

Health and Safety Executive Board		Paper No: HSE/15/04	
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Chief Executive's Report to the Board			

Statement of New Regulation (SNR)

1. SNR9 was published by the Department for Business Innovation and Skills on 30 December 2015 <https://www.gov.uk/government/publications/one-in-two-out-ninth-statement-of-new-regulation>. This is the Government's official six-monthly progress update on regulation and this report gives details of all regulatory changes to affect business made over the full course of the Parliament.

2. HSE measures included in SNR9 were Mines Regulations 2014, Construction (Design and Management) Regulations 2015, Health and Safety and Nuclear (Fees) Regulations 2015, Deregulation Bill - amending the Employment Act 1989 to extend the exemption for turban wearing Sikhs. As a result of Parliamentary process, measures concerning the self-employed (Deregulation Bill and amendments to HSWA) were removed from SNR9 and will now go forward in the next SNR period.

Review of Mining Regulation

3. The Mines Regulations 2014 have been published and laid in the House. The new regulations consolidate over 40 Statutory Instruments, containing almost 1,000 separate regulations, and parts of two Acts, into a single set of modern, up-to-date regulations. This a major step towards our goal of reducing and simplifying regulation set by Professor Löfstedt.

HSE Input into the cross government response to the Ebola outbreak in West Africa

4. HSE is actively involved with a number of Government departments as part of the cross government response to ensure we are ready if patients in Great Britain are diagnosed with Ebola. The Department of Health (DH), working closely with Public Health England (PHE) and the Devolved Administrations, is the lead Government department for the UK response. The input of colleagues from across HSE to the cross government effort is valued by our partners.

5. It is planned to have further capacity for treating confirmed Ebola virus patients in addition to the existing specialist beds at the Royal Free Hospital, London. Specialist Inspectors from HID Biological Agents Unit (BAU) have recently visited each of the additional units to review their preparedness and to ensure policies, practices and protective measures are in place. We shared the findings from our visits with the units and with NHS England and DH to help them manage the preparations centrally.

6. The cross-HSE Ebola Forum Group, chaired by Emergency Planning Unit (EPU), has been working with PHE which has the lead for developing guidance for stakeholders, including workers. Colleagues from BAU, Operational Strategy Division, Health and Safety Laboratories (HSL), EPU and Field Operations Directorate have provided comments, sharing their experience of producing technical guidance for these audiences. The guidance has included training materials for healthcare workers and information on environmental cleaning in non-healthcare settings.

Falkland Islands – Sea Lion Project

7. HSE is one of a number of UK agencies currently supporting the Falkland Islands Government (FIG) in the development of an oil & gas industry in the Falkland Islands. Current estimates are that the offshore Sea Lion hydrocarbon field development around the Falkland Islands may have recoverable oil resources of up to 350 million barrels.

8. With the onset of a programme of further exploratory drilling during 2015, HID Energy Division has undertaken significant work in managing the required regulatory submissions in support of that work. This has involved the assessment of a new safety case and thorough review for the Eirik Raude drilling rig (operated by Ocean Rig) and for the inspection of the supporting well notifications.

9. As requested by FIG, HID Energy Division are currently planning to mobilise a small inspection team to the Falkland Islands during April 2015 to inspect the Eirik Raude during the further exploratory drilling campaign (a further 6 wells). The HSE Inspectors involved will be suitably authorised on behalf of FIG to enforce where required against associated FIG regulatory regime.

HSE@40 Campaign

10. HSE's 40th birthday celebrations started on Monday 5 January with the launch of the HSE@40 campaign. The celebrations will run throughout the course of the year with two key objectives:

- to highlight HSE's successes and milestones;
- to set out and promote HSE's future direction later in the year

11. Initial launch activity for HSE@40 included an electronic birthday card from the Chair and CE to HSE colleagues, a framed picture of milestones and images from the 40 years has been sent to all offices and larger individual versions have been hung in The Street in Redgrave Court, and a blog from the Chair has been placed on the Huffington Post website.

12. We are also using Twitter to showcase *OurHSE@40* stories, promote our successes and engage with our existing 40,000 followers. Activity in the first week has had an audience of over 100,000 twitter accounts.

