

**MINUTES OF CONIAC MEETING – M1/2005
HELD ON THURSDAY 31st March 2005
AT ROSE COURT, LONDON**

Present:

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| Kevin Myers – Chair | Peter Kent |
| Bill Belshaw | Michael McDermott |
| Bob Blackman | Bill Rabbetts |
| Malcolm Bonnett | Alan Ritchie |
| Dennis Hands | Philip Russell |
| Paul Hayward | Andy Sneddon |
| Clive Johnson | Gordon Crick – Secretary, HSE |
| John Jutson | Philip White - Construction Sector, HSE |

Apologies

- Tim Gough
- Frazer Clement
- Tom Mellish
- Chris Tisi
- Neil Moore
- John Ioannou
- Chris Morley

In attendance:

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| Simon Pilling | Construction Division |
| Stephen Wright | Construction Division |
| Cathy Kerby | Construction Division |
| Shelley Atkinson-Frost | Construction Division |

Item 1 Welcome and Introductions

1.1 Kevin Myers welcomed members to the meeting and congratulated Alan Ritchie on his appointment as General Secretary of UCATT.

Item 2 Chair's Introduction and briefing

2.1 Kevin Myers deferred briefing members on the new Work at Height Regulations and the RIDDOR Review to the end of the meeting.

Item 3 Review of 2005 Construction Summit Paper M1/2005/1

3.1 Simon Pilling presented this paper to the meeting. He explained that the paper provided a broad overview of the arrangements for the event, but did not attempt to capture the content of the presentations at the Summit. Feedback to HSE on the way the Summit was organised and managed was positive, as was the media coverage of the event. The intention is to pass the baton onto the Strategic Forum to continue to promote the new initiatives launched at the Summit as well as the Respect for People Code of Practice.

3.2 Simon Pilling concluded his presentation by demonstrating the Summit web pages on the HSE Website, and stating that one more meeting of the Strategic Forum/ CONIAC ad hoc Working Group will be held in April to review the process and outcome of the Summit to identify any useful learning points.

3.3 The Chair invited comments on the Summit. Members made the following points:

3.3.1 The Summit has been generally well received by the industry, perceived as being well structured, well managed and as communicating a good positive message. The substantive messages from the Summit now need to be followed up. The zero tolerance emphasis put forward at the Summit was endorsed as a constructive approach. It was noted that this emphasis was entirely absent from the Summit in 2001, and was in itself evidence of a culture change in the industry.

3.3.2 The Unions welcomed the Worker Engagement Initiative as part of the Summit. A view was put forward that the Unions need to develop a list or database of Safety Representatives active in the Construction Industry, to assist employers. Workforce engagement is a priority for the industry, in particular in relation to the self-employed. The terminology used to describe the ways in which workers are represented or consulted under the different Regulations can be confusing for the industry.

3.3.3 The Respect for People Code of Practice contains very good outline principles to guide the industry, but there is a need to drill down to detailed action to create measurable targets for SME's. The process needs to result in challenges being presented to SME's to take action.

3.3.4 Concerns were expressed by members that places at the Summit had been limited, and some delegates left the event before the end. There was a view that the Summit gave insufficient emphasis to messages targeted at SME's, preaching too much to the converted. The question was raised about the timing of the summit, with a view expressed that a summit should be held every two years.

3.3.5 A member noted that improved standards seen since the first Summit in 2001 were due to improved standards of worker involvement in health and safety management. However given the level of bogus self-employment there was a question about what the statistics were telling us.

3.4 Kevin Myers responded with the following points:

- It was proposed to write to all delegates who attended to thank them and to request further feedback.
- Although the event was not targeted at SME's the significance of influencing the SME's in construction was part of the Summit planning. The intended mechanism was through cascading information, awareness and action through the supply chains of the 200 or so major organisations represented at the event.
- The industry now needs to take control of the agenda. The Strategic Forum has an important role in following up the Summit.
- In measuring the progress of the industry it is important to focus on rates of accidents rather than headline numbers. This reflected employment levels. If

there was an under estimation of the number of self-employed this would make the rates better not worse.

3.5 Paul Hayward reported that the ABI would be hosting an event for The Strategic Forum Joint Construction Insurance Group in the autumn. The Respect for People Code of Practice would be a key document for this event.

Action Point 1 Simon Pilling to organise a final meeting of the ad hoc CONIAC Summit 2005 group in April, to review the outcomes of the Summit and record lessons learned for future events

Action Point 2 Kevin Myers to write to all Summit attendees in the next few days to thank them for attending and to promote further feedback through the Summit validation sheet.

Action Point 3 CONIAC Secretariat to organise a contribution from HSE to promote the Respect for People Code of Practice at the planned Strategic Forum Joint Construction/Insurance Group conference in the autumn.

