

HEALTH AND SAFETY EXECUTIVE**CONSTRUCTION INDUSTRY ADVISORY COMMITTEE (CONIAC)****Minutes of the M2/2010 meeting
held on 21 July 2010 in Rose Court*****Present***

Philip White (Chair)
Anthony Lees (Secretary)
Peter Caplehorn
Phil Davies
Paul Haxell
Kevin Minton
Gerry Mulholland
Susan Murray
Bill Rabbetts
Chris Richards
Jason Rowley
John Scott
John Thompson
John Wilson
Martin Winstone

Representing

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

Departmental Observers

Andrew Butt
Clive Young

Office of Government Commerce
Business, Innovation and Skills

Officials

Gavin Bye
Mike Cross
Phil Burgess
Simon Hester
Michael Ryan (Secretariat)

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

Guest

Alan Gilbertson

CIRIA

Members of the public

4 were present

Apologies

Richard Ash
Kevin Fear
Mike McCartney
Alan Muddiman
Alan Ritchie
Phil Russell

Representing

Engineering Construction Industry Association
ConstructionSkills
Unite (Amicus section)
Civil Engineering Contractors Association
UCATT
Federation of Master Builders

Summary of Actions agreed:

1. **ACTION: Secretariat to send HSE's press release on construction worker fatalities in 2009/2010 to Members.** (See paragraph 1.2(a)) [Secretary's Note: A link to the press release was included in an e-mail to Members of 30 July.]
2. **ACTION: Secretariat to ensure that letters of appointment are sent to CONIAC Members.** (See paragraph 2.4) [Secretary's Note: Letters of appointment were sent to Members on 20 August.]
3. **ACTION: Secretariat to send copies of Simon Hester's articles on casual workers and self-employment to Members.** (See paragraph 5.4) [Secretary's Note: The texts of the articles were attached to an e-mail to Members of 30 July.]
4. **ACTION: Members to submit nominations for membership of a task and finish group on major incident potential to the Secretariat by 1 September.** (See paragraph 6.3) [Secretary's Note: Seven nominations were received.]
5. **ACTION: Secretariat to send a copy of the HSE Board paper on the work of Construction Division to Members.** (See paragraph 8.1) [Secretary's Note: The text of the paper was attached to an e-mail to Members of 23 August.]

1. Welcome and Chair's introduction

1.1 Philip White welcomed everyone to the meeting and gave the apologies of absent members. Phil Davies, Gerry Mulholland and Susan Murray had recently joined CONIAC and were attending their first meeting. John Thompson was substituting for Alan Ritchie and John Wilson was substituting for Alan Muddiman.

1.2 Philip briefed CONIAC on some recent developments.

(a) *Provisional construction fatality statistics for 2009/2010* - These were released at the end of June and showed that the number (41) and rate (2.0 per 100,000) of construction worker fatalities were the lowest on record. Well below the averages for the previous 5 years, these figures represented a welcome and substantial improvement. Among the 41 deaths it was noted that two were of migrant workers, and this was a reduction from nine in the previous year. However, while construction worker deaths overall had fallen there had been significant increases in the proportions due to falls from height (from 51% to 61%) and in the refurbishment/repair sectors (from 52% to 68%), and consequently these areas would need continuing attention and effort. HSE had issued a press release and this would be sent to Members.

ACTION: Secretariat to send HSE's press release on construction worker fatalities in 2009/2010 to Members. [Secretary's Note: A link to the press release was included in an e-mail to Members of 30 July.]

(b) *HSE's construction web pages* - These had been revamped with a new look. There was more emphasis on SMEs, with straightforward advice and language. Members were encouraged to examine the new pages at www.hse.gov.uk/construction/index.htm.

2. Agreement of Agenda and matters arising

2.1 Members agreed the Agenda.

2.2 Kevin Minton said that he wished to raise an issue in connection with competence cards under AOB, and Philip agreed to take this (see paragraph 8.2).

2.3 Philip reviewed the action points from earlier meetings. He noted that an action to circulate information on crane prosecutions had been done, and that a presentation at this meeting would fulfil an action to report on the March refurbishment campaign. While CONIAC would be advised on the eventual publication of John Carpenter's Report, the formal action to do so would now be removed from the list. This left an action to circulate a list of CONIAC members and Philip indicated that such a list would be added to the minutes of the present meeting (see **Annex 1**).

2.4 Noting that CONIAC's membership was now almost complete, Philip said that members would be sent formal letters of appointment in the next few weeks.

