

HEALTH AND SAFETY EXECUTIVE**CONSTRUCTION INDUSTRY ADVISORY COMMITTEE (CONIAC)****Minutes of the M3/2010 meeting
held on 17 November 2010 in Rose Court*****Present***

Philip White (Chair)
Anthony Lees (Secretary)
Richard Ash
Greg Brown
Peter Caplehorn
Kevin Fear
Daniel Griffin
Paul Haxell
Rob Miguel
Kevin Minton
Alan Muddiman
Gerry Mulholland
Susan Murray
Jason Rowley
Phil Russell
John Scott
John Thompson
Martin Winstone

Representing

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

Officials

Gavin Bye	Health and Safety Executive
Ian Strudley	Health and Safety Executive
Sarah Mallagh	Health and Safety Executive
Gordon Crick	Health and Safety Executive
Michael Ryan (Secretariat)	Health and Safety Executive

Members of the public

7 were present

Apologies

Andrew Butt
Phil Davies
Mike McCartney
Bill Rabbetts
Alan Ritchie

Representing

Office of Government Commerce
GMB
UNITE (Amicus section)
National Federation of Builders
UCATT

Summary of Actions agreed:

1. **ACTION: Secretariat to send complimentary copies of 2009/2010 health and safety statistics booklet to Members.** (See paragraph 1.2(a))
2. **ACTION: Secretariat to copy the HSE/Building Control Alliance agreement to CONIAC Members.** (See paragraph 1.2(b))
3. **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.** (See paragraph 4.3)

1. Welcome and Chair's introduction

1.1 Philip White (Head of HSE Construction Division and Chief Inspector of Construction) welcomed everyone to the meeting and gave the apologies of absent members. In particular, he welcomed Greg Brown who, following his appointment as a CIC representative, was attending his first meeting and Daniel Griffin, who, due to the departure of Chris Richards, was representing the Recruitment and Employment Confederation at this meeting. Additionally, he welcomed John Thompson, who was substituting for Alan Ritchie, and Rob Miguel, who was substituting for Mike McCartney.

1.2 Philip briefed CONIAC on some recent developments.

(a) *Provisional construction health and safety statistics for 2009/2010* - These were released during October and headline figures for safety failures are set out below:

<i>Construction</i>	<i>2009/2010 (provisional)</i>	<i>2008/2009</i>
Worker deaths	42 (2.2 per 100,000)	52 (2.5 per 100,000)
Employee major injuries	2,585 (230.0 per 100,000)	3,307 (266.7 per 100,000)
Employee over 3-day injuries	5,651 (502.9 per 100,000)	6,815 (549.5 per 100,000)

The figures indicate progress was in the right direction with regard to safety risks, although construction continues to incur an unacceptable level of death and injury. Health issues would be considered later in the meeting.

Philip said that in previous years HSE had issued a printed booklet of summary statistical information and that complimentary copies had been sent to CONIAC Members. If such a booklet were produced this year copies would be sent to Members.

ACTION: Secretariat to send complimentary copies of 2009/2010 health and safety statistics booklet to Members

[**Secretary's Note:** For reasons of economy, the booklet will not be produced this year and therefore cannot be supplied to Members. On this basis, the action has been discharged.]

(b) *HSE/Building Control Alliance (BCA) Agreement* – The BCA is an umbrella body representing all those with a professional interest in building control. The Agreement was signed in September, and sets out how HSE and BCA members can work more closely together to provide health and safety information to the industry, while clearly distinguishing their separate regulatory roles. Philip said that this was a positive development since far more sites are visited by building control inspectors than by HSE construction inspectors. This greatly increased number of eyes and ears should be very helpful especially with regard to the small sites that HSE has most difficulty reaching and which account for a large proportion of fatal accidents.

Philip recorded his thanks to Mike Harrison of HSE (now retired) who had been instrumental in achieving the Agreement. He said that the Secretariat would provide copies of the Agreement to Members.

ACTION: Secretariat to copy the HSE/Building Control Alliance agreement to CONIAC Members

[**Secretary's Note:** The agreement was sent by e-mail to CONIAC Members on 14 January 2011]

(c) **Publicly Available Specification 91** – This was published on 18 October and presents a series of questions to be asked by buyers of potential suppliers to enable prequalification for construction-related procurement. Questions on health and safety issues based on CDM 2007's core criteria are included. PAS 91 was produced by BSI and is sponsored by BIS. HSE had made a substantial input. Philip said that this is an important document which should help to streamline health and safety prequalification and is complementary with Safety Schemes in Procurement (SSIP).

