

HEALTH AND SAFETY EXECUTIVE

CONSTRUCTION INDUSTRY ADVISORY COMMITTEE (CONIAC)

Minutes of the M1/2009 meeting held on 26 March 2009 in Rose Court

Present

Philip White (Chair)
Anthony Lees (Secretary)
Richard Ash
Bill Belshaw
Bob Blackman
Paul Bussey
Kevin Fear
Clive Johnson
Peter Kent
Rob Miguel
Alan Muddiman
Bill Rabbetts
Alan Ritchie
Phil Russell
Robert Sayers
Tony Wheel
Martin Winstone
Clive Young

Louise Brearey
Cathy Kerby (Secretariat)
Michael Ryan (Secretariat)
Rita Donaghy

Shirley Williams

Members of the public

Representing

Health and Safety Executive
Health and Safety Executive
Engineering Construction Industry Association
Specialist Engineering Contractors Group
UNITE
Construction Industry Council
ConstructionSkills
National Specialist Contractors Council
Local Authorities and Public Interest
UNITE
Construction Confederation
Construction Confederation
UCATT
Federation of Master Builders
Home Builders Federation
United Kingdom Contractors Group
Construction Clients' Group
Observer (Department for Business, Enterprise
and Regulatory Reform)
Health and Safety Executive
Health and Safety Executive
Health and Safety Executive
Guest presenter (Chair of Secretary of State's
Inquiry into Underlying Causes of Construction
Fatal Accidents)
Guest presenter (Health and Safety Executive)

8 were present

Apologies

Peter Caplehorn
Paul Hayward
James Preston-Hood
John Tebbit
Anthony Burd
John Ioannou
Kevin Toner

Representing

Construction Industry Council
Association of British Insurers
Construction Clients' Group
Construction Products Association
Observer (Communities and Local Government)
Observer (Office of Government Commerce)
Observer (Health and Safety Executive
Northern Ireland)

Summary of Actions agreed:

- 1 **ACTION: Secretariat to write to CONIAC Members requesting submission of nominations for members of a Working Group to support HSE's evaluation of CDM 2007.** (See paragraph 8.4)
2. **ACTION: CONIAC Members to consider the draft Workplan and to submit to the Secretariat an indication of their clearance of it, together with any comments, by 14 April 2009.**
(See paragraph 9.2)
3. **ACTION: Secretariat to copy press release on BERR/DIUS Review of productivity and skills in engineering construction to Members.** (See paragraph 10.6)

1. Welcome and apologies

1.1 Philip White welcomed everyone to the meeting. He gave the apologies of absent Members and noted that Paul Bussey was substituting for Peter Caplehorn, and Martin Winstone for James Preston-Hood. In particular, he welcomed Tony Wheel who had been appointed to represent the United Kingdom Contractors Group (UKCG), and Rita Donaghy who was chairing the Secretary of State's Inquiry into Underlying Causes of Construction Fatal Accidents. Rita was attending CONIAC to inform it on progress with the Inquiry and to further acquaint herself with construction industry issues and perspectives.

1.2 As this was his first meeting as Chair of CONIAC, Philip gave some information about himself. After joining HSE 24 years ago he had worked as a construction inspector. He had been involved in implementing Sir John Egan's Construction Task Force's *Rethinking Construction* review. On the setting up of the HSE Construction Division, he was Head of Operations for London and the South East and then headed HSE's Construction Sector. Most recently he had led the Health and Safety Sponsorship Division in the Department for Work and Pensions before returning to HSE as Chief Inspector of Construction.

2. Chair's introduction and briefing on urgent business

2.1 Philip briefed CONIAC on a number of issues of interest.

(i) CONIAC's future

2.2 The HSE Board is still considering a framework for bodies (such as CONIAC) established under its governance, with a decision expected in the summer. As construction is a priority for HSE, and with the Board's evident interest in CONIAC's workplan, it is thought that there is a fair likelihood that the Board will opt to retain CONIAC in some form.

(ii) UKCG membership of CONIAC

2.3 While awaiting the HSE Board's decision on its future, CONIAC is operating on an informal basis. In light of the recent formation of the UKCG as an industry representative

body, Philip's predecessor, Stephen Williams, decided that it was important and appropriate to give it a seat for the time being on the informal CONIAC.