ACTION: Secretariat to ensure that letters of appointment are sent to CONIAC Members. [**Secretary's Note:** Letters of appointment were sent to Members on 20 August.]

2.5 Members approved the minutes of the 3 March meeting.

3. Recent activities of CONIAC's working groups (Oral report by Anthony Lees, Secretary to CONIAC)

3.1 Philip asked Anthony to make his report.

3.2 *Health Risks Working Group* – Anthony said that this had now been reconstituted and had held an initial meeting on 12 July under the chairmanship of HSE's Ian Strudley. The group benefits from a broadly-based membership and he listed the organisations represented (see **Annex 2**). The first meeting had focused on agreeing terms of reference and considering possible priorities including lead, supply chain issues and noise. He indicated that the next CONIAC meeting would likely have an item on occupational health with Ian in attendance.

3.3 At the March meeting of CONIAC it was agreed that the *Safety Working Group* would focus on developing a long-term work at height strategy. The last meeting of the working group in June had therefore

concentrated on this work. It agreed that its long term aim over a 25-year time frame should be to make injury from falls from height socially unacceptable. Five sub-groups are proposed to cover the issues of training, equipment, communications, stakeholder engagement and behavioural safety. These groups will initially identify what work has already been done in these areas and what other work is currently underway. They will also identify links which need to be made with other industry fora and their working groups, to avoid duplication of effort. Prior to their next meeting each of these working groups will propose their priorities over 2, 10 and 25-year timescales.

3.4 *Working Well Together Steering Group* – This group (which only meets twice each year) met in April. At that meeting it had relayed broad feedback from the WWT local groups and had received information from HSE for dissemination to the local groups, including a presentation on Construction Division’s plan of work for the current year. Currently, there was some uncertainty about funding of projects.

3.5 *CDM 2007 Evaluation Working Group* – This group had met twice since the March CONIAC meeting. Its members represent CDM duty holders and have been gathering information to feed into the wider review of the Regulations. A large amount of information has been received and much analysis will be needed. Additionally, the group has been very helpful in commenting on the question set to be used in the large scale survey of duty holders which will be carried out by an external research organisation. The group will conclude its work in time to submit a formal report to CONIAC for consideration at the November meeting.

3.6 Bill Rabbetts asked what opportunities there would be for non-members of the working group to participate in the survey and evaluation. Anthony said that the survey will target a large set of persons/organisations chosen from the F10 database. In order for the sample to be representative in statistical terms it must be chosen randomly, and this means that it is not possible to guarantee the inclusion of any particular organisation. However, the evaluation will not rely solely on the survey and other ways to input views will be publicised in due course.

4. Fire safety in buildings under construction (Presentation by Phil Burgess, HSE Construction Sector Safety Unit) [No paper]

4.1 Philip began by clarifying that, contrary to what appeared in the Agenda, there was no supporting paper for this item. He introduced Phil Burgess and asked him to give his presentation. Phil did so and finished by emphasising that fire is a risk whose control is an aspect of good management. Following the presentation Philip asked Members for comments.

4.2 Peter Caplehorn considered that the *Regulatory Reform (Fire Safety) Order 2005* was not working well in a practical sense; recent fires had revealed issues around responsibilities.

4.3 Gerry Mulholland was concerned that there might be conflict between the Joint Fire Code of Practice and the new edition of HSG168. Phil Burgess said that the essential difference was that the former focused on property and the latter on people but that there was no conflict.

4.4 John Scott suggested that compliance with the BRE Environmental Assessment Method (BREEAM) can give rise to fire-risk related problems with storage and fittings. Philip said that in such cases it is necessary to balance the various considerations within a wider view.

4.5 Philip said that for proposed timber frame buildings in urban areas it was important for the designer to have a very early discussion with the client to determine whether it would be an appropriate method of construction for the particular location it was being built in. He hoped that CONIAC would help in supporting promulgation of the key messages in the new edition of HSG168 which is due to be published in the autumn. [**Secretary's Note:** *Fire safety in construction* (HSG168) was published on 6 October. It is available on the HSE website for free download.]

5. Construction Division London Outreach Worker Project (Oral report by Simon Hester, HSE Construction Division) [Paper M2/2010/2]

5.1 Philip introduced Simon Hester and asked him to speak to his paper. Simon gave background information on migrant workers, noting that the largest concentration of them was in London. Very many of them worked on small sites and because of this the London Outreach Worker Project (LOWP) and Construction Division's Small Sites Strategy fitted well with each other. The project had recruited three outreach workers, one from each of the biggest migrant communities, ie Polish, Romanian and Indian. The outreach workers had been extremely valuable in enabling a wide variety of efforts to contact and inform construction workers in these communities about HSE and their rights under the law. HSE's construction inspectors had also learned a great deal, and many useful contacts had been made. Funding had been obtained for a second year and while financial constraints would limit the project's scope, consideration was being given to engaging with the Chinese community. Philip thanked Simon and asked for comments.