(d) **Board paper HSE/10/68 update on the work of HSE's Construction Division** – This paper was put to the HSE Board on 25 August. Philip said that the Board had given very positive feedback about the work of the Construction Division. In its questions and comments it had focused particularly on: levels of enforcement, migrant workers, and the balance of effort to regulate large and small companies and sites, which Construction Division will take account of in its future plans.

(e) **Lord Young's review of health and safety** - Lord Young's Report was published on 15 October and can be downloaded from the Cabinet Office website. HSE has welcomed the Report and Lord Young's view of the need for hazardous industries to be regulated. A number of his Recommendations fall to HSE to implement, including: an accreditation scheme for health and safety consultants, amendment of RIDDOR and potential consolidation of health and safety legislation. HSE will need time to digest the implications and will consult on proposals in due course.

Richard Ash drew CONIAC's attention to the Law Commission's consultation document *Criminal liability in regulatory contexts* (LCCP195) which sets out a case for reducing the scope for criminal law to be used in certain regulated

fields on the basis that criminal sanctions should only be used to tackle serious wrongdoing.

John Scott observed that member companies of NSCC were concerned about access to public sector contracts and wondered if Lord Young's review had considered this. Philip responded that this was an area which came within the responsibility of the OGC.

(f) **Fire safety in construction (HSG168)** - Philip recorded that a new edition of this was published on 6 October. A notable feature is the inclusion of very up-to-date advice on fire risks during construction of timber-framed structures.

(g) **HSE and the Comprehensive Spending Review** – Philip explained that HSE's funding is related to funding of DWP, which is HSE's sponsoring Department. He then read out a statement released by DWP:

- The Government remains committed to a health and safety regime that is fair, balanced and proportionate. Sensible health and safety at work helps to maintain a healthy and productive workforce and contributes to economic prosperity.
- In the current economic climate, it is appropriate that HSE should be asked to reduce its costs in the same way as the rest of the public sector. In seeking to achieve savings of at least 35% over the SR10 period, we will share more of the cost with those businesses who create risks, while reducing burdens on low-risk businesses.
- We will consider the recommendations of Lord Young's review and design a streamlined health and safety system that is fit for the 21st century while remaining true to the core principles set out by Lord Robens in 1972.

Philip said that HSE's position of having to make savings of more than 35% over the next four years is similar to that of many other Government bodies. HSE currently recovers costs arising from, for example, regulation of onshore major hazard sites and offshore oil and gas installations, and from operating the asbestos licensing regime. DWP's statement indicates that HSE will explore options for extending cost recovery to other areas.

Rob Miguel believed that any proposed cuts to HSE should be subject to a cost benefit analysis.

2. **Agreement of Agenda and matters arising**

2.1 Members agreed the Agenda.

2.2 Philip enquired if Members wished to raise anything under AOB but no requests were made. Kevin Fear remarked that the targets set under *Revitalising* covered up to 2010 and asked if there was any intention to set new targets for the future. Philip responded that it is for the Industry to set further targets if it wishes. John Thompson recalled that CONIAC had agreed targets almost a decade ago for the Industry. Philip clarified that while the

Strategic Forum for Construction had set targets the HSE Board has no intention to set any.

2.3 Philip briefly reviewed the action points from earlier meetings and recorded that they had all been met.

2.4 Members approved the minutes of the 21 July meeting.

3. Leadership and Worker Engagement Toolkit (Presentation by Gordon Crick, HSE Construction Sector – CDM Dutyholders and Construction Management Unit) [Paper M3/2010/1]

3.1 Philip introduced Gordon and asked him to give his presentation.

3.2 Gordon said that research had shown that effective worker engagement depends crucially on good leadership. So HSE, in conjunction with an industry forum, has developed a web-based Toolkit to assist firms to improve leadership and worker engagement practice. He demonstrated a nearly complete version of the Toolkit which is based around a 7-step process to motivate and assist SME owners, managers, supervisors and those who provide advice to them. Workers seeking to influence their workplace are a secondary audience but micro firms are not addressed. Gordon concluded by expressing particular thanks to Billy Baldwin of UCATT and by stating that it is hoped to launch the Toolkit early in 2011. Philip thanked Gordon and asked Members for questions and/or comments.

3.3 Richard Ash said that the Toolkit had a lot about communications, particularly at supervisory level. He suggested that these resources may be applicable outside health and safety.

3.4 Susan Murray thought that the Toolkit looked useful and believed that Unite could use it in training. However, she noted that it included no reference to safety representatives and seemed to be aimed mainly at an employer audience. Rob Miguel thought safety representatives could use it and asked if it was capable of being downloaded onto disk for site-based use. Gordon confirmed that elements of the Toolkit would be downloadable. John Thompson said that experience showed that worker engagement is needed and beneficial and he believed that the Toolkit was excellent work.

3.5 Phil Russell also thought that the Toolkit was excellent and expected that members of the FMB would be very interested in it. Kevin Fear said that ConstructionSkills was committed to using it when assisting SMEs. John Scott said that NSCC welcomed the Toolkit and will do what it can to promote its use. Gerry Mulholland expressed thanks to Gordon for getting it to its current stage of development.

3.6 On the subject of SMEs and risk assessment, Alan Muddiman said that recent surveys point to excessive bureaucracy. Gordon thought that a manual of pictures based approach might be helpful. However, Alan believed that this would not get through prequalification. Philip said that for common risks where industry standards were well known minimal paperwork was required.

In any event the Industry should not look to HSE to solve problems it should address itself. Alan responded that HSE endorsement would be needed to reassure the client. Richard Ash stressed that discrimination between what is important and what isn't is needed and credit should be given for the use of sensible judgement.

3.7 Philip concluded by saying that HSE was looking to CONIAC for as much support as possible of the Toolkit, and would keep Members informed of when its launch was expected.

4. Update on activities of CONIAC working groups (Oral report by Anthony Lees, HSE Construction Sector – Head of Construction Policy Unit) [No paper]

4.1 Philip asked Anthony to make his report to CONIAC. Anthony said that the work of the CDM 2007 evaluation Working Group would be covered in a later item. With regard to the other groups he reported as follows:

4.2 **Major Incident Potential Working Group** – Mike Cross, the group's chair, is presently considering nominations for membership of what will be a fairly technical working group. The group will take forward work arising from the HSE/CIRIA research on major incident potential. Philip explained that the Report of this research is currently held up but it is expected to be published later this year or early next.

4.3 **Safety Working Group** – this met on 21 October when it had received updates on HSG168 and work in relevant areas carried out by the Strategic Forum for Construction. The SWG's primary focus is work at height on which it is developing a 25-year strategy. In connection with this it has established three subgroups: Work methods and equipment, Education, training and competence, and Leadership and worker involvement. Additionally, a representative of the Access Industry Forum has been added to the SWG.

CONIAC had previously asked the SWG to prepare a business plan for the WAH Strategy and this will be put to CONIAC for formal approval at a future meeting.

The SWG envisages a need for individual CONIAC Members to act as Ambassadors with particular stakeholders to seek their commitment to change and contribution to the Strategy. The SWG will prepare core materials for such Ambassadors to use within the next 18 months.

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

4.4 **Working Well Together Steering Committee** – this met on 13 October when the main issue was the impact of budgetary constraints. Approval for SHADs and DADs has been given to the end of the financial year and, notwithstanding funding concerns, local groups are managing to keep up the number of events. The WWT website continues to grow in popularity and

HSE has been asked to overhaul it. Promotional items (which serve as memory joggers for the website) are very popular and effective at WWT events but HSE can no longer fund them - their annual cost is about £10,000. Can CONIAC member organisations assist with funding? Co-branding would be acceptable.

5. Health risks in construction (Presentation by Ian Strudley, HSE Construction Sector – Head of Health Risks Management Unit) [Paper M3/2010/2]

5.1 Philip introduced Ian Strudley. Additionally, he introduced Sarah Mallagh (HSE Long Latency Health Risks Division – Head of Asbestos Policy Unit). He asked Ian to give his presentation.

5.2 Ian summarised statistical information on the scale of the health problem in the industry and noted that while health risks account for greater numbers of adverse outcomes than safety risks they have traditionally attracted less attention. A factor in this may be that ill-health outcomes frequently do not appear until a considerable amount of time has elapsed. Ian went on to outline current HSE initiatives to encourage improved management of health risks in construction. These (more information is in the supporting paper) include a supply chain initiative, revamping of the online COHME webtool, work (whether research, campaigns or an enforcement focus) on key health issues, and the re-establishment of the CONIAC Health Risks Working Group. Ian concluded his presentation by emphasising that it is necessary for people to change their values and behaviour and take health seriously. Philip thanked Ian and asked Members for comments or questions.

