

HEALTH AND SAFETY EXECUTIVE

CONSTRUCTION INDUSTRY ADVISORY COMMITTEE (CONIAC)

Minutes of the M1/2011 meeting
held on 16 March 2011 in Rose Court

Present

Philip White (Chair)
Anthony Lees (Secretary)
Richard Ash
Greg Brown
Peter Caplehorn
Phil Davies
Dennis Doody
Kevin Fear
Paul Haxell
Konstantinos Makrygiannis
Kevin Minton
Alan Muddiman
Gerry Mulholland
Susan Murray
Bill Rabbetts
Jason Rowley
John Scott
Martin Winstone

Representing

Health and Safety Executive
Health and Safety Executive
Engineering Construction Industry Association
Construction Industry Council
Construction Industry Council
GMB
UCATT
ConstructionSkills
Home Builders Federation
Recruitment and Employment Confederation
Construction Plant-hire Association
Civil Engineering Contractors Association
Specialist Engineering Contractors Group
Unite (T&G section)
National Federation of Builders
UK Contractors Group
National Specialist Contractors Council
Construction Clients' Group

Departmental Observers

Andrew Butt

Office of Government Commerce

Officials

Gavin Bye
Neil Stephens
Andrew Maxey
Michael Ryan (Secretariat)

Health and Safety Executive
Health and Safety Executive
Health and Safety Executive
Health and Safety Executive

Members of the public

7 were present

Apologies

Mike McCartney
Alan Ritchie
Phil Russell
Tony Mulcahy

Representing

Unite (Amicus section)
UCATT
Federation of Master Builders
Business, Innovation and Skills

Summary of Actions agreed:

1. **ACTION: Secretariat to provide a link to Hansard for the Commons adjournment debate on health and safety in construction to CONIAC Members.** (See paragraph 1.2(b)) [**Secretary's Note:** A link to the transcript was included in an e-mail to Members of 12 April 2011.]
2. **ACTION: Secretariat to provide a link to the RIDDOR Consultative Document to CONIAC Members.** (See paragraph 1.2(c)) [**Secretary's Note:** A link to the CD was included in an e-mail to Members of 12 April 2011.]
3. **ACTION: Secretariat to send a link to Research Report 834 to CONIAC Members.** (See paragraph 1.2(d)) [**Secretary's Note:** A link to the report was included in an e-mail to Members of 12 April 2011.]
4. **ACTION: Secretariat to send a link to the provisional figures for work-related ill-health and injuries in construction for 2009/2010 to CONIAC Members.** (See paragraph 2.3) [**Secretary's Note:** A suitable link was included in an e-mail to Members of 12 April 2011.]
5. **ACTION: Construction Sector Communications Team to contact CONIAC Members individually in connection with the Communications Strategy and the issue of influencing firms that are not members of trade associations.** (See paragraph 5.8)
6. **ACTION: CONIAC Members to provide the Secretariat with information on what steps their organisations are taking to support the HSE Strategy.** (See paragraph 7.1)
7. **ACTION: Secretariat to liaise with Richard Ash in connection with arranging a presentation from the ODA on its legacy work for the July CONIAC meeting.** (See paragraph 8.3) [**Secretary's Note:** ODA has agreed to deliver a presentation]
8. **ACTION: Secretariat to copy Kevin Fear's paper on young workers on construction sites to Members.** (See paragraph 8.4) [**Secretary's Note:** The paper was attached to an e-mail to Members of 12 April 2011.]
9. **ACTION: Secretariat to circulate information note on PPE to Members.** (See paragraph 8.7) [**Secretary's Note:** The paper was attached to an e-mail to Members of 12 April 2011.]

1. Welcome and Chair's introduction

1.1 Philip White (Head of HSE Construction Division) welcomed everyone to the meeting. In particular, he welcomed Konstantinos Makrygiannis, who had replaced Chris Richards as REC representative and was attending his first meeting, and Dennis Doody who was substituting for Alan Ritchie. He gave the apologies of absent members.