Review of spectator safety at motorsport events in Scotland (an update to the Chief Executive's report to the Board on 2 July 2014)

13. On 6th January 2015, Scottish Minister for Sport, Health Improvement and Mental Health, Jamie Hepburn, announced a number of recommendations to help improve spectator safety at multi-venue stage rallies - the main type of rally in Scotland. The recommendations have been published on the Scottish Government website – see <http://www.scotland.gov.uk/About/Review/motorsport-event-safety-review/Recommendations>

14. There are no recommendations to change statutory health and safety law and how it is currently enforced at these events by Local Authorities.

15. With the continued support of HSE, The Scottish Government will work with the Sport's Governing Body – the Motor Sports Association (MSA), on the transitional and full implementation of the recommendations in a sensible and proportionate way. They will form part of MSA governing policies and procedures going forward. The review group will now go on to consider other areas of 2, 3 and 4 wheeled motor sport early this year.

16. Separate to this Government review, the investigation into the fatal accident at the Jim Clark Rally is still on-going. HSE has submitted its report into the incident to the Crown Office Procurator Fiscal's service (COPFS) and HSE will continue to work with COPFS and Police Scotland until the investigation is complete. In this case, Scottish Borders Council is the enforcing authority, however, by agreement, they transferred authority for the 2014 event to HSE on the grounds of potential conflict of interest arising from their prior role, which involved approving aspects of the rally under specific devolved legislation

Pyranha Mouldings Corporate Manslaughter Case

17. On 23 December 2010 a senior supervisor was trapped in one of the roto-moulding ovens at Pyranha Mouldings in Runcorn whilst carrying out cleaning. The company make canoes and kayaks and employs 95 people. The oven was switched on and heated to approx 240 degrees. The employee was trapped and had no means of escape and no means of raising the alarm. The company claimed to have a safe system of work for oven entry but it was not common knowledge and staff had not received any training in applying it.

18. The ovens had been designed in-house by the company's technical director. There were doors at each end but the operator's control panel did not have a direct view of the inside. Other ovens at the factory did. The new oven had automatic doors which had been programmed to shut immediately on restoration of power instead of remaining in the state they were in when power was removed. The employee was trapped when they closed.

19. Cheshire Police retained primacy for the investigation throughout and CPS agreed to bring charges against:

- the company for Corporate Manslaughter and Sections 2 and 6 (supply of equipment) HSWA 1974;
- two Directors for Breach of Section 37 (Directors duties) HSWA linked to company breaches of Section 2 HSWA and Section 6; and
- the Control System contractor for a breach of Section 3 HSWA (duties to others not in his employment).

20. After a 7 week trial, the jury returned guilty verdicts on the company for all charges. A unanimous guilty verdict of both Section 37 charges was found against the Technical Director. The Managing Director and the Control System contractor were directed not guilty and no case to answer at the conclusion of the prosecution case.

21. This was the first time Cheshire Police have successfully prosecuted Corporate Manslaughter. Sentencing will take place later.

University of Exeter Myth Busters Challenge Panel Research – 2 January 2015

22. HSE publicised new research from The University of Exeter on ‘mythbusting’ with a call to customer service industries to stop the ‘health and safety blame game’.

23. The research provided analysis of the first two years of Myth Buster cases and looked at the causes of particular myths including the perceptions and understanding of health and safety regulation in society.

24. HSE used the New Year resolution theme to highlight the main findings from the report and secured positive coverage in the Times, MailOnline and a number of regional publications. The reaction on social media has also been positive with many supportive comments including praise for our use of Pinterest.

Step up to Serve Campaign

25. HSE is supporting the Step Up To Serve #iwill campaign. #iwill is a cross-party and cross-sector campaign to increase the number of young people taking part in social action across the United Kingdom. The campaign, focused on young people between the ages of 10 and 20, aims to double the number of young people taking part in social action by 2020.

26. Step Up to Serve, led by HRH, The Prince of Wales, recognises the importance of ensuring the safety of young people themselves and the communities and individuals with whom they work. HSE has been invited to provide support to ensure a sensible and proportionate approach is taken and that health and safety issues are not inappropriately used as an excuse to inhibit young people’s involvement in social action.

27. HSE will produce clear and concise guidance to dispel any myths around health and safety legislation and its application to young people. We will make it clear that health and safety should not prevent young people from volunteering and will add links to relevant information on HSE's website. HSE also intends to formally pledge its support to the campaign.

28. Details of the #iwill campaign and its progress to date can be found at <http://www.iwill.org.uk/>

Communications Overview December 2014

Introduction

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

News and PR

Several HSE prosecutions that concluded during December were covered by national media, including Thames Water being fined £300,000 relating to the death of a worker in London, and a shop fitting company fined £10,000 after a one-tonne hoarding fell onto shoppers in Oxford Street, London.

Press Office used its Twitter account to support the Government's Small Business Saturday initiative, signposting more than 100 000 of HSE's followers and their followers (through more than 50 retweets) to guidance available on the HSE website. Infographics in support of the ongoing asbestos awareness campaign were also tweeted this month. The six infographics generated a total of 266 retweets.

Work was undertaken to prepare for the publication of research by the University of Exeter into the work of HSE's Myth Busters Challenge Panel. This provided opportunity to highlight key themes and sectors among the cases the panel looks at, and the PR was targeted at national media.

Internal Communications

The results of the 2014 People Survey were communicated to colleagues during December, showing HSE's overall engagement index had remained the same as 2013 at 50 per cent.

Plans for an internal communication campaign to mark the 40th anniversary of HSE were under way. This was launched at the beginning of January with all colleagues receiving a celebratory e-card from Judith Hackitt and Richard Judge. A private Facebook group has been set up for colleagues to join, reminisce and share memories and images from their time with HSE and a selection of images summarising key events in HSE's history has been developed as a framed picture for all HSE offices.

The winter issue of *express* was published, with highlights including an interview with Richard Judge and the results of the annual photo competition.

A series of seven engagement workshops were held during November and December with Richard Judge. The events, which aimed to provide colleagues with an opportunity to give feedback and give their ideas on what HSE should look like in the future involved almost 150 people from across the organisation. A summary of the outcome of the workshops was published on the intranet.

Other activities included a series of reminders about the learning opportunities available on the Civil Service Learning portal; communications around the outcome of the Smith Commission report and promotion of HSE's Christmas e-card.

Online communications and digital marketing

- During December, there were 1.7 million visitors and 2.4 million visits to the HSE website, visitors are up 10% and visits are up 14% from the same period last year.
- In the same period, eBulletins attracted about 5% of all visits to the website and 54% of visits came from search engines.
- Most popular eBulletin link was the December *Seasons Greetings* from Judith Hackitt with 2,700 visits.

Online Consultations

No consultations began or concluded during November or December 2014.

Online revisions and improvements

During December a total of 140 online content and PDF revisions were made. This work included:

- publication of the quarterly workplace fatal injury statistics;
- publishing the remaining ten 'Lofstedt' ACOPs during December, the list of titles is as follows:
 - L22 Safe use of work equipment
 - L101 Safe work in confined spaces
 - L103 Commercial diving projects offshore
 - L104 Commercial diving projects inland/inshore
 - L105 Recreational diving projects
 - L106 Media diving projects
 - L107 Scientific and archaeological
 - L113 Safe use of lifting equipment
 - L122 Safety of pressure systems
 - L133 Unloading petrol from road tankers
- making important changes to Mines Regulations web materials to allow business and stakeholders to familiarise themselves with the new requirements before the Regulations come into force on 6 April 2015;
- revisions to the Biocides Regulations webpages;
- making the HSE People Survey 2014 results public.

Fatalities, Significant Prosecutions and Statistics

Fatality details

Since the last update to the HSE Board on Wednesday 3rd December 2014, there were **1** fatal accident for 2013/14 and **20** fatal accidents for 2014/15 reportable under RIDDOR and subsequently published on HSE's website. Please see below 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 **21** fatalities listed in the current report, **12** occurred prior to October 2014. **6** fatalities occurred in October 2014, compared with **22** which occurred in October 2013.

3 fatalities occurred in November 2014, compared with **17** which occurred in November 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

1. [Alistair Thomas Corrie](#) was fined £20,000 at Kilmarnock Sheriff Court for safety failings when a worker was crushed to death when a heavy gate came off its hinges and fell onto him.
2. [Hafod Care Association Ltd](#) was fined £96,000 and ordered to pay £100,000 in costs at Cardiff Crown Court for failing to ensure an elderly resident's safety when she managed to overcome a restrictor device to open a window and fall from her first floor room to her death.
3. [Lois Gastoneaux Ltd](#) was fined £150,000 and ordered to pay £28,033 in costs and Michael Brett was fined £2,000 and ordered to pay £1,500 in costs at St Albans Crown Court after a worker was killed whilst driving a dumper truck during construction works at a former military base in Buckinghamshire.
4. [E2 Developments Ltd](#) was fined a total of £66,000 with costs of £13,200, Peter Allum was fined £1,500 with £1,500 costs, Lee Cotterill was sentenced to three months in prison, suspended for 12 months, and ordered to pay costs of £4,000 and Albion Tower and Scaffold (East Midlands) Ltd was fined £53,000 and ordered to pay £15,500 in costs at Stafford Crown Court after a worker fell around seven metres to his death in Staffordshire.

5. [Thames Water Utilities Limited](#) was fined £300,000 and ordered to pay a further £61,229 in costs at Southwark Crown Court after a worker was killed by a reversing excavator at a treatment works in Walthamstow.
6. [Ward Bros \(Plant Hire\) Ltd](#) was fined £85,000 and ordered to pay £55,000 in costs and CEMEX UK Materials Ltd was fined £60,000 and ordered to pay £37,500 in costs at Newcastle Crown Court after a worker was killed when he became trapped under a large stone crushing machine.
7. [JPR Fabrication Limited](#) was fined £135,000 by Tain Sheriff Court for safety failings after a worker died from severe head injuries when a connection porch on a sub-sea valve assembly he was working on fell over.
8. [Complete Utilities Ltd](#) was fined £80,000 and ordered to pay costs of £27,000 at Gloucester Crown Court for safety failings after an employee died from crushing injuries sustained at work.
9. [Robert Plume and William Friend](#) were each given a 12 month custodial sentence, suspended for two years, and 180 hours of community service and also ordered to pay costs of £25,000 each at Exeter Crown Court when a 20-year-old man died on his first day at work for a new company when the four-tonne dumper he was driving toppled over a bank and crushed him.
10. [Amalgamated Construction Ltd](#) was fined a total of £110,000 with £245,000 to pay in costs, Metal Innovations Ltd was fined £80,000 with £110,000 in costs and the Yorkshire Mining Museum Trust was fined £10,000 with £35,000 in costs at Sheffield Crown Court after a worker was crushed and killed at the museum in 2011.
11. [Malcolm John Reeve](#) was fined £20,000 and ordered to pay £1,681 in costs by Darlington Magistrates' court after a 79-year-old occasional worker died in an overturned all-terrain vehicle on remote moorland.
12. [Recresco Ltd](#) was fined £180,000 and ordered to pay £38,693 in prosecution costs at Liverpool Crown Court after a worker was killed on his first day at work when the forklift truck he was driving overturned.
13. [Lothian Health Board](#) was fined £40,000 by Edinburgh Sheriff Court following the death of a pensioner after she was struck by one of its vans as she crossed a clearly marked pedestrian route into Edinburgh's Western General Hospital.
14. [European Metal Recycling Ltd](#) was fined £150,000 and ordered to pay £80,000 in costs at Warwickshire Crown Court 150k for safety failings after a worker was killed when part of a 33-tonne metal barge he was dismantling collapsed on top of him.

15. [Maidstone and Tunbridge Wells NHS Trust](#) was fined a total of £180,000 and ordered to pay a further £14,970 in costs at Maidstone Crown Court when a sedated patient suffered debilitating injury when a saline bag caused a warming mattress to reach temperatures high enough to cause full thickness burns.
16. [Barnet Homes Ltd](#) was fined £37,000 and ordered to pay £75,000 in full costs at Southwark Crown Court after a heating engineer was found dead in a communal boiler house at one of their housing estates.
17. [Magellan Aerospace](#) was fined a total of £24,000 and ordered to pay £10,157 in costs at Bournemouth Magistrates' Court after an apprentice worker suffered severe injuries to his arm when it became entangled in moving machinery.
18. [Alex Crow Leisure Ltd](#) was fined £20,000 with £4,016 costs by Nottingham Magistrates' Court after a woman was hit on the head by a falling handrail.
19. [Adler & Allan Ltd](#) was fined £25,000 and ordered to pay £8,166 in prosecution costs after two workers were badly burned in a tanker explosion.
20. [Bam Nuttall](#) was fined £56,000 and ordered to pay £6,165 in costs and Four Tees Engineering Ltd, was fined £14,000 with £2,081 costs at Portsmouth Crown Court for exposing workers to lead during refurbishment work on the iconic Nab Tower in the Solent.
21. [Brush Electrical Machines Ltd](#) was fined £67,000 and ordered to pay costs of £15,500. Keenhandle Ltd was fined £25,000 and ordered to pay costs of £60,000 at Leicester Crown Court after a lorry driver suffered multiple injuries whilst loading his lorry.
22. [Viridor Enviroscoot Ltd](#) was fined £165,000 by Airdrie Sheriff Court after a worker was severely injured and left blind in one eye when he was struck by a piece of high tensile wire.
23. [ATC \(Lasham\) Ltd](#) was fined a total of £35,000 and ordered to pay £32,430 in costs at Salisbury Crown Court after three workers were injured in separate falls at its airfield in Lasham – two in the same month.
24. [McClaren Construction Ltd](#) was fined £22,500 with £14,854 in costs and John Doyle Construction Ltd in administration was fined a nominal £1 with no order for costs at Southwark Crown Court after a six-metre metal beam fell from the sixth floor of a building, striking and injuring a worker on a third floor scaffold before crashing onto a busy street in the City of London.
25. [Ashford Homes \(South Western\) Ltd](#) was fined £20,000 and ordered to pay costs of £5,159 at Swindon Crown Court after a crane operator suffered an electric shock when the equipment he was using came into contact with overhead power lines.

26. [Vector Aerospace International Ltd](#) was fined a total of £50,000 and ordered to pay £2,514 in costs by Portsmouth Magistrates after 13 employees were found to be suffering varying degrees of a debilitating nerve condition.
27. [MMD Mining Machinery Developments Ltd](#) was fined £ 26,666 and ordered to pay £8,013 in costs and Instant Installations Ltd was fined £20,000 and ordered to pay costs of £8,013 at Chesterfield Magistrates' Court for safety failings after a worker was crushed whilst dismantling steelwork.
28. [RHP Merchants and Construction Ltd](#) was fined a total of £20,000 and ordered to pay £9,414 in costs at Cardiff Magistrates' Court when an employee fell approximately 8ft from a single storey roof to the ground when a beam he was standing on gave way at Beach Cliff.
29. [Omya UK Ltd](#) was fined a total of £28,000 and ordered to pay £1,813 in costs at Beverley Magistrates' Court after an employee lost the ends of three fingers in an unguarded part of a machine collecting calcium oxide dust.
30. [BW Riddle](#) was fined £70,000 and ordered to pay £18,000 in costs at Lincoln Crown Court for safety breaches after a worker was left with broken ribs when he fell from a sloping conveyor belt.
31. [Jaguar Land Rover Ltd](#) was fined £40,000 with £13,474 costs at Birmingham Crown Court after an employee suffered life-threatening crush injuries when he was dragged into inadequately guarded machinery.
32. [Gardiner Colours Ltd](#) was fined £60,000 and ordered to pay £50,000 costs at Leeds Crown Court after admitting breaching HSWA when an employee was crushed beneath a one tonne silo of varnish that slid from the tines of a forklift truck and toppled on top of him. He died in hospital later that night.

FOI requests made to HSE

HSE received a total of 742 FOI requests during the months of November and December 2014.

Parliamentary Business

HSE answered 9 PQs during November and December 2014.

Annex 2

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 3rd December 2014 and contains fatalities notified to us in October and November 2014. It is taken from the latest "Names and details of fatalities" update published on HSE's website on Monday 5th January 2015.