Item 4 Brief Review of the Activities of CONIAC sub Groups April 2004 – March 2005 Paper M3/2004/2

4.1 Gordon Crick presented this paper, outlining the achievements of the six CONIAC sub groups constituted by the committee in April 2004. He noted the large number of people who make up the sub groups membership, and thanked them all on behalf of CONIAC for their efforts.

4.1.1 The Working Well Together Steering Group has been effective in promoting the campaign in the last year. The paper described the range of activities organised and looked forward to some new initiatives planned for this year. The Worker Engagement Working Party has developed the CONIAC Declaration on Engaging the Workforce, and provided input to the Construction Division Worker Engagement Initiative. The Occupational Health Working Party has been active in developing the Occupational Health Management Model and in supporting Constructing Better Health, and the Kerb Handling initiative. The new Safety Working Party has begun work providing input to guidance on the new Work at Height Regulations. The one sub group, which has not met, is the Designer Working party. This will become active as new arrangements within the Construction Division to progress work with designers take effect.

4.2 In commenting on the paper members expressed concern that the Designer Working Party has not met, in view of the importance of reaching this community to promote health and safety. Members pointed out that SEC had not got a representative on the Designer Working Party, and that CITB were not represented on several key sub groups.

Action Point 4. Members to note the current membership of the sub Groups, set out in an Appendix to the paper.

Action Point 5. SEC to put forward a nomination to participate in the Designer Working Group.

Action Point 6. Secretariat to consult with CITB on the proposal to increase CITB participation in sub groups.

Item 5 The Consultation Process for the new CDM Regulations

M1/2005/3

5.1 Stephen Wright presented this paper to the Committee. The Consultation Document was launched the same day as CONIAC met. The text is available on the HSE website, <http://consultations.hse.gov.uk/consult.ti/conregs/consultationHome>. Hard copies of the Consultation Document will be sent to CONIAC members and to CDM Revision Working Group Members. Responses to the document can be made online through the website, or as hard copy submissions using the questionnaire at the end of the Consultation Document. The consultation period finishes on 29th July 2005.

5.2 To strengthen the Consultation process HSE is developing a programme of meetings in June, to take place around Great Britain with Constructing Excellence, CITB and other parties. This is expected to involve about 20 local meetings where people will be able to find out more about the proposals and to discuss them. Details of the venues and dates will be posted on the HSE website as they become available.

5.3 Stephen Wright asked members if the existing CDM Regulations Review Working Party should be reconvened after the consultation to take forward the task of considering the responses and developing a final draft of the Regulations, or if any change in membership was needed to properly represent the industry. Also, in considering their responses to the CD, members were urged to consider how to deliver the cultural changes needed to make the Regulations more effective in practice.

5.4 Members responded with the following points:

- There was agreement that the Working Party should continue with its current membership.
- Several of the trade associations represented agreed to use their Regional structures to promote the consultation process and ensure feedback to HSE.
- The results of the consultation need to be presented to the industry in a clear and transparent way.
- Groups who present a collective response should ensure that this is made clear in the response. This will allow HSE to take into account the work put into a collective return.

Action Point 7. The CDM Regulations Review Working Party will be retained with its current membership to consider the outcome from the Consultation process.

Action Point 8. All members agreed to promote the consultation process, and to respond to the Consultation Document, either directly online or through a return from an intermediary body.

Action Point 9. In responding to the CD members are asked to consider the big picture, as well as the detailed proposals. Particularly the purpose of the Regulations to improve management of health and safety in general.

Item 6**The New Occupational Health Management Model****M1/2005/4**

6.1 Shelley Atkinson-Frost gave a PowerPoint Presentation of the new Occupational Health Management Model (OHMM) that has been developed by HSE's Construction Sector in consultation with stakeholders. The OHMM is aimed primarily at employers, to provide guidance on the range of occupational health problems encountered in construction, taking into account the need to develop policy, identify specific risks, eliminate those risks where possible, identify who is at risk and manage the risks that cannot be eliminated.

6.2 The Model itself is based on a tree structure, guiding the user to core information, information relating to safety critical workers and specific in depth information on individual health issues. Information on the management of risks is set out under the headings Entry Health Checks, Risk Control, Ongoing Health Checks and Back to Work. A copy of the PowerPoint slides is attached to these minutes (Appendix 1).

6.3 It is proposed to begin a six-month pilot of the OHMM from 1st April 2005. The pilot will introduce the OHMM to industry and evaluate its content, scope and effectiveness, as well as, structure and ease of use. Companies are being sought to assist with the Pilot Study, in particular small or medium sized businesses. These will be provided with help and support from HSE during the Pilot period.

