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## **HEALTH AND SAFETY COMMISSION**

### **CONSTRUCTION INDUSTRY ADVISORY COMMITTEE (CONIAC)**

#### **Review of CONIAC Working Groups**

**A paper by the CONIAC Secretariat**

**Cleared by Stephen Williams**

**For discussion at CONIAC meeting, 27 November 2008**

#### **Summary**

- 1. This paper provides background for CONIAC members to allow a discussion of the work of CONIAC working groups**

#### **Issue**

2. Consideration of the role, effectiveness and constitution of CONIAC's working groups

#### **Timing**

3. Routine

#### **Recommendation**

4. That CONIAC notes this paper and discusses the issues it raises at paragraph 20, and provides feedback to CONIAC Secretariat on their views on the role, effectiveness and constitution of CONIAC's working groups

## Background

5. At its meeting on 25 June 2007, during discussion of the item on CONIAC's Workplan 2007 – 2008 (Items 7&8), Members expressed a wish to monitor more proactively the activities of its Working Groups (WGs)<sup>1</sup>. CONIAC also advised that: "All Working Groups should have 2-3 clear priorities which could be demonstrably delivered".

6. CONIAC is currently supported by the following WGs:

- Working Well Together Steering Group
- Occupational Health Working Group
- Safety Working Group;
- SME Working Group<sup>2</sup>; and
- Vulnerable Workers Working Group.

CONIAC had previously been supported by a CDM Guidance working group which is not currently active.

7. At its June 2008 meeting CONIAC considered a below-the-line paper (M2/2008/6) presenting a summary of the recent work of these working groups, and is attached as **Annex 1**. This paper also summarises the terms of reference for the WGs.

## Argument

8. CONIAC's current period of constitution ends at the end of 2008, and this presents an appropriate opportunity to undertake a review of various elements of the working groups which support it. Following the June 2008 CONIAC meeting, Chairs of the working groups were invited to provide further updates on their work to CONIAC Secretariat. These views have now been received.

9. The comments received from individual WG Chairs show a number of similarities, expressing as they do concerns about the governance of WGs and support for

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<sup>1</sup> June 2007's CONIAC meeting draft minutes record that "CONIAC should support WGs by taking on the role of a Programme Board: i.e. endorsing work programmes and monitoring progress. The latter would require Chairs to report at meetings as requested".

<sup>2</sup> The SME WG and the Vulnerable Workers Working Group were established following agreement at CONIAC's meeting 25 June 2007.

the flexibility and collaborative nature of the groups. The comments below reflect these themes and the views of CONIAC Secretariat.

### **Organisation of WG meetings**

10. All WGs commented that they and their members valued highly the flexible and collaborative way in which the diverse membership of the groups allowed them to work, and that tripartism, as is the case with CONIAC itself, is a valuable feature of the groups. The ability of the members of the groups to consult with those that their own organisations represent was felt to be a particular strength.
11. The groups have also acted as a forum in which members, on behalf of the organisations they represent, have offered practical support to initiatives in partnership with HSE. Historically they have also played an important role in developing (and sometimes publishing) guidance in partnership with HSE.
12. HSE has provided a Secretariat function to the meetings, but the resource to do so has not been centralised. Instead, separate support has been provided from within various Sector and Policy teams within Construction Division. This has resulted in gaps in support when, on occasions, resource to fulfill this role has been scarce. The efficiency of this arrangement could doubtless be improved.
13. Ideally the scheduling of WG meetings would allow for timely feedback to CONIAC. In practice, scheduling meetings in this way remains largely an aspiration.

### **Governance of WGs**

14. Whilst CONIAC agreed terms of reference for all working groups following the November 2007 meeting, there has been some variation in the degree to which working groups have followed these, and in the frequency at which they have met.
15. Similarly, the degrees to which the groups have worked to deliver a clear programme of work in support of CONIAC's wider aims, and to which they have kept CONIAC routinely informed of their work are variable. A frequently expressed concern has been the effectiveness with which the groups have worked as a de-

livery mechanism rather than a discussion forum, and it is felt that in some cases there may be a lack of clarity of the role of the groups which has resulted in open-ended constitution.