1.2 Philip briefed CONIAC on some recent developments:

(a) *HSE intensive inspection initiative on refurbishment* – This nationwide initiative ran from 14 February to 11 March. Information on numbers of sites visited, conditions found and enforcement action taken was still being collated.

(b) *House of Commons adjournment debate on Health and Safety in Construction on 9 March* – The debate was obtained by Jim Sheridan MP. Steve Webb, Minister for Pensions, spoke on behalf of the Government. Although lasting only half an hour the debate covered a very large number of issues of interest.

ACTION: Secretariat to provide a link to Hansard for the Commons adjournment debate on health and safety in construction to CONIAC Members. [Secretary's Note: A link to the transcript was included in an e-mail to Members of 12 April 2011.]

(c) *HSE public consultation on proposed amendment to RIDDOR* – The proposal is to increase the period of incapacitation which triggers reporting from over 3 days to over 7 days. All organisations represented on CONIAC are encouraged to respond to the consultation. The closing date for receipt of responses is 29 April.

ACTION: Secretariat to provide a link to the RIDDOR Consultative Document to CONIAC Members. [Secretary's Note: A link to the CD was included in an e-mail to Members of 12 April 2011.]

(d) *Preventing catastrophic events in construction* – This research, carried out for HSE by CIRIA and Loughborough University has now been published. CONIAC has previously agreed to the establishment of a working group to carry forward work in this area.

ACTION: Secretariat to send a link to Research Report 834 to CONIAC Members. [Secretary's Note: A link to the report was included in an e-mail to Members of 12 April 2011.]

1.3 Philip apologised to CONIAC for the delay in sending out papers for this meeting. Contributing to this were his own absence from the office in late February and the need to deal with urgent Parliamentary work, particularly in relation to preparation for the adjournment debate. He said that HSE will do its best to meet the deadline for the July meeting.

2. Agreement of Agenda and matters arising

2.1 Members agreed the Agenda.

2.2 Philip agreed to take a number of items requested by Kevin Minton, Richard Ash, Kevin Fear and Dennis Doody under AOB (see paragraph 8).

2.3 Philip reviewed the action points arising from the November meeting. Since it was not possible to provide Members with a copy of the statistics booklet this year the Secretariat would send a link to the relevant HSE webpage.

ACTION: Secretariat to send a link to the provisional figures for work-related ill-health and injuries in construction for 2009/2010 to CONIAC Members. [Secretary's Note: A suitable link was included in an e-mail to Members of 12 April 2011.]

He noted that the following action had been placed on Members:

“ACTION: CONIAC Members to submit expressions of interest in acting as Ambassadors for the WAH Strategy being developed by the Safety Working Group to the Secretariat.”;

but so far no responses had been received. Philip emphasised to Members that HSE was very keen to receive expressions of interest for this work.

2.4 Members approved the minutes of the 17 November 2010 meeting.

3. Report on HSE evaluation of Construction (Design and Management) Regulations 2007 (Presentation by Andrew Maxey and Anthony Lees of Construction Policy Unit) [No paper]

3.1 Philip asked Andrew and Anthony to give the presentation. Anthony indicated that much further analysis is needed and in this connection he asked CONIAC to approve the reconvening of the CDM Working Group with a view to developing and feeding views into a formal report paper for CONIAC in July and subsequently for the HSE later in the year. Philip asked for comments from Members.

3.2 Richard Ash said that he supported the reconvening of the CDM WG. Gerry Mulholland also offered his support and hoped that any proposed changes to the ACOP will take account of innovative practices in the construction industry. Alan Muddiman noted that there was nothing wrong with the Regulations as such but with the interpretation of the ACOP and hoped that the WG would look at ways to ensure that the ACOP was better interpreted.

3.3 Dennis Doody wanted more work to be done to improve understanding of CDM 2007, especially by designers. He pointed out that the WG also needed to keep in mind the burden on SMEs. Peter Caplehorn supported the reconvening of the WG. He said that the ACOP is seen by many in the industry to be unwieldy, and needs to be clearer on responsibilities in the Regulations. However, he stressed that many designers are working very hard to take account of health and safety.