5.3 John Thompson said that health is not a new issue and recalled that in 2001 UCATT had been pushing for a change of culture in relation to health risks. More specifically, he stressed the importance of site induction to educate the workforce and the need for designers to consider health issues. Rob Miguel believed that more resource should go into health management, particularly prevention. He suggested development of a health risk register.

5.4 Jason Rowley observed that the paper covered a large number of issues and wondered if the effort was spread too thinly. He said that any initiatives should be evidence-based and prioritised. Additionally, the approach should be holistic in the sense that it addresses not just the effect of work on health but also the effect of health on work.

5.5 Gerry Mulholland noted that there were a number of occupational health provision standards and wondered if thought had been given to a basic standard. Ian said that he was talking to dutyholders and Occupational Health providers to find a model for what should typically be expected.

5.6 Phil Russell said that FMB members are employers but often workers as well, and that far too many people have to retire at their peak due to health issues. Consequently, there is a massive business case for more effective health risk management.

5.7 Susan Murray said that the figures for deaths due to silica exposure are shocking. She raised the issue of ready availability of information to guide choice of RPE. Ian responded that there are mixed messages about RPE and that more work is needed to help with the making of correct choices.

5.8 Greg Brown indicated that designers and CDM-Cs are there to be engaged in assisting with health risks, and Peter Caplehorn believed that a large section of the design sector is aware of risks and keen to do more. Philip referred to the proposed actions in paragraph 28 of paper **M3/2010/2** and asked for Members' responses. Members were agreeable to the possibility that the Health Risks Management Unit may contact them individually if suitable opportunities for partnership working arise.

5.9 Philip said that HSE inspectors make about 1,400 visits each year in connection with asbestos licensed work, and stated that the refurbishment campaign in early 2011 would include a more detailed look at asbestos, especially provision of information by clients to those carrying out work that may expose them to asbestos. He asked for comments. Alan Muddiman thought that use could be made of the Leadership and Worker Engagement Toolkit, eg by employing pictorial methods. Additionally, he suggested prosecuting clients and CDM-Cs in cases where asbestos information was not provided. John Scott remarked that the appointed person mentioned in *Asbestos: the survey guide (HSG264)* is often not appointed. Rob Miguel warned that information on the presence of asbestos was not always kept up to date.

5.10 Philip said that a number of prosecutions are underway against clients in connection with information about asbestos. Sarah Mallagh said that there are issues at the interface between CDM 2007 and the duty to manage asbestos set out in asbestos legislation and that HSE will look at these.

5.11 Richard Ash believed that publication of documents showing HSE priorities can have a significant effect on industry sectors. Philip responded that HSE's priorities for this current year are clear and the information is publicly available. He took the opportunity to note that other Government Departments, in particular the Department of Health and DWP, are doing a lot on well being issues and that the lead for these issues lay with them and not HSE. He concluded the discussion by stating that asbestos and respiratory risks are high priorities for Construction Division.

6. Update on work of CDM 2007 Evaluation Working Group (Presentation by Anthony Lees, Secretary to CONIAC) [No paper]

6.1 Philip asked Anthony to give his presentation. Anthony briefly described the background and timetable for the evaluation of the CDM 2007 Regulations. He explained that the evaluation was based mainly on information provided by the Working Group and by a separate large-scale survey of dutyholders carried out for HSE by an external organisation. The findings of the survey would be published early in 2011 and after that HSE would prepare a draft final report of the evaluation. The draft report would be

passed to CONIAC and subsequently to the HSE Board for clearance before publication.

6.2 Anthony reviewed the aims that CDM 2007 had set out to achieve. While he could not give final conclusions at this stage preliminary indications were that CDM 2007 was perceived by most respondents as clear in its requirements and sufficiently flexible to cope with the variety of contract types in the industry but views were more mixed with regard to its success in minimising bureaucracy. Anthony concluded by recording his thanks to Working Group members for their very helpful input.

6.3 Peter Caplehorn said that he was reassured by Anthony's preliminary summary. While he believed that many people now have a better idea of what is required of them he nevertheless thought that a reshaping of the guidance may be needed. With regard to the issue of overly bureaucratic responses, Richard Ash believed that a steer on what is "just right" is needed.

6.4 Philip said the findings provide much food for thought but that further analysis is needed. CONIAC would receive a paper for its March meeting.

7. Conclusion

7.1 Philip noted that the next meeting of CONIAC would be on 16 March 2011 in Rose Court. He thanked Members for their input and closed the meeting.