(iii) Tower cranes

2.4 Following publication of its report on the Liverpool crane accident, HSE wrote to all tower crane owners. Responses indicated concerns about stability in wind of two models of crane. HSE visited the suppliers and has served prohibition notices to prevent hire out of the cranes. In a separate development, a case concerning a tower crane accident in Worthing in 2005 which caused 2 fatalities was being tried. [**Secretary's Note:** The two defendant companies were subsequently convicted.]

2.5 The Secretary of State has agreed the Board's advice that a register of tower cranes should be established. Registration will be voluntary at first but compulsory later. He wishes to see the compulsory scheme in force by April 2010. A Consultative Document would be prepared for agreement by HSE's Board and consultation was likely to take place in the late summer/early autumn. CONIAC would be informed of progress with this work.

(iv) HSE Campaigns and similar high profile events

2.6 Philip reviewed and summarised some recent developments:

Shattered Lives – Phase 2, building on phase 1 (which successfully raised awareness of slips, trips and falls), has begun. Phase 2 calls for action and supports this with 2 e-tools (STEP which relates to slip and trip risks) and WAIT (which relates to falls from height). It includes a construction element which is linked to the property developers' campaign.

Asbestos Awareness – Evaluation of last year's campaign was reported in February, with findings of high levels of recognition of campaign messages. Further activity in 2009/2010 is expected to focus on the duty to manage asbestos in premises, raising awareness among tradesmen, and encouraging education and training.

Property Developers Campaign - This is a one-month long intensive inspection initiative. Indications are that it is on target for inspection results. This was a very worthwhile campaign which precipitated a fair amount of enforcement action. It particularly focused on slip and trip risks and asbestos. CONIAC Members: Bob Blackman, Peter Caplehorn and Clive Johnson served on the stakeholder group.

New HSE Strategy - Public consultation has now closed. The final version of the Strategy is expected to be published in early summer. It is vital to align CONIAC's work with the Strategy. This should be practicable as CONIAC already deals with such key elements of the Strategy as competence, worker engagement, and SMEs.

(v) New construction inspectors

2.7 Construction Division is recruiting up to 30 persons with an industry background to carry out inspection work. They will be warranted and able to issue statutory enforcement notices but will not take prosecutions. Quite separately, HSE is carrying out one of its regular

inspector recruitment exercises from which many of the successful candidates are expected to be assigned to Construction Division.

2.8 Philip asked Members if they had any questions on the briefing.

2.9 With regard to tower cranes, Bob Blackman commented that under the Strategic Forum's Health and Safety Task Group he had been a member of a subgroup dealing with operator working conditions (including how employed, working hours, environment, etc). Reports had been received of drivers having to remain in the cab for excessive periods with no breaks, with consequential risks for safety on site. Additionally, there was a link with employment protection as some drivers risked sacking if they complained. The subgroup had prepared a handbook and sent it to every crane driver. Louise Brearey said that HSE was to do follow-up work on the subgroup's findings. Alan Muddiman suggested amendment of the F10 form to flag up erection of tower cranes. He thought that contractors would be agreeable to this and that it would have the benefit of precipitating early discussion between the CDM co-ordinator and the contractor.

2.10 Rob Miguel said that crane driving should be classified as safety critical work in analogy to some railway work, and guidance should be produced. On the issue of asbestos, he thought that asbestos awareness should be incorporated into the curriculum for apprentice plumbers, etc. Bill Rabbetts remarked that there was anecdotal evidence that some construction clients, particularly one-off and occasional clients and some public sector clients, did not understand their responsibilities, as basic reports in relation to asbestos were not made available. Philip was grateful for the views expressed and agreed that further work was needed in relation to cranes and asbestos, which continued to be high priorities for HSE.

3. Agreement of Agenda, approval of Minutes of last meeting and matters arising

3.1 Philip had previously been advised that CONIAC Members representing UNITE and UCATT wished to have a discussion on the recent discovery of an illegal database of construction workers, used to vet individuals for employment. Additionally, Clive Young had asked for the BERR/DIUS review of engineering construction to be drawn to the attention of CONIAC. Philip indicated that both of these would be taken during AOB.

3.2 Members indicated that they were content with the Agenda. They approved the Minutes of the meeting on 27 November 2008.

