

Offshore Industry Advisory Committee		OIAC/MIN/3/2014	
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Minutes of the Offshore Industry Advisory Committee Meeting held on 28th October 2014 at Lord Cullen House, Aberdeen

Present:-

Chairman Tony Hetherington HSE, Secretariat Mike Readitt HSE, Jim Neilson HSE, James Munro HSE, Nick Woollacott DECC, Richard Nevinson BROA, Jane Bugler IMCA, Ian Russell COTA, Tom Milne O&GUK, Jamieson Amott Step Change, Paul Wilkins MCA, Jake Molloy RMT, John Atkinson IADC, Bill Noble Bureau Veritas, Jim McCormack ABS and Lawrence Cowley Lloyds Register

1. Introductions

- 1.1 The new Chairman introduced himself and welcomed everyone to the meeting, particularly Bill Noble the new representative from Bureau Veritas, and Tom Milne, Lawrence Cowley, Jamieson Amott and John Atkinson who were all deputising.

Apologies

- 1.2 These had been received from, Robert Paterson Oil & Gas UK, Dave Walker OCA, Les Linklater Step Change, John Taylor Unite, Allan Graveson (Nautilus International), Ian Mackay Lloyds Register and Ian Tasker STUC.

Outstanding Actions from previous meetings

- 1.3 The following Actions were recorded as cleared / still outstanding:-

Action 1 March 14, Cleared	MCA to report to OIAC the key changes to the HSE / MCA MoU at the October 2014 meeting. (See agenda item 6)
Action 2 March 14, Cleared	26 th June 14, the Chairman wrote to WEST requesting they now take forward the Select Committee's recommendation to address intimidation and bullying.
Action 3 March 14, Cleared	8 th May 14. Jim Neilson circulated to members the draft EU Offshore Directive public consultation document for comment.

Action 4 March 2014, Ongoing Jim Neilson to prepare a discussion paper on the proposals for OIAC fulfilling the role of the UK's tripartite body.

1.4 It was reported that both DECC and HSE are still analysing the feedback from the Directive public consultation in relation to OIAC fulfilling this role. It was considered premature at this point in time to produce a discussion paper without fully considering each response. Members agreed for this paper to be produced and debated at the March 2015 meeting.

Action 5 March 2014, Cleared 27th June 14, Oil & Gas UK issued to members feedback on the outcomes of their meeting held on 20th March with the CAA regarding 'Helicopter Operations' on the UKCS.

Action 6 March 2014, Cleared The Helideck Liaison Group (HLG) to seek approval of their revised 'terms of reference' at the Oct. 14 meeting and update members on their work activities.

1.5 The Chairman confirmed the HLG's revised Terms of Reference had been circulated during August and subsequently agreed via correspondence.

Minutes from the meeting held on 18th March 2014

1.6 The minutes of the last meeting were cleared by correspondence following minor amendments to agenda item 4 covering the Civil Aviation Authority (CAA) Report. They were subsequently revised and placed on HSE's OIAC web site.

2. EU Offshore Directive post consultation update

2.1 Jim Neilson reported that both DECC and HSE had been pleased to receive 65 replies from a wide range of offshore sectors to this public consultation. He confirmed that the data and information presented today provided the latest position in the analysis of the feedback. However, there remained a number of areas where DECC and HSE are still considering the legal, legislative and technical implications, particularly in relation to the Competent Authority, Multi operatorship, Internal emergency response arrangements and Transitional arrangements. It was confirmed that every reply received has been considered when compiling this update. A copy of the presentation can be found at Annex 1.

2.2 The following are some of the key points from the presentation;

- 79% of respondents did not support the Competent Authority partnership proposal. DECC and HSE are now considering the best way forward.
- There was strong support for the proposal to retain the existing Major Accident Hazard definition 'gold plating' elements.

- The majority of respondents did not support the proposed 'single operator' model. It was reported that work was well underway on a 'multi operator' approach that would meet the Directives requirements.
- Analysis indicated a high level of support for gas storage to be removed from the definition of offshore installation and the development of a specific regulatory framework to cover this activity is more appropriate.
- 61% of respondents supported the approach to including environmental information within the Safety Case.
- 96% of respondents agreed with the extension of the verification scheme in the new Safety Case Regulations to cover Safety, Environmental Critical Elements.
- 93% of respondents supported the proposal for OIAC to undertake the 'tripartite body' role defined in the Directive.