16. Individual WGs have reported that the confusion this gives rise to is compounded by the existence of other WGs whose work is not reported to them. Regardless of whether the mechanism is through CONIAC or not, it has been suggested that it would be beneficial for WG Chairs to meet, if only infrequently, to assist in setting clear plans of work which do not significantly overlap

17. Moreover, CONIAC does not exist in isolation; its WGs should also be considered in the context of other working groups established by other industry-led for a, such as those supporting the Strategic Forum for Construction's (SFfC) Health and Safety Task Group.

18. A clear theme in the feedback received from individual WGs is the suggestion that clearer direction by CONIAC and a generally more formalised governance of WGs may assist in addressing these concerns.

19. However, it is recognized that more formalised governance may give rise to a greater degree of bureaucracy in the management of CONIAC WGs. WG Chairs have recognized that that the lack of bureaucracy in the way the WGs have operated has been beneficial.

20. CONIAC members are therefore invited to consider the observations above. Members are also invite to discuss a number of issues relating to the work and constitution of its working groups and provide feedback to CONIAC Secretariat, to assist in the development of the new CONIAC work plan. In particular, views are sought on the following matters

**a. Organisation of meetings**

- Timing of meetings
- Provision of Secretariat support
- Availability of minutes and action notes

- Role as a delivery as distinct from a discussion forum

**b. Governance of meetings and accountabilities**

- Adequacy and clarity of terms of reference;
- The need for time-bound delivery plans;
- Accountability to and direction from CONIAC;
- The scope for publishing and sharing WG minutes and actions
- Communication between WG Chairs, and oversight of the work of other non-CONIAC fora
- Membership of WGs
- The need to keep existing WGs and the need for new ones under review, and the mechanism by which this should be achieved

**Consultation**

21. WG Chairs have been consulted on their views.

**Action**

22. CONIAC members are asked to express their views at the meeting, and submit any further view to CONIAC Secretariat

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## HEALTH AND SAFETY EXECUTIVE

### CONSTRUCTION INDUSTRY ADVISORY COMMITTEE (CONIAC)

#### Review of recent activities of CONIAC's Sub-Groups

#### Summary

This paper is for information only.

It summarises the activities carried out by CONIAC sub-groups for the period March 2008 to June 2008.

#### Issue

1.Update for CONIAC of sub-group activities.

#### Timing

2.Routine

#### Recommendation

3.That CONIAC Members note the activities of the sub-groups.

#### Background

4.CONIAC has asked to be kept informed of the work of its sub-groups. Currently these comprise the following:

- Working Well Together Steering Group (WWT WG)
- Occupational Health Working Group (OH WG)
- Safety Working Group (Safety WG)
- SME Working Group (SME WG)
- Vulnerable Workers Working Group (VW WG)

5.Updating information for each of the above is set out in the Annex to this paper.

#### Consultation

6.Chairs of Working Groups have contributed to and agreed this paper.

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**CONIAC Working Groups: Update on activities undertaken from March to June 2008**

**Working Well Together Steering Group (WWT WG)**

Background

The aim of the Campaign is to provide an opportunity for all with an interest in construction health and safety to work together to provide support to micro and small construction businesses to improve their health and safety performance.

The key success of the WWT Campaign remains the leadership and commitment given by a relatively small number of individuals, in particular the regional chairs and committee members. CONIAC's WWT Steering Group is chaired by HSE and the Secretariat is provided by HSE's WWT Campaign Manager. Its objectives are to:

- provide an opportunity for the chair's of WWT Regional Groups and key stakeholders to discuss and debate priority issues and resourcing for the WWT Campaign;
- discuss and develop more effective initiatives and ways of working to support micro and small construction businesses to improve their health and safety performance;
- ensure that WWT activities target the key causes of occupational ill-health and fatal and other causes of injuries ; and
- provide an opportunity for sharing good practice and knowledge.