3.3 Philip drew Members' attention to the Update of Action Points. He said that some of these had been actioned and others were old and no longer relevant. He suggested discharging all of them and Members agreed.

3.4 Bill Belshaw enquired about plans for meetings outside London. Anthony Lees said that there were none at present. However, due to changes in HSE's occupancy of Rose Court the question of where to hold CONIAC meetings was a live one. It appeared that meetings outside London could create significant practical difficulties for some Members, although the benefit in terms of public openness had to be acknowledged. The issue would be revisited at the June meeting.

4. Secretary of State's Inquiry into Underlying Causes of Construction Fatal Accidents (Oral introduction by Rita Donaghy, Chair of the Inquiry) [No paper]

4.1 Philip introduced Rita Donaghy CBE, former Chair of ACAS, who had been commissioned by the Secretary of State for Work and Pensions to carry out an Inquiry into construction fatal accidents. He informed CONIAC that HSE was providing secretariat support to Rita, Chair of the Inquiry but emphasised that this did not diminish the independence of the Inquiry. He asked Rita to address CONIAC.

4.2 Rita said that during the last 3 months she had tried to meet as many stakeholders as possible, some of whom she recognised here. She was supported in the work by 3 academic peers, each of whom brought a different perspective and experience.

4.3 The Inquiry is planned in 3 phases. In Phase 1 HSE will develop a 10-year picture of causal factors in construction fatal accidents. This work is about 70% complete with nothing new seen but a fresh eye may help. A draft report has been prepared by HSE which is being commented on by the independent peer reviewers and adjusted and added to in light of their input.

4.4 In Phase 2 Loughborough University is carrying out independent research looking at root causes of construction accidents and levers within and beyond health and safety systems to make further improvements. The limited time available is making this work very challenging.

4.5 In addition to this work, a detailed analysis is ongoing of the underlying causes of 26 recent cases (28 fatalities) based on interviews with the investigating Inspectors around the country. The cases for scrutiny were selected by the Chair and peer reviewers, who are overseeing the whole process and participating in interviews and analysis. The cases chosen include such key issues as falls, impact, small and large sites, public and private sector, agency workers and migrants. Inspectors have been intensively examined by Rita and the peer reviewers in respect of cases they handled, including descriptions of what steps they had taken and how they had interacted with the police, coroner, etc.

4.6 Phase 3 of the Inquiry will involve the Chair reviewing all areas of work and reporting to the Ministers and the HSE Board by 30 April. It is hoped that the final report will identify levers that will make a difference. [**Secretary's Note:** It has been agreed that the Chair is now due to report in June 2009] Philip thanked Rita and asked for comments or questions from Members.

4.7 Alan Ritchie noted that the Inquiry was looking at the migrant worker issue and asked if it was examining other aspects of employment status such as bogus self-employment? Also, would the Inquiry look critically at HSE, eg its role in prosecutions? Rita confirmed that her Inquiry will consider employment relationships. She said that while it was not an inquiry into HSE it would look at what HSE does and the resources it has. While accepting that the issue of HSE resources was important, Alan stressed that the trade unions had concerns about HSE's application of its resource and the proper implementation of the Health and Safety at Work etc. Act.

4.8 Richard Ash said that construction was a broad church with a wide range of standards, some of which are very good. Would the Inquiry look at and acknowledge the positive aspects of the industry? Rita said it was very important to identify things that were working well and to be aware that proposals appropriate for one section of the Industry may not be right for others. However, there are pockets where something clearly needs to be done. Different models will be considered. For example, the electrical industry's Joint Industry Board (JIB) seems a good one (for good practice). It will be appropriate to have regard to priorities in whatever recommendations are made, and to be realistic about what Government will do.

4.9 Rob Miguel agreed that national agreements and trade union involvement, such as JIB, should be looked at. He wondered if the Inquiry was considering fatalities from ill-health, which considerably exceed those from accidents. Rita said that the terms of reference of the Inquiry set a clear focus on accidents, but she appreciated the significance of the occupational health issues and the pressing need for action now to prevent deaths in the future. The Inquiry Report would say something about this.

4.10 Alan Ritchie said that the construction industry had the highest number of fatalities but the fewest health and safety representatives, and drew Rita's attention to this.