6.4 Members, who commented on the structure of the model, warmly welcomed the presentation, the helpful structure of the model and fact that information included examples of policy documents to guide users. In discussion the following points were made:

- Stress is included in the model and incorporates HSE's Stress Management Standards. A twelve-month research study will start on 1st April to establish the prevalence of stress within the construction industry.
- Trade Unions and Safety Representatives should have a larger role in the model as sources of advice and support for individual workers.
- The model tries to make it clear that in identifying existing health conditions of workers, employers must not use this information with the intention to preclude workers from future work.
- The Model includes signposts to further sources of professional help and guidance.
- This will be a useful tool to supplement the work being done by insurance companies and others to promote active rehabilitation of workers after injury or ill health.
- It was important that SME's should pilot the model.
- Trade Union members present offered to help with the Pilot Scheme.

Action Point 10 Members representing constituencies of SME's (e.g. SEC, ECIA, FMB, NFB, etc) to contact Shelley Atkinson-Frost, to coordinate participation of groups of 10-20 members each, in the OHMM Pilot.

Action Point 11 Trade Union members to contact Shelley Atkinson-Frost to suggest ways in which Unions and workers input can be better incorporated into the model.

Item 6**Approval of last meetings minutes and Any Other Business**

7.1 Members approved the Minutes of the meeting held on 18th November 2004.

7.2 Bill Rabetts reported on preliminary discussions he had with Paul Hayward following the paper presented at the last CONIAC meeting. Bill sought the agreement of CONIAC to take forward work to assess the potential to reduce in number and improve in quality the schemes available to clients that report organisations' health and safety competence. The aim of this work is to reduce the time contractors have to spend on demonstrating their competence, therefore releasing resources that improve the provision for health and safety on site. Other members expressed interest in this work and highlighted relevant research being taken forward in this area by HSE.

7.3 Gordon Crick reported to members that a bilateral meeting between HSE and ABI had been held on 7th February, to discuss their respective Research agendas. This confirmed that ABI and HSE had research interests in common, and found some immediate benefits in agreeing to share some emerging findings from the respective research programmes. One action agreed was to explore the possibility of ABI/HSE taking forward jointly funded research to identify and analyse those elements of risk management which result in the best construction projects in the UK operating with accident rates less than half the industry average.

7.4 The Chair informed members of progress with the RIDDOR Review. The Commission discussed this matter on 8th March. A discussion document has been published online, on 31st March. See <http://www.hse.gov.uk/consult/disdocs/riddorrd.htm>. The discussion document is designed to promote wide-ranging responses; it does not contain specific proposals to alter the Regulations at this stage. The discussion document raises the following main issues:

- Whether to use RIDDOR as a trial for alternative penalties to prosecution, such as fixed penalty notices;
- Improving the link between RIDDOR reporting and improved H&S, avoiding getting bogged down in detail of the RIDDOR process
- Disconnecting the collection of statistics from the notification requirement;
- Consider removing the requirement for reporting occupational disease, DOs and major injuries;
- Consider extending cover to work-related RTAs.

Members expressed interest in meeting before the end of the discussion period to formulate a joint CONIAC response to this discussion document.

7.5 The Chair briefly reported on the progress of producing guidance to support the new Work at Height Regulations. The Regulations had been signed by the Minister and are due to come into force on 6th April 2005. Guidance will be produced in the form of a plain English guide, a sector specific Q&A briefing on the HSE Website, <http://www.hse.gov.uk/construction/pdf/fallsqa.pdf>, and updated guidance to be included in HSG 150, Health and Safety in Construction.

7.6 A member commented on the effectiveness of Trade Union Involvement in the Site Safe Scotland project, which has produced a new site induction package for contractors, and on the achievement of BP at their Grangemouth refinery, recently clocking up 10 million work hours without a lost time accident.

7.7 The Chair gratefully accepted an offer by the Trade Union members to report back to a future meeting of CONIAC on the contribution that the Unions and their Safety Representatives in particular, are making to improving health and safety standards in the construction industry. This report could be accompanied by a report on the outcomes of the first year of the Worker Safety Advisor pilot projects.

Action Point 12 The Minutes of the CONIAC Meeting M3-2004, held on 18th November 2004 were approved.

Action Point 13 CONIAC members agreed that Bill Rabbetts and Paul Hayward should take forward their proposed work on assessing the competence of organisations, in discussion with Bill Belshaw, representing SEC and John Carpenter, who is carrying out relevant research for HSE.

Action Point 14 Members are asked to consider the attached RIDDOR Discussion Document, and respond to Gordon Crick, within 21 days, if they wish to convene a one off ad hoc meeting of interested CONIAC members to put forward a unified response to this DD from CONIAC. The likely date for such a meeting will be w/c 6th or 13th June.

Dates of next CONIAC meetings

**21st July 2005
24th Nov 2005**