5.2 Susan Murray welcomed the work. She enquired if contact had been made with Polish labour inspectors and if so had any benefits been obtained. Simon said that contact had been made and it was clear that Polish inspectors operated a check box (rather than risk-based) system and a key role was to levy on the spot fines. Experience of the very different Polish system had given some Polish workers and contractors an outlook that was inappropriate here. The LOWP was helping to correct these misunderstandings.

5.3 Philip mentioned that the EU's Senior Labour Inspectors Committee (SLIC) facilitated dialogue and had co-ordinated campaigns (including in construction) among labour inspectorates throughout Europe.

5.4 John Thompson referred to paragraph 10 of the paper and asked about the information in relation to employment status that had been given. Susan

Murray also enquired about the articles. Simon agreed to supply English texts of the articles. Additionally, he agreed to explore the possibility of supplying copies of a relevant decided case.

ACTION: Secretariat to send copies of Simon Hester's articles on casual workers and self-employment to Members. [Secretary's Note: The texts of the articles were attached to an e-mail to Members of 30 July.]

5.5 John Thompson recalled a UCATT initiative to reach migrant workers two years ago. UCATT had found that many migrant workers were under the control of gangmasters and were being exploited. Phil Davies said that many accidents to migrant workers were not reported.

5.6 Jason Rowley expressed concern about the effect of funding limitations on the project. Philip said that the project was continuing and whilst it was unlikely that HSE would employ outreach workers next financial year the lessons learnt and the new contacts made would be taken forward and maintained by HSE's Visiting Officers in London.

5.7 Philip said that the Indian outreach worker had won two awards and that much credit was also due to Simon for managing the project. He closed by stating that notwithstanding current financial constraints, HSE will seek to apply the important lessons learned.

6. Proposals for taking forward the findings of a research report on major incident potential in construction (Oral introduction by Mike Cross, HSE Head of Construction Engineering) [Paper M1/2010/3]

6.1 Philip introduced Mike Cross and asked him to speak to his paper. Mike briefly reviewed the background to major incident potential in construction. He said that the research project had been carried out by CIRIA on HSE's behalf. The project was supported by an HSE-sponsored steering group that had met four times. A report of the research will be published and HSE now suggests that CONIAC should form a task and finish working group to review the report's findings and encourage and assist the industry to take forward appropriate work streams in response to them. **[Secretary's Note: The CIRIA research report is with HSE in draft. It is hoped to publish it by the end of 2010.]**

6.2 John Wilson emphasised the importance of design and designers in any consideration of this issue, and Mike Cross confirmed that the research had looked at all aspects including design. Bill Rabbetts observed that the paper's suggested composition of the working group did not include clients and he urged that client representation should be considered. Gerry Mulholland thought that the working group could benefit from the inclusion of someone from outside construction as other industries also experience "disaster" type events and may have valuable insights to offer.

6.3 Philip recorded that CONIAC had agreed to the formation of a task and finish working group and he asked Members to submit nominations for membership of the new group to the Secretariat.

ACTION: Members to submit nominations for membership of a task and finish group on major incident potential to the Secretariat by 1 September. [Secretary's Note: Seven nominations were received.]

7. Construction Division refurbishment/roofwork inspection initiative March 2010 (Presentation by Mike Cross, HSE Construction Division) [No paper]

7.1 Philip said that Mike Cross had coordinated the nationwide March inspection initiative and asked him to give his presentation on it. Following this he asked for comments from Members.

7.2 In relation to work at height, John Thompson was concerned that the lack of a definition of short duration work was encouraging excessive use of ladders and asked what impact this had made. Mike Cross responded that HSE inspectors are clear about what is acceptable but there are varying interpretations in the industry. He noted that householders create a challenge over the costs of scaffolding.

7.3 Bill Rabbetts wondered if the inclination of inspectors to serve notices during these initiatives had increased over the last three years. Mike Cross said that the number was broadly the same and there was no central guideline to increase it.

7.4 Peter Caplehorn said that the results of the initiative had provided a useful insight. He believed that among other things the Government's target for zero carbon by 2016 would increase refurbishment activity. Philip said that HSE was alert to the impact of this agenda.