4.11 Peter Kent asked about near misses that don't result in death. Rita said that such incidents are important but there is massive under-reporting of them. The Inquiry will look at them, but not in detail, highlighting high risk areas.

4.12 Bob Blackman suggested that a real difficulty is getting the Industry to take responsibility for workforce safety, and this is aggravated by use of subcontractors and agency labour. Many people in safety critical jobs are self-employed and reluctant to speak up about safety issues for fear of losing work. He was pleased that the Inquiry would consider this. Rita agreed that these points have been made to her, frequently, including a related point that smaller contractors in the Industry cannot afford to employ labour directly. Flexibility and profitability of the current system is a key issue.

4.13 Phil Russell suggested that communications is often a factor in fatal accidents. Good practice advice on communications is available and the problem of getting people to use it is itself a communications issue. Rita agreed but thought that people already knew many key things such as: first 48 hours on site is crucial, need for up to date risk assessments, need for effective supervision. The oil and nuclear industries have got a strong safety culture, so why not construction?

4.14 Tony Wheel said that one way to reduce fatal accidents is to reduce accidents generally, and mentioned that Loughborough University had carried out a major study some years ago. Would the Inquiry draw on this or start from scratch? Rita said they would start from scratch but bear in mind the earlier work. She said that there was no shortage of previous studies and papers – a key issue was why so little progress had resulted. Philip thanked Rita for her presentation and concluded the discussion.

5. Construction Division Priorities for 2009/2010 (Presentation by Louise Brearey, Head of Construction Sector, HSE) [No paper]

5.1 Philip asked Louise to give her presentation.

5.2 Louise said that work for the coming year would build on what had gone before, in light of recent intelligence and developments. In particular, it would align with the new HSE Strategy, emphasising such themes as competence, leadership and worker engagement. While seeking to further embed work topics from the previous year, 2009/2010 would add new proactive work streams in specific areas, including: cranes, silica, and roof work. In general the aim was to deliver cultural change by encouraging greater industry ownership of key issues by way of evidence-based targeted interventions using a mixture of suitable intervention techniques. In this way it was hoped to contribute to maintenance of the recent downward trend in accidents.

5.3 Louise concluded by saying that once it was known how many new inspectors with an industry background (see paragraph 2.7) would be available and where they would be based, additional work specific and appropriate to them would be allocated.

5.4 Clive Johnson commented that he was pleased with the emphasis on worker engagement. In his experience, clients can influence a project so as to encourage the workforce to speak up on health and safety issues.

5.5 Bill Rabbetts remarked that the priorities showed a lot of emphasis on production but there seemed to be less on design. He asked for an assurance that HSE's approach to duty holders would be balanced. Louise said that HSE would certainly keep designers in mind, for example, the cross-cutting themes "embedding CDM 2007" included tracking back problems to designers. Additionally, there was to be a major refresh of the HSE web site, "Designers can do more". Paul Bussey suggested that designers are sometimes blamed for what are contractor competence issues. He believed that this view is supported by work done by HSE.

5.6 Alan Muddiman welcomed the new inspectors recruited directly from industry, whose experience might give them advantages compared to the more traditionally recruited HSE inspectors. Richard Ash said that a push on worker engagement risked encouraging a largely bureaucratic response, and hoped inspectors would be wary of this. Alan Ritchie was doubtful that worker engagement would succeed when workers feared for their employment.

5.7 Alan Ritchie asserted that on 20 occasions UCATT has had to resort to the Freedom of Information Act to get statistical information on enforcement, etc from HSE. He believed that communication-based approaches were unlikely to work unless backed by enforcement, and asked whether the recent reduction in enforcement notices would be reversed by the recruitment of the new inspectors. Louise thought the number of notices would increase but stressed that their effect tended to be temporary when what was needed was a permanent change of culture. Philip added that enforcement is a key part of Construction Division's work and, when appropriate, notices will be served, although they are not always needed to get things done.

5.8 Bob Blackman asked if the enforcement blitzes would continue, as they were a source of many notices, and are inspectors still checking competence cards? Louise said they would continue and explained that they are now known as "Intensive inspection initiatives".

Competence is a very important issue and inspectors do examine cards. They particularly have regard to situations where a worker is engaged on specific work, eg scaffolding, but has only a general card and therefore may not be competent for the job. Philip thanked Louise for her presentation and concluded the discussion.