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	Local Authority	General Industry Sector	Detailed Standard Industry Classification (SIC)	Employment status
03/02/2014	William Webster	70	The deceased died whilst under residential nursing care	Harrow	Harrow	Services	Residential Nursing Care	Member of the public
13/04/2014	Linda Frost	61	The deceased died from suspected carbon monoxide poisoning	Sheerness	Swale	Construction	Plumbing, heat and air-conditioning installation	Member of the public
08/06/2014	John Hogg	67	The deceased fell from height	Newcastle upon Tyne	Northumberland UA	Agriculture	Mixed farming	Self employed
05/07/2014	Vince Richards	49	The deceased fell from height	Carlisle	Carlisle	Construction	Construction of Buildings	Employee
17/07/2014	Richard Drummond	79	The deceased fell from height	South Lanarkshire	South Lanarkshire UA	Agriculture	Mixed farming	Self employed
30/07/2014	Matthew Symonds	34	The deceased came into contact with machinery	Bristol	Bristol UA	Water/Waste Management	Recovery of sorted materials	Member of the public
04/08/2014	Drusilla Hicklin	62	The deceased died whilst under	Northampton	Northampton	Services	Hospital Activities	Member of the public

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			medical care					
06/08/2014	Clive Denton	85	The deceased was struck by an object	Southampton	Southampton UA	Services	General Public Administration	Member of the public
25/08/2014	Ronald Mee	84	The deceased died following a fall	Derby	Erewash	Services	Residential Nursing Care	Member of the public
03/09/2014	Stanley Cooper	70	The deceased fell from height	Stockport	Stockport	Construction	Roofing Activities	Self Employed
04/09/2014	Keith Baldwin	50	The deceased drowned	Dorset	West Dorset	Agriculture	Raising of Dairy Cattle	Employee
30/09/2014	Dave Clarke	55	The deceased fell from height	Brighton	Brighton & Hove UA	Construction	Construction of Buildings	Self employed
01/10/2014	Michael Campion	49	The deceased died whilst under medical care	Norwich	Norwich	Services	Hospital Activities	Member of the public
02/10/2014	Phillip Griffiths	38	The deceased was struck by a vehicle	Hounslow	Hillingdon	Construction	Construction of Buildings	Employee
07/10/2014	Alan Walsh	50	The deceased fell from height	London	Greenwich	Services	Activities of Head Offices	Employee
10/10/2014	Edward Beggs	25	The deceased fell from height	Birmingham	Birmingham	Construction	Construction of Buildings	Employee
14/10/2014	James Bryden Budge	46	The deceased was struck by an object	Shetland	Shetland	Agriculture	Mixed farming	Self employed
29/10/2014	Reece Turner	41	The deceased was struck by an object	Yeovil	South Somerset	Services	Rent/Lease of Construction/Civil Engineering Equipment	Member of the public

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03/11/2014	Michael Padley	60	The deceased was struck by a moving vehicle	Penrith	Eden	Services	Freight transport by road	Self employed
10/11/2014	Richard Brown	48	The deceased was struck by an overturning vehicle	Workington	Allerdale	Construction	Other building completion	Self employed
24/11/2014	Therese O'Regan	72	The deceased was struck by a moving vehicle	Tewkesbury	Gloucester	Services	General Public Administration	Member of the public

JANUARY 2015 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:

Reviewing the Working Time Directive	
Current status (<u>UNCHANGED FROM LAST BOARD UPDATE</u>):	
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, and a failed attempt by the social partners to reach an agreement on the Directive. The EC has since written to member states to ask for their formal reports on implementation of the Directive. The United Kingdom (UK) response sets out its views on the legal interpretation, monitoring and impact of the Directive. It also sets out what changes the UK is seeking. HSE has a role in enforcing the domestic regulation that transposes the 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