Activities undertaken during 2008/09 to date

- The Steering Group met on 8th April 2008 in Birmingham. The purpose of the meeting was to review last year's programme of work, share good practice and agree priority areas of work the this year. A presentation was given from the findings of the recent WWT review carried out by an external company, "Discovery". The report was well received and a meeting has been set up for early June to look at how we can take the recommendations forward.
- The only activities undertaken so far are a joint event with the ODA in London, (this targeted local SMEs with the purpose of informing them what they need to do to get on the tender list. The plan is then to offer H&S training events to help bring them up to the required competency levels), a series of Builders Merchants events and a 4-week White Van Roadshow across South Wales.

Planned activities

- The network of Regional Groups continues at 17.
- To date we have a further 12 SHAD type events planned, 2 White Van Roadshows and 1 Designer Awareness Days. Other events will come on stream once groups have finalised their planning and funding has been agreed with HSE.
- The WWT team continue to work with WWT Groups to trial new ways of engaging with the micros SMEs, the hard to reach.

- The WWT website is being completely revamped this year, with relaunch planned for the Autumn. Work is currently underway with the Anglia Group to pilot new Regional Group pages.
- This year WWT is sponsoring Building Magazine's Small Firms Award at their Health and Safety Awards Dinner on 17 June. Talks are progressing with Constructing Excellence as a possible partner to host the WWT Campaign Award next year.

## **Occupational Health Working Group (OH WG)**

### Background

The OH WG's terms of reference are to provide "a forum in which health risks common to the construction industry can be identified and ways found for removing and minimizing them. The Group contributes to projects to increase the awareness of occupational health issues and sets an agenda for change in the industry."

### Current programme of work

This includes:

- work to promulgate and promote the Construction Occupational Health Management Essentials (COHME) web-based guidance - WG Members have agreed to speak at promotional events and to focus on COHME at events in their parts of the construction sector;
- support for the Construction Sector Supply chain project - WG Members will work with supply chain co-ordinators to take forward work on manual handling of panel products and drainage products, to develop further the work on kerb and paving handling and to begin a further strand of work on dermatitis in tillers;
- review and sourcing of good practice case studies on occupational health from member organisations. The OH WG has provided useful feedback on draft case studies and has agreed to source further examples; and
- the OH WG is providing excellent information and feedback to other HSE programmes, eg on the silica and asbestos work of the Disease Reduction Programme and the noise and vibration work of the Injuries Reduction Programme, who see them as an essential first point of call for accessing the views of construction stakeholders.

There have been no meetings of the OH WG since the last report to CONIAC.

## **Safety Working Group (Safety WG)**

### Terms of Reference

To contribute to a year on year reduction in the rate of injuries to workers in the construction industry by:

- providing support and a consultation mechanism for the safety-elements of the work plan being taken forward through the Construction Programme;
- assisting in evaluations initiatives and providing feedback to HSE;

- sharing best practice and identifying successful initiatives;
- identifying areas where safety initiatives are needed or where existing initiatives have not achieved the desired outcome.

#### Programme of Work

- Contributing to 2008/09 planning and priorities;
- support of the Construction Programme's safety projects;
- further consideration of major accident potential;
- support for and information-sharing on specific safety topics e.g. tower cranes, quick hitches on excavators, emerging issues;
- feedback on HSE's Campaign "Falls From Vehicles" ;
- feedback on Construction Division's inspection initiative on refurbishment, falls and good order;
- continuing support for the "Shattered Lives" campaign;
- consideration of trends in underlying causes of fatal accidents.

#### Activities undertaken since report to CONIAC's meeting 4 March 2008

The group met on 19 February 2008 and will meet again 17 June and 21 October 2008.