3.4 Kevin Fear highlighted the industry guidance produced by the industry and validated by HSE and IOSH and asked about its role in the future. Philip agreed that there were implications for it and the WG should consider this.

3.5 Bill Rabbetts supported the reconvening of the WG and observed that two-thirds of SMEs are unaware of CDM 2007 and the Working Group had to address this issue. Additionally, he wondered if the current focus on competence is correctly balanced since other areas may need attention. Philip noted that PAS 91 is now out, SSIP has been established and to that extent the issue has moved on. However, the next CONIAC meeting will consider a substantial item on individual competence.

3.6 John Scott, in offering his support, pointed out that the time scale set by HSE for the Working Group to deliver might be unrealistic. Anthony acknowledged that it is important to set out from the beginning what the WG can and cannot deliver within this time frame. Scoping and identifying areas where more work would be needed will be the focus of the WG. In this connection, Richard Ash pointed out the importance of clear and explicit Terms of Reference for the Working Group, a point that Philip White supported.

3.7 Susan Murray recorded her concern at any proposal to remove the ACOP and replace it with guidance.

3.8 Philip concluded the discussion by confirming that CONIAC had agreed to reconvene the CDM Working Group to develop clear points for papers to CONIAC and to the HSE Board. The Secretariat would be in touch.

4. Construction Division Plan of Work 2011/2012 (Presentation by Neil Stephens, HSE Construction Sector, Programme Manager) [No paper]

4.1 Philip asked Neil to give his presentation. Following the presentation he emphasised that work on investigating fatal and serious accidents, ie reactive work, will continue. He asked Members for comments.

4.2 Jason Rowley welcomed the approach with large contractors, which he thought could free up resource for more visits to smaller companies. He wondered, however, if the changes were driven by a need to deliver budgetary cuts? Philip said that HSE is facing cuts of up to 35% but construction is a priority for the organisation and Construction Division was likely to receive relative protection. However, whatever the level of resources available it was important that CD uses them in the most effective way. The CD Plan of Work reflects the key priorities where it is considered that resources are best spent, and these are mainly higher risk areas and where health and safety risks were generally poorly managed.

4.3 Dennis Doody asked if the 35% cut in resources would lead to a 35% reduction in inspections, and what will be its impact regardless of more effective use of resources? Philip pointed out that in the last 18 months Construction Division has had more resources than ever before and consequently is currently well placed in resource terms. Concern should be focused on outcomes and not simply on inspection numbers. Dennis responded that the figures will show whether this is correct.

4.4 Paul Haxell reiterated HBF's support for the work of Construction Division and drew attention to such specific examples as participation in CONIAC's Safety Working Group and Health Risks Working Group. With regard to the CD Plan of Work he said that HBF would be keen to support WWT and solar capture in the context of the housing sector. Philip said that this was very helpful and expressed his gratitude.

4.5 Richard Ash's view was that the CD Plan of Work appeared to appropriately identify priorities in the light of the performance seen in different construction sectors and that if it is the case that HSE resources are limited it is accordingly more important that such priorities are identified and acted upon. The proposed approach for larger contractors seemed entirely consistent with this principle.

4.6 Philip concluded the discussion by saying that times were challenging and HSE would do its best to ensure its construction cadre was focussed on key priority areas. However, ensuring health and safety in all parts of the industry was not a job for HSE alone and it remains vital for all in the industry to play a part.

5. Construction Division Communications Strategy (Presentation by Neil Stephens, HSE Construction Sector, Communications Manager) [Paper M1/2011/1]

5.1 Philip asked Neil to give his presentation. Following the presentation, Philip emphasised two points: the intention to greatly reduce the number of publications that would be available in printed form; and how CONIAC can help with the challenge of reaching small sites and SMEs. He asked Members for their responses to the Communications Strategy.

5.2 Phil Davies strongly criticised the budgetary cuts and their impact at a time when it appeared that accidents had increased. He hoped that this would be taken up by industry journalists. Dennis Doody expressed great concern that the *Hidden Killer* asbestos campaign might be cut; this was inconsistent with the emphasis on occupational health and would result in increased risk for workers. Susan Murray agreed with Dennis that it would be disgraceful if an effective and award-winning campaign was cut. Philip responded that all business cases that CD had submitted for communications activities this year had been accepted. The *Hidden Killer* campaign has not been ended, it was being reviewed to consider how best it could go forward in order to be most effective.

5.3 Kevin Fear said that ConstructionSkills had considered the strategic goals set out in HSE's Strategy with a view to deciding which were most relevant to its own activities. It had concluded that about six were, including: leadership, competence, SMEs, and health. He thought it had been very helpful to stand back and take stock in this manner. With regard to communications, he said that ConstructionSkills would seek to be much more aligned with WWT but expressed concern at the cut back to print versions of HSE publications in view of the weight carried by HSE-badged guidance.

5.4 Jason Rowley indicated UKCG support for the Communications Strategy as outlined. In particular, UKCG will continue to support WWT SHADs and would be happy to discuss further practical support for it with Neil Stephens' team.

5.5 Bill Rabbetts said that NFB had many SME members and the supply chain included very small companies. He suggested that NFB might be able to help as a conduit to the supply chain. Gerry Mulholland also asked about suppliers since everyone had to go to them. Philip recalled that Construction Division had done much work along these lines before, eg with builders merchants, but unfortunately success had been limited.

5.6 Susan Murray said that Unite will try to promote WWT as much as possible through its website. Phil Davies was critical that HSE appeared to be going cap-in-hand to other organisations for assistance as a result of funding cuts. He said that reducing planned WWT events from 74 to 50 is unhelpful, and GMB wished to be on record as condemning cuts to an organisation that protects workers rights. Philip said that the planned figure of 50 events should not be interpreted as a cut since it is possible that more will be delivered. He noted that in the previous year more events had been delivered than planned.

5.7 John Scott said that NSCC supported the Strategy and will try to promote WWT, in which connection he enquired about dual branding of memory joggers. Neil Stephens confirmed that this was possible.

5.8 Philip asked CONIAC Members if Neil's team could contact them individually in connection with the issue of reaching firms that are not members of trade associations. Members agreed and Philip concluded the discussion.

ACTION: Construction Sector Communications Team to contact CONIAC Members individually in connection with the Communications Strategy and the issue of influencing firms that are not members of trade associations.

6. Update on recent activities of CONIAC's working groups (Oral report by Anthony Lees, Secretary to CONIAC) [No paper]

6.1 Philip asked Anthony to make his report to CONIAC.

6.2 Anthony said that Mike Cross was taking forward work with a new working group on major incident potential following the publication of the CIRIA research on this issue. It was hoped to bring a plan of work for the group to the July CONIAC meeting.

6.3 The Health Risks Working Group met in February and agreed its terms of reference. Following discussion of a paper on what good occupational health means in practice, it was agreed to establish a subgroup to develop a very brief and clear position paper setting out the consensus view of the WG based around a simple credo of about ten points. The group may then move

on to development of guides for employers, workers and designers. The next meeting will be on 13 June. Dennis Doody recorded his gratitude to Kevin Minton for helping to move things forward at the February meeting.

6.4 The Safety Working Group is developing a Work at Height Strategy and will provide a fuller update on its work to either the July or November CONIAC meeting.

7. CONIAC Plan of Work 2011/2012 (Oral report by Anthony Lees, Secretary to CONIAC) [M1/2011/2]

7.1 Philip asked Anthony to introduce this item. Anthony referred Members to the paper. In connection with the draft plan of work, he noted that it was slim but this reflected that much work was devolved to the working groups to carry forward. He said there was an expectation that the HSE Board would wish to receive an account of what CONIAC did last year and what its plans for this year are. In particular, this should include details of what Member's organisations are doing, or propose to do, in support of the HSE Strategy. Only two Members have so far given such details and it is imperative that other Members provide suitable information to the Secretariat.

ACTION: CONIAC Members to provide the Secretariat with information on what steps their organisations are taking to support the HSE Strategy.

Further to this point, and notwithstanding that all Members are doing excellent work, he indicated that he would wish to meet Members individually during the year to discuss specific contributions by them or their organisations.

7.2 Assuming that CONIAC agreed to their continuance, the three standing committees would put detailed plans of work to CONIAC at its next meeting.

7.3 Finally, Anthony noted that it was important for CONIAC to align its work with other health and safety committees. Consequently, he would seek to make various bilateral contacts during the year to facilitate this.

7.4 CONIAC approved the draft plan of work and the continuation of the three standing committees for another year.

8. AOB

8.1 Philip invited those with points under AOB to speak.

8.2 Kevin Minton drew CONIAC's attention to the availability on CPA's website of an updated catalogue of safety publications and a new 100-page document on maintenance, inspection and thorough examination of mobile cranes.

8.3 Richard Ash said that the Olympic Delivery Authority (ODA) is carrying out research into what worked well during the project to provide a legacy of

information of lasting benefit for all those involved in occupational health and safety. A report is to be published on 28 September, and it may be appropriate for CONIAC to receive a presentation from ODA at its July meeting as it would help to maximise the impact of the findings. Philip welcomed this offer and asked the Secretariat to liaise with Richard.

ACTION: Secretariat to liaise with Richard Ash in connection with arranging a presentation from the ODA on its legacy work for the July CONIAC meeting. [Secretary's Note: ODA has agreed to deliver a presentation]

8.4 Kevin Fear said that there had been recent prosecutions in connection with accidents to a 14-year old driving a dumper and a 15-year old falling from a ladder. While these accidents were deplorable, he was concerned that firms may draw incorrect conclusions from the publicity around them about the presence of young persons on construction sites. It is not illegal to give children properly monitored and supervised work experience in construction. In fact, 10 days of on-site work experience is a requirement of a construction diploma scheme run by ConstructionSkills. He intended to prepare a short note on this subject which he hoped the Secretariat would distribute to Members for their information. Philip indicated that the Secretariat would circulate the paper.

ACTION: Secretariat to copy Kevin Fear's paper on young workers on construction sites to Members. [Secretary's Note: The paper was attached to an e-mail to Members of 12 April 2011.]

8.5 Dennis Doody said that there was rise in availability of PPE which fails to meet legal standards while falsely claiming to do so. He understood that enforcement responsibility lies with trading standards authorities but he hoped that HSE would make the industry aware of this growing problem. A further PPE-related issue was that of employment agencies not supplying PPE. He gave as an example, the website of a particular firm that was a member of REC and claimed to support health and safety but indicated that workers must supply their own PPE, which he believed was unlawful.

8.6 On the issue of non-provision of PPE by REC member companies, Konstantinos Makrygiannis said that all members had to conform to a code of practice which included compliance with legislation. He asked that evidence of bad practice be provided to REC.

8.7 Alan Muddiman said that defective equipment should be reported to authorities. However, Susan Murray said that fake products and genuine ones looked identical and are only distinguishable when subject to tests. Dennis agreed that the fakes look authentic and repeated that HSE should put industry on notice. Philip said that CONIAC Members should ensure that their trade bodies' members are aware of this issue. John Scott said that he hadn't come across any examples but he had seen an information note on this issue and would be happy to circulate this through the CONIAC Secretariat. Philip agreed to circulation of the note by the Secretariat.

ACTION: Secretariat to circulate information note on PPE to Members.
[**Secretary's Note:** The paper was attached to an e-mail to Members of 12 April 2011.]

8.8 Richard Ash said that the ECIA uses employment business but not employment agencies. ECIA would not accept charging for PPE. Susan Murray asked if HSE could issue a reminder on this issue. Philip said that he would consider this but as this was the first time the issue had been raised with HSE it would be appropriate to carefully consider the evidence to see if action was warranted.

9. **Conclusion**

Philip thanked Members for their contributions and advised that the next meeting would be held on 13 July.