7.5 John Scott observed that the proportion of fatalities attributed to refurbishment had increased and wondered if this was explained by an increase in the amount of refurbishment work being done. Mike Cross agreed that there was an element of this.

7.6 Susan Murray enquired if inspectors had raised the issue of worker representation on sites they had visited. Mike Cross answered in the affirmative saying that this was routine.

7.7 Martin Winstone asked how small sites had been identified for inclusion in the initiative as they will not necessarily appear on the F10 database. Mike Cross said that the F10 notification requirement does pick up a significant percentage of small sites. However, in addition to this, HSE local teams used many other sources of intelligence to identify sites to visit.

7.8 Philip said that a refurbishment blitz was planned for February/March of next year. He asked CONIAC Members if this was an appropriate use of HSE resources. John Thompson thought it was since new building and social housing had diminished and therefore refurbishment is more relevant. He stressed that HSE must emphasise proper protection for work at height. Peter Caplehorn mentioned that a British Standard is being developed for design of

work at height. He believed that one benefit of a blitz is that it shows that HSE is out there.

7.9 Philip thanked Mike for his presentation.

8. AOB

8.1 Philip said that the HSE Board would receive a paper during August on the work of Construction Division and this would be copied to CONIAC for information.

ACTION: Secretariat to send a copy of the HSE Board paper on the work of Construction Division to Members. [Secretary's Note: The text of the paper was attached to an e-mail to Members of 23 August.]

8.2 Philip invited Kevin Minton to raise his issue about competence cards. Kevin said that while Smartcards offered a number of advantages there was a risk that sites would need more than one card reading device. He entered a plea that an effort be made to standardise the cards in such a way that they could all be read by the same reader. He gave as an example the London Underground where the automatic barriers could handle a wide variety of tickets issued by different authorities.

8.3 Kevin took the opportunity to inform CONIAC that the CPA had issued best practice guides on: lorry loaders, mobile cranes and MEWPS, all of which were freely downloadable from its website.

8.4 John Wilson said that he sat on the BSI site operations advisory committee and some doubts had been raised about the BS on design for work at height and whether it would deliver benefits. He would like to get HSE's view. Philip invited John to write to him for follow up.

8.5 Peter Caplehorn said that he supported the BS on design and he supported Kevin Minton's suggestion on Smartcards. He asked if there were any developments in relation to the possibility of action by the EU in relation to the CDM 2007 Regulations. Philip said that while the European Commission had raised some concerns with the UK about its implementation of the Temporary or Mobile Construction Sites Directive by way of CDM 2007 it had taken no formal action and dialogue continued.

8.6 Martin Winstone drew CONIAC's attention to the research report on CDM 2007 commissioned by CCG and the British Property Federation. The report raises some concerns about the effectiveness of the legislation.

8.7 Philip thanked Members for their contributions and advised that the next meeting would be held in Rose Court on 17 November.

9. **Conclusion**

9.1 The meeting concluded with Philip presenting Bob Blackman with an award in recognition of, and gratitude for, his long service with the committee and to health and safety. Bob had represented Unite on CONIAC and had resigned from the committee following his retirement.

Annex 1

In relation to the following action point agreed at the March 2010 meeting of CONIAC:

ACTION: Secretariat to circulate membership list to Members in due course,

the following information is provided to CONIAC:

<i>Name of CONIAC Member</i>	<i>Organisation represented by CONIAC Member</i>
Richard Ash	Engineering Construction Industry Association
Greg Brown	Construction Industry Council
Peter Caplehorn	Construction Industry Council
Phil Davies	GMB
Kevin Fear	ConstructionSkills
Paul Haxell	Home Builders Federation
Mike McCartney	Unite (Amicus section)
Kevin Minton	Construction Plant-hire Association
Alan Muddiman	Civil Engineering Contractors Association
Gerry Mulholland	Specialist Engineering Contractors Group
Susan Murray	Unite (T&G section)
Bill Rabbetts	National Federation of Builders
Chris Richards	Recruitment and Employment Confederation
Alan Ritchie	UCATT
Jason Rowley	UK Contractors Group
Phil Russell	Federation of Master Builders
John Scott	National Specialist Contractors Council
Martin Winstone	Construction Clients' Group

Annex 2

Organisations represented on CONIAC's Health risks working group
(see paragraph 3.2)

Health and Safety Executive
Constructing Better Health
Construction Clients' Group
Construction Plant-hire Association
ConstructionSkills
Duradiamond Healthcare
Federation of Master Builders
IOSH
House Builders Federation
Sypol
UCATT
UK Contractors Group
Unite