#### 19 Feb 2008 Meeting

- Heard an update on the Shattered Lives Campaign and members undertook to promote the campaign.
- Heard a description of the Good Order inspection/enforcement campaign in refurbishment during February and was advised that the main CONIAC meeting on 4 March would be provided with results.
- Was provided with an update of the work being done on tower cranes by both the industry (particularly the Strategic Forum for Construction's tower crane group) and HSE. The working group was appraised of the guidance currently in preparation on range of topics including site induction, competence and maintenance inspection and thorough examination.
- Received initial feedback about sharing details of the causes of fatal accidents. There was a discussion about the specific information which group members sought. HSE's current information systems do not permit easy preparation of such material but the group agreed to take a paper on what might be possible at the meeting in June. In the meantime group members were directed to HSE's published Construction Industry intelligence report which at least identifies trends.
- Received feedback on the Falls from Vehicles campaign and were very supportive of the work – it had had an effect beyond raising awareness and was leading to improved controls. The members were encouraged to continue supplying case studies to HSE to expand the examples available on our web site.
- Agreed that a paper should be prepared for the June meeting on major accident potential – this will be remitted to the October meeting as we HSE is now out-sourcing this work.
- Heard an outline of the HSE field delivery plan for 2008 – 9. Members were supportive of the plan. One commented that the outcomes listed were not SMART – HSE welcomed ideas from group members about how to improve.

- Discussed controls on mobile elevating work platforms (mewps) and action being undertaken to prevent their inadvertent operation and involvement in crushing accidents. The industry is taking this work forward at the moment. HSE is publishing a Construction Information Sheet on managing mewps which will touch on the subject but not cover in any great detail.

#### 17 June 2008 Meeting will

- Take a paper on information about accident causes
- Hear update on cranes guidance
- Hear update on fatal accidents so far this year
- Hear update on the work relating to quick couplers
- Be asked to remit the major accident potential work to 21 Oct meeting 2008
- Hear formal feedback on February Good order campaign
- Discuss the Wirral scaffolding protocol
- Discuss collective protection on scaffolds
- Be asked to consider what specific issues should be included in 2009 – 10 work plans of a) the working group b) HSE inspectors field work c) nationally guided work including research

### **SME Working Group (SME WG)**

#### Terms of Reference

To help HSE's Construction Division develop and deliver a strategy for improving health and safety performance in construction SMEs.

To take ownership of identified problems and lead in delivering them in partnership with HSE's Construction Division.

#### Programme of Work

Key priorities are:

- To undertake a mapping exercise of SME-related initiatives already underway or which have been tried; including feedback on their impact, i.e. what has worked and what has not;
- To identify gaps in SME coverage and consider how these might be addressed by the industry; and
- To make recommendations to CONIAC for future industry action to address construction SME health and safety issues.

#### Activities undertaken since the WG's report to CONIAC's meeting 4 March 2008<sup>3</sup>

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<sup>3</sup> This report covered developments and discussions arising from the WG's meetings of 9 October 2007 (its inaugural meeting) and 31 January 2008. These included the WG's agreement to gather information on SME-related initiatives in order to facilitate making recommendations on how construction SME health and safety issues should be addressed (see Programme of Work) and that the WG was to consider how individuals, organisations and stakeholders could usefully contribute to the work of the Group and the Programme of work.

The WG has continued to develop the mapping document of SME-related initiatives. At its meeting on 11 April 2008 the WG:

- welcomed Shirley Williams (HSE) who was soon to start a six-month construction SME project with Construction Division;
- had two useful presentations: (i) providing an overview of current HSE/wider government thinking on SMEs and a forward look from Tony Bandle (Head of HSE's Business Involvement Unit) and (ii) an update on the Local Authority Construction Engagement (LACE<sup>4</sup>) project from Mike Harrison (HSE: Project Manager);
- discussed the mapping document (which it agreed was virtually completed) and a number of issues which might feed into its final recommendations to CONIAC including provision of SME-related electronic material; developments with WWT; external contributors to the WG, pre-qualification;
- noted that its Terms of Reference required a final report on its work to be given to CONIAC's meeting in November 2008. The report would include feedback on SME-related initiatives (contained in the mapping document), the identification of gaps in SME initiatives (e.g. those relating to clients) and recommendations. The next meeting, scheduled for 13 June 2008, would largely be devoted to discussing the content of the Report which was to be finalised in subsequent weeks;
- agreed to invite (i) a representative of the Builders' Merchants Federation and (ii) Andrew Owst (General Manager of the Building Safety Group) to its meeting on 13 June 2008.

To date, the WG has agreed to make the following three recommendations to CONIAC:

**1)Workers' Safety Advisers (WSAs).** Recommendation: that the Committee support funding for the WSA project which the WG supported in principle<sup>5</sup>;

**2)Director's guidance for construction SMEs:** Recommendation: that Directors' guidance be produced specifically for construction SMEs. The WG agreed that the IoD/HSC Director's Guidance: "*Leading health and safety at work – Leadership actions for Directors and Board Members*" - was too high level to be of practical use or relevance to construction SMEs. The WG suggests that the construction guidance might be drafted by CONIAC's CDM Industry Guidance Group.

**3)RoSPA's work on SMEs:** RoSPA's National Occupational Safety and Health Committee is currently researching into occupational safety and health assistance in SMEs – reports can be found ROSPA's website at

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<sup>4</sup> Local Authorities (LAs) have a considerable potential influence on and interest in construction. The LACE Project was established to identify how this interest and influence can be harnessed to help improve standards of health and safety in construction. Potentially, LACE is very wide-ranging with all aspects of LA involvement in construction in scope.

<sup>5</sup> The WG recognised that HSE was not in a position to support funding for WSA since HSE's 2004-2007 WSA initiative was discontinued because it would have been very expensive to roll out more widely and the benefits generally would be unlikely to justify the costs.

<http://www.rosopa.com/occupationsafety/sme/index.htm> The WG recommends this work to CONIAC.

## **Vulnerable Workers Working Group (VW WG)**

### Terms of Reference

The Group aims to help Construction division develop and deliver a strategy for improving the health and safety protection afforded to vulnerable workers.

The group has identified three categories of vulnerable workers, young workers on work experience, the older worker and foreign/migrant workers. In developing recommendations to present to the main CONIAC Committee, the group will aim to:

- a. Make clear through examination of the evidence base, the extent to which each group may be considered to be vulnerable
- b. Make recommendations which aim to increase workers own awareness and capacity to protect themselves
- c. Make recommendations which identify messages or specific interventions to reduce the risks of vulnerable workers being denied their employment rights
- d. Make recommendations which support and work with other stakeholders to improve the impact of their work

### Progress Update

Young Apprentices on Work Experience – The group is monitoring the progress made by a separate working group (consisting of representatives from HSE, LSC and Construction Skills) which has been meeting to develop guidance for employers in Construction who are considering providing up to 50 days work experience for 14-16 year old Young Apprentices as part of their school based curriculum. From September 2008 there will be over 2,000 schoolchildren on the Young Apprentices programme, for Construction.

Older workers – the group will receive a presentation from Loughborough University at its meeting on June 16<sup>th</sup> on this topic. This will include an analysis of the quantitative data available from examination of a number of data sources, including data supplied by Construction Skills.

Foreign Migrant Workers – The group is pursuing the following work streams under this heading

- a. An examination of fatal accident data held by Construction Division, and industry data, to determine whether foreign/migrant workers involved in fatal accidents are vulnerable, using the BERR definition of vulnerability, and to make recommendations on new preventive strategies.
- b. Working through the stakeholders represented on the group to identify whether a Code of Practice or similar can be proposed which will raise stan-

dards of health and safety protection for agency workers. The Group has noted with interest the initiative by HVCA to set up the Building Services Engineering Employment Agency Alliance.

- c. An assessment of existing guidance provided for employers who engage foreign/migrant workers, to identify whether there is a need for new guidance.
- d. Monitoring the work of stakeholders who are carrying out research into issues of language and supervision of non English speaking workers.
- e. Supporting the work of the Migrant Workers Task Force of the Institution of Civil Engineers in its development of a web portal, to facilitate access to information to foreign/migrant workers.