2.3 There followed a brief discussion on the proposal for OIAC to be re-defined to fulfil the role of the 'tripartite body'. There were views that should OIAC become this 'new body', it would need to be more dynamic to deliver real health and safety and environmental benefits to the industry. For example it could be more strategic and members could have a greater role in communicating messages across industry. Finally, consideration should be given for OIAC to use the expertise and knowledge within existing associations, forums, bodies etc. to take forward activities on their behalf.

Action 1 Oct. 14

All members to consider how they can contribute to taking forward messages to industry and fulfil the role of the 'tripartite body'. Views on this, the future membership, Terms of Reference etc. are requested to be provided to Jim Neilson by 31st December 14.

2.4 Members confirmed that when the new 2015 Safety Case Guidance document is available for comment, they would prefer to review this via correspondence with HSE rather than organising a 'special' OIAC meeting.

3. Workforce Engagement Support Team (WEST) Report

3.1 The joint Chair of WEST, Jake Molloy, provided members with an informative overview of the work and activities this new group had been undertaking over the last year. Members were informed that WEST now operated 3 sub-groups who are focussing their efforts on training for Elected Safety Reps, delivering Workforce Events and promoting the Engagement Toolkit. All of these work themes had been promoted through the 'Teashack News' publication and the new website. Further detail can be found in the WEST presentation, see Annex 2.

Intimidation & Bullying – Just Culture proposals

- 3.2 Jake Molloy reported that whilst engagement with the workforce on this subject had taken place previously (through the Workforce Involvement / Engagement Groups) and more recently this year through WEST, due to the complexities, sensitivities and differences in company procedures, any real proposals were proving difficult to develop. However, there was a common view that allegations of ‘intimidation and bullying’ often arose from the perception of an individual to the circumstances of a minor event or issue and the subsequent action taken.
- 3.3 To highlight the issue, Jake provided members with the brief details of a ‘case study’ of reported intimidation, where a member of the workforce had felt bullied over a minor incident where it has been reported that they had not closed a door behind them. Members expressed views that the industry collectively needed greater standardisation and commonality in their practices and approach to conventional health and safety matters.
- 3.4 It was agreed that WEST would continue its research into intimidation and bullying by considering further case studies to gather evidence with a view to developing high level best practice principles that can be shared and used across the industry.

Action 2 Oct. 14

West are to continue to develop best practice principles that can be adopted by industry to address intimidation and bullying. Update OIAC at the March 2015 meeting.

4. Step Change Update

- 4.1 The work being currently undertaken by Step Change was presented by Jamieson Amott, a summary of the key activities are as follows;
- a) The Helicopter Safety Steering Group continues work on the minor modifications to the new Emergency Breathing Systems and the training on their use is being well received by industry.
 - b) Guidance on a ‘Clothing Policy’ is being launched with widespread publicity at heliports.
 - c) The Asset Integrity group have a forthcoming event scheduled for 30th Oct. the focus will be on improving the way Major Accident hazards are managed. Consideration will be given to HCR reduction, learning from SADIE and Asset Integrity / Human Factors.
 - d) A workforce engagement event is scheduled for Elected Safety Reps on 26th Nov. to consider ‘what makes a good Safety Rep’, - working together and improving engagement.
 - e) Work continues on the ‘Human Factors Toolkit’ and the industry wide competence framework to include high level guidance to manage competence and improve safety leadership competence.
 - f) Ian Sharp and Steve Bullock are now the co-chairs of the Step Change Leadership Team.
 - g) Step Change becomes independent from Oil & Gas UK from 1st Jan 2015.

5. Operational Issues Update & Health and Safety statistics

Health and Safety statistics report

- 5.1 HSE had previously circulated the statistics report to members in advance of the meeting, which is based on accidents reported under the RIDDOR and incidents affecting offshore installations, workers or visitors, James Munro summarised the key information;
- There had been 40 'Major' & 'Specified injuries' reported this year, a decrease of 15%.
 - Over 7 day injuries had increased by 28 (32%) on the previous year.
 - Dangerous Occurrences had also seen an increase, 'HCRs' were up by 19 to 115 (3 Majors, 35 significant and 77 minor) and 'others' up by 68 to 296. Overall an increase of 27%.
- 5.2 HSE has recently undertaken an analysis of HCR releases and identified a number of poor performing dutyholders with whom they intend to discuss ways / proposals for a reduction in their HCR releases.

Enforcement Activity

- 18 Improