERPRISE DOSSIERS:

EU Regulation on the approval and market surveillance of agricultural and forestry vehicles (167/2013)	
Current status (UNCHANGED FROM LAST BOARD UPDATE):	
The adopted Regulation was published on 2 March 2013 and replaces the previous Agricultural Vehicles Type Approval Directive (2003/37/EC). The European Commission is in the process of drawing up five delegated acts to implement the Regulation in respect of functional safety requirements, construction safety requirements, environmental and propulsion performance, access to repair and maintenance information and vehicle braking requirements. The Department for Transport is leading on this work for the UK. HSE is advising on health and safety issues.	
Lead Department	DfT
HSE contact	HSE SCS Lead – Philip White HSE Policy Lead – Alastair Mitchell, Operational Strategy Division, 01905 74 3608, alastair.mitchell@hse.gsi.gov.uk HSE SCS Lawyer – Peter Loosley
Directives on explosives for civil use (2014/28/EU), lifts (2014/33/EU), low voltage (2014/35/EU), pressure equipment (2014/68/EU), simple pressure vessels (2014/29/EU) and pyrotechnics (2013/29/EU) (recasts)	
Current status (NEW DEVELOPMENTS):	
Following the earlier publication of the recast Directive on pyrotechnics, further recast directives on explosives for civil use, lifts, low voltage, pressure equipment, and simple pressure vessels have now been published. These directives bring their existing supply side requirements into line with the European Regulation on accreditation and market surveillance of products. The recast of the Pressure Equipment Directive also brings it into line with the European Regulation on classification, labelling and packaging of substances and mixtures. HSE is the lead on explosives for civil uses but also has enforcement responsibilities under the other directives. The Department for Business, Innovation and Skills is leading on the transposition of the overall package with HSE acting as an advisor on relevant issues. HSE (HID) will lead for the implementation of the Explosives for Civil Use Directive.	
Lead Department	BIS
HSE contact	HSE SCS Lead – Paul Logan, Peter Brown HSE Policy Leads – Pete Lennon, Work Environment, Radiation and Gas Division, 0151 951 3014, peter.lennon@hse.gsi.gov.uk , and Debra Owen, Major Hazards Policy Division, 0151 951 3863, debra.owen@hse.gsi.gov.uk HSE SCS Lawyer – Peter Loosley

ENVIRONMENT DOSSIERS:

EC Regulation on Registration, Evaluation, Authorisation and Restriction of Chemical substances (REACH) (1907/2006)	
Current status (UNCHANGED FROM LAST BOARD UPDATE):	
This Regulation came into force on 1 June 2007. Key recent developments include:	
<ul style="list-style-type: none"> • Work continues to take forward the permitted derogation from the new EU restriction on use of paint-strippers containing dichloromethane. A below the line paper was submitted to the Board in March outlining the outcome of the recent consultation (November 2013-January 2014) on the proposed implementation of the derogation and the arrangements for the Department for Environment, Food and Rural Affairs (Defra) to make the necessary changes to the REACH Enforcement Regulations 2008. Defra is currently seeking clearance for its proposals. • The REACH Enforcement Regulations 2008 have been amended to bring them into line with the EU REACH Regulation in relation to the latter's asbestos derogation. Discussions will continue with Defra on this issue on a case-by-case basis as required. 	
Lead Department HSE contact	DEFRA (Policy Lead) HSE (UK Competent Authority) HSE SCS Lead – Kären Clayton HSE Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7556 3533, robin.foster@hse.gsi.gov.uk HSE SCS Lawyer – Peter Loosley

Directive on control of major accident hazards involving dangerous substances (2012/18/EU)	
Current status (NEW DEVELOPMENTS):	
The adopted Directive was published on 24 July, and replaces Directive 96/82/EC, as amended by Directive 2003/105/EC. It brings existing 'Seveso' requirements into line with the European Regulation on classification, labelling and packaging of substances and mixtures. It also modernises existing public information requirements, including bringing them into line with the Aarhus Convention on public information, public participation and access to justice for environmental matters. Directive 2012/18/EC requires transposition by 31 May 2015, except one provision which relates to Heavy Fuel Oil which requires transposition by 14 February 2014 and which has now been completed. The 8-week public consultation on draft COMAH '15 proposals has been completed and officials from the Competent Authority continue to develop the guidance and operational procedures necessary to implement the new COMAH regulations.	
Lead Department HSE contact	HSE SCS Lead – Peter Brown Policy Lead – Sandra Ashcroft, Major Hazards Policy Division, 0151 951 3531, sandra.ashcroft@hse.gsi.gov.uk SCS Lawyer – Hilton Leslie

ENERGY DOSSIER:

Directive on safety of offshore oil and gas drilling operations (2013/30/EU)	
Current status (NEW DEVELOPMENTS): The adopted Directive was published on 28 June 2013 and requires transposition by 19 July 2015. The Department for Energy and Climate Change and HSE are working together to transpose the Directive. The public consultation on proposals to transpose the Directive was launched on 28 July and ends on 21 September. HSE and DECC are continuing to meet industry throughout the consultation to discuss challenging issues, including how to address operatorship and the integration of safety and environmental management systems.	
Lead Department HSE contact	DECC HSE SCS Lead – Peter Brown HSE Policy Lead – Jim Neilson, Major Hazards Policy Division, 0151 951 4434, jim.neilson@hse.gsi.gov.uk HSE SCS Lawyer – Peter Loosley

EURATOM DOSSIER:

Directive on Basic Safety Standards for Radiological Protection (2013/59/Euratom)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The adopted Directive was published on 28 June 2013 and requires transposition by 19 July 2015. The Department for Energy and Climate Change and HSE are working together to transpose the Directive. HSE is beginning preparations for an event in November with key stakeholders to discuss the differences between existing regulations (the Ionising Radiation Regulations 1999 and the Radiation (Emergency Preparedness and Public Information) Regulations 2001) and the new Directive.	
Lead Department HSE contact	DECC HSE SCS Lead – Paul Logan Policy Lead – Clare McNicholas, Work Environment, Radiation and Gas Division, 0151 951 3972, clare.mcnicholas@hse.gsi.gov.uk HSE SCS Lawyer – Peter Loosley