6. HSE's Small Site Strategy (Oral introduction by Shirley Williams, HSE) [Paper M1/2009/1]

6.1 Philip introduced Shirley Williams and asked her to give her presentation.

6.2 Shirley said that this project concerned small firms on small sites. While very diverse some general points can be made about them. They do not have a fixed workplace, are not members of trade associations, are very focused on making money, believe health and safety is a matter of common sense and needs no further consideration, don't spend time looking for information and don't wish to engage in extensive reading, want to be told what to do but try to avoid the HSE. Since about 70% of accidents occur in this sector it is vitally important for HSE to reach it but very difficult to do so.

6.3 These characteristics suggest that delivering messages on just a few specific topics in formats suitable for the audience and using the widest possible variety of intervention techniques may be the most effective strategy.

6.4 The specific topics selected for 2009/2010 are: (i) preventing falls from domestic roofs during roof repair, (ii) providing toilets and washing facilities, and (iii) eliminating unnecessary manual handling. HSE's proactive work with small sites in 2009/2010 will be based on these. Site visits by inspectors and HSAOs will look to raise awareness, using simple pictorial information sheets. Additionally, HSE will make use of outreach events, such as Working Well Together Safety and Health Awareness Days, to support the Strategy.

6.5 HSE cannot reach all of these sites so it encourages stakeholders who have contact with them to assist with initiatives of their own. Preferably these should align with the priority topics and bear in mind the small site characteristics so as to deliver a coherent message. Additionally, we encourage larger companies to influence these small firms when they employ them as subcontractors.

6.6 Phil Russell said that the paper was the first to describe the reality of small sites. He noted that advice on systems and methodology existed and that the core challenge was communications. Peter Kent thought the paper was very interesting but wondered what role was assigned to construction clients. Shirley clarified that there was no special emphasis on them since, in this sector, much of the work is for domestic clients. Louise Brearey added that the LACE Project was trying to reach small and occasional clients by way of the Planning regime.

6.7 Rob Miguel queried consultation on the development of the Strategy. He said that he was a member of the Advisory Committee on Toxic Substances (ACTS) and that health problems due to dust was a big issue for ACTS. Communication on this issue was very desirable and he suggested that consideration be given to including dust and asbestos as priority topics in future years.

6.8 Philip said that the SME Working Group was consulted, and agreed that other suitable topics will be picked up in the future. He asked CONIAC to formally endorse the Strategy, and said that Members' organisations help with its implementation would be crucial.

6.9 Bob Blackman said the key was to get small builders to look after their worker's welfare and health and safety. The public view of the industry was often based on these small firms. Money is an issue for them and they may not provide welfare at all. Some of them pay no attention to health and safety until an accident occurs. So having an effective Strategy is very important.

6.10 Bill Belshaw thought that the Strategy was right but cautioned that since the industry has no entry level it contains some irresponsible builders who will not respond to messages. He asked if there was a leaflet on each priority topic for cascading by stakeholders. Louise Brearey said that simple graphic leaflets were being produced, showing what to do and what not to do. Richard Ash gave ECIA's endorsement of the Strategy, which he thought was an excellent example of priority setting by HSE.

6.11 Bill Rabbetts said NFB was willing to help deliver the Strategy. Its members may be able to influence those outside the federation. Alan Muddiman suggested that HSE see if it could make use of the television programme "Rogue traders". He believed that many of the target audience for the Strategy watched this and would be influenced by it, especially if it featured a prosecution at the end. Alan Ritchie said he didn't disagree with the Strategy but stressed the need for roving safety representatives and the effectiveness of the former Workplace Safety Advice (WSA) scheme.

6.12 Philip recorded that CONIAC had endorsed the Strategy. He expressed his thanks to Shirley and the SME Working Group.