UNDER NEGOTIATION:**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, the lead on the proposal. A similar proposal has been made on consumer product safety.	
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, the lead 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 Delegated Regulation amending Annex I to the European Regulation on the export and import of hazardous chemicals	
Current status (UNCHANGED FROM LAST BOARD UPDATE):	
<p>The European Commission has published a proposal for further amendments to Annex I of the recast European Regulation on the export of import of hazardous chemicals (649/2012), which came into effect on 1 March 2014. The proposal would add nine substances, 1,1-dichloroethene, 1,1,2-trichloroethane, 1,1,1,2-tetrachloroethane, 1,1,2,2-tetrachloroethane, dibutyltin compounds, dioctyltin compounds, lead compounds, pentachloroethane and trichlorobenzene to Part 1 of Annex I, meaning that importing countries would have to be notified before export. A further substance, endosulfan, is removed from Part 1 to correctly reflect its regulatory status. The proposal adds one substance, fenbutatin oxide, to Parts 1 and 2 of Annex I making it subject to export notification and explicit consent to import from the importing country. A further two substances, already listed in Part 1 of Annex I, commercial pentabromodiphenyl ether and commercial octabromodiphenyl ether, are proposed for inclusion in Part 3 meaning that, in addition to export notification, they would also require the explicit consent of the importing country. Regulation 649/2012 delegates to the Commission the power to amend the annexes, so the proposals are not subject to a vote. However, they were discussed at the Regulation's Designated National Authorities meeting on 1 October and the Commission invited further comments to be submitted by 17 October. The proposed amendments are expected to apply from early 2015.</p>	
Lead Department	HSE
HSE contact	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 are ongoing. HSE is acting as an advisor to the Department for Transport, the lead 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)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The adopted Directive was published on 5 March 2013 and requires transposition by 1 June 2015. Following the public consultation on the proposed implementing measures, the Board, at its October meeting, agreed that the proposed amending Regulations to transpose the Directive should proceed. Subject to ministerial clearance, it is proposed to lay the Regulations by mid-February next year.	
Lead Department HSE contact	HSE 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

INDUSTRY AND ENTERPRISE DOSSIERS:

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): Recast directives on pyrotechnics, explosives for civil use, lifts, low voltage, pressure equipment, and simple pressure vessels have been adopted. 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. While the Department for Business, Innovation and Skills is leading on implementation of the package overall, HSE is leading on implementation of the Explosives for Civil Use Directive element. The majority of the directives will be implemented by April 2016 (the explosives Directive by 20 April 2016). On implementation of the explosives Directive, the United Kingdom, alongside other member states, has sought clarification on several technical matters from the European Commission, including on the scope of the Directive, which may impact on the work. We are expecting a response by January following the next European Explosives Working Group meeting.	
Lead Department HSE contact	BIS 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. An Amendment to the REACH Enforcement Regulations 2008 allowing the United Kingdom (UK) to implement the derogation from the EU restriction on use of paint-strippers containing dichloromethane was laid before Parliament on 31 October. The UK is currently the only member state to have allowed the derogation.	
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

Regulation (1078/2014) amending Annex I to the European Regulation on the export and import of hazardous chemicals (649/2012)**Current status (UNCHANGED FROM LAST BOARD UPDATE):**

A European Commission Delegated Regulation has amended Annex I of the European Regulation on the export and import of hazardous chemicals, and will apply from 1 December. The new Regulation adds three substances to Part 1 of Annex I of the main Regulation, making them subject to export notification, and a further eight substances to Parts 1 and 2, meaning that in addition to export notification, they will require the explicit consent of the importing country before export can proceed. The Regulation also adds five substances to Part 3 of Annex I, meaning that in addition to export notification they will also require the explicit consent of the importing country, except where a positive import response has already been published in the Rotterdam Convention's Circular. Regulation 649/2012 implements the Rotterdam Convention in the European Union.

**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

Directive on control of major accident hazards involving dangerous substances (2012/18/EU)**Current status (UNCHANGED FROM LAST BOARD UPDATE):**

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. Following the publication consultation on the proposed implementing measures, work continues to finalise the draft transposing Regulations and to develop the accompanying guidance and operational procedures necessary to implement the Directive. It is planned to lay the proposed new Control of Major Accident Hazards Regulations before Parliament in early March 2015 to come into force on 1 June 2015.

**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 ended on the 24 September and following analysis of the responses DECC and HSE have held meetings with industry to discuss any amended proposals and finalise the implementation approach. A decision was made that the competent authority will be the DECC/HSE partnership. DECC and HSE are currently working towards laying the regulations in March.	
Lead Department	DECC
HSE contact	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 17 January 2014 and requires transposition by 6 February 2018. The Directive will replace a number of directives, decisions, regulations and recommendations dealing with radiological protection. Although the Department for Energy and Climate Change is in the lead, the Directive will require several government bodies, including HSE, to update existing regulatory requirements. HSE has established governance arrangements for its implementation of the Directive and held an event with stakeholders in November to discuss some preliminary proposals for implementing the Directive. It was agreed at the event that further work is required, and HSE will continue to work with stakeholders to discuss implementation issues.	
Lead Department	DECC
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 HSE SCS Lawyer – Peter Loosley