7. Vulnerable Workers Working Group Report to CONIAC (Oral report by Kevin Fear, ConstructionSkills) [Paper M1/2009/2]

7.1 Philip asked Kevin Fear, who chaired the Vulnerable Workers Working Group, to report to CONIAC.

7.2 Kevin said that this report concluded the work of the Working Group. The Group had considered health and safety issues for classes of workers considered vulnerable. In this connection it had found BERR's definition of vulnerable workers useful and had developed a vulnerability indicator from it. The specific groups of workers considered by the Working Group were: (i) aging workers, (ii) young workers, (iii) agency workers, and (iv) foreign/migrant workers. The Report set out the Working Group's findings and recommendations in respect of each these classes and Kevin briefly described these. The recommendation on aging workers (at paragraph 27 of the Report) mentions a discussion document, and this will be circulated to CONIAC Members in due course for them to cascade to their associations. Kevin commended the Report to CONIAC and expressed his gratitude to the Members of the Working Group.

7.3 Philip thanked Kevin for his helpful summary and asked Members for comments or questions.

7.4 Alan Ritchie was surprised that the Report did not mention the CIS4 issue for migrant workers. This had been highlighted in a TUC-commissioned report which suggested that the vulnerability (ie lack of employment rights) of these workers was more a function of employment status than language difficulties. The same problem also existed for agency workers. Alan said that he could not accept a report that failed to consider employment rights (eg sick pay, pensions) issues. Philip responded that the Working Group was established under CONIAC and this necessarily limited its ambit.

7.5 Phil Russell said there was a lot of interesting material in the Report, for example, the connection between occupational health issues and aging workers. Kevin Fear said that the Group had examined demographic data for the Industry and it was clear that the proportion of aging workers was increasing and it appears that their fatality rate may be twice that of construction workers generally. Characteristics of these workers included: lower productivity but greater experience, a more fatalistic attitude to health and safety, and that they were more easily or more seriously injured than a younger person when involved in an accident.

7.6 Rob Miguel said that the BERR definition and worker vulnerability indicator show that employment rights are key, and he believed that financial considerations were often behind the denial of these rights. He asked what was going to be done and by whom. Responding, Philip said that with regard to work on health and safety of vulnerable workers, further lines of action will be conditioned by HSE's new Strategy and, possibly, the findings of Rita Donaghy's Inquiry. For the larger picture of employment rights, the work of the Government's Vulnerable Workers Forum should be kept in view.

7.7 Bill Rabbetts noted that weakened eyesight is a particular issue for older workers, and that this and other occupational health problems is likely to impact on their employment status. Employers should be careful when considering such issues not to limit older workers' induction, training and responsibility.

7.8 Richard Ash said that employment status should be regarded as an indicator but not as a driver. For example, it was easy to assume that agency or migrant workers, etc were less safe but this wasn't necessarily true. Companies in the ECIA-represented sector of the industry insist on direct contracts of employment even where labour is provided by an agency.

7.9 Philip concluded the discussion by recording his thanks to Kevin Fear and the members of the Vulnerable Workers Working Group.

8. CDM 2007 evaluation issues (Oral introduction by Anthony Lees, Secretary to CONIAC) [Paper M1/2009/3]

8.1 Philip asked Anthony to introduce this item.

8.2 Anthony said that very good support had been given to HSE by the CONIAC Working Group which had supported the development of the Construction (Design and Management)

Regulations 2007 (CDM 2007) and ACOP. Now, with HSE's review of the Construction (Design and Management) Regulations 2007 (CDM 2007) underway, it seemed appropriate to seek CONIAC's agreement to the establishment of a task and finish working group to support that work. He said that the proposed group would have an HSE Chair and Secretariat and would meet for the first time in early summer for introductions and to settle terms of reference. If CONIAC agreed to establish the group, the Secretariat would approach Members for nominations for persons to serve on it.

8.3 Kevin Fear queried whether the Chair of the group had to be someone from HSE. Richard Ash recalled that HSE had chaired the group which had developed the Regulations. Alan Muddiman commented that since everyone else was a stakeholder with particular interests it was appropriate that HSE should hold the Chair.

8.4 Philip recorded that CONIAC had agreed to the establishment of a working group to support HSE's evaluation of CDM 2007, and said that the Secretariat would write seeking nominations for membership.

ACTION: Secretariat to write to CONIAC Members requesting submission of nominations for members of a Working Group to support HSE's evaluation of CDM 2007.

9. CONIAC Workplan (Oral introduction by Anthony Lees, Secretary to CONIAC) [No paper]

9.1 Philip asked Anthony to introduce this item. Anthony said that the Workplan that had been sent out previously was a preliminary draft on which Members' views were now sought. The fact that the HSE Board had asked for a Workplan to be developed was perhaps a sign that it would decide to retain CONIAC.

9.2 Anthony asked Members to consider the Workplan, particularly with regard to possible omissions and in light of the new HSE Strategy, and then to submit, together with their comments/suggestions, an indication of their clearance of it by Easter. An updated version of the agreed Workplan would then be forwarded to the HSE Board for its consideration.

ACTION: CONIAC Members to consider the draft Workplan and to submit to the Secretariat an indication of their clearance of it, together with any comments, by 14 April 2009.

9.3 Peter Kent suggested that the Terms of Reference should clarify that membership of working groups was not limited to CONIAC Members. Anthony took this point and asked that Members bear with the incorrect dates, etc in the Terms of Reference as these would be corrected in due course. Louise Brearey asked Members to keep in mind the work of other fora, such as the SSIP Forum and the Strategic Forum's Health and Safety Task Group, and to comment on how they see CONIAC fitting in.

9.4 Philip stressed the importance of ensuring that the Workplan reflect the key themes in the new Strategy, and closed the discussion.

10. AOB

10.1 Philip began by drawing Members' attention to below-the-line paper **M1/2009/4**, which gave an update on the activities of the Working Groups. He then turned to the recent revelation of a 'blacklist' of construction workers which Rob Miguel, supported by other trade union representatives on CONIAC, had asked for a discussion of. He asked Rob to speak to the issue.

10.2 Rob said that HSE had shown a reluctance to involve itself with this issue. However, in his view the existence of a 'blacklist' could directly affect health and safety by, for example, targeting safety representatives, and by creating fear among workers. It was therefore bad for both morale and the safety culture on site.

10.3 Alan Ritchie said that in 1999 UCATT had approached the Government about suspected 'blacklisting' of safety representatives. Firm evidence had now emerged that major construction companies, for the purpose of vetting workers, were paying up to £40,000 for blacklist information that was not just work-related but extended to domestic matters as well. Such 'blacklisting' is likely to result in denial of work and have a major impact on health and safety representatives, and should be condemned by everyone who has the interests of the Industry at heart. It was one of the reasons for UCATT's campaign for roving safety representatives. He said that it was necessary to look further at protection of health and safety representatives whistle blowing on bad health and safety practices.

10.4 Bob Blackman said that he had been shocked and disappointed when looking at the list of construction companies connected with the 'blacklist'. Many of them were household names that his union had worked with for years. He mentioned that both his and Alan Ritchie's names appeared on the 'blacklist'. Many of the names on the 'blacklist' are of safety representatives and this will make it more difficult to recruit such people in the future. He hoped that clients would consider their relationship with contractors involved with the blacklist.

10.5 Paul Bussey said that such 'blacklisting' was not limited to site workers; in his view, there was a similar issue with architects being laid off. Philip said that HSE was also very disappointed to hear of this. While HSE did what it could within its remit, it should be recognised that the lead on the employment rights and data protection issues inherent in this matter properly lay elsewhere, for example with BERR and the Information Commissioner's Office. Where a worker had concerns about safety on site it was open to them to contact HSE in confidence. Philip concluded by noting that Michael Clapham MP had obtained an Adjournment Debate on this issue for the week commencing 23 March.

10.6 Clive Young took the opportunity to inform CONIAC Members that BERR and DIUS are carrying out a review of productivity and skills in the engineering construction industry. Information on the Review can be found at:
<http://www.berr.gov.uk/whatwedo/sectors/construction/review/page50583.html>,
and everyone is invited to feed in their views. He said that a press release had been prepared and asked the CONIAC Secretariat to copy it to Members.

ACTION: Secretariat to copy press release on BERR/DIUS Review of productivity and skills in engineering construction to Members.

11. Conclusion

11.1 Philip informed CONIAC Members that Cathy Kerby, known to them from her work with the CONIAC Secretariat, is retiring. He thanked Cathy for her considerable contributions over a number of years in Construction Policy Unit and other parts of HSE, and wished her well for the future. He introduced Andrew Maxey, who was taking over from Cathy.

11.2 Philip thanked everyone and concluded the meeting. The next meeting of CONIAC has been scheduled for Wednesday 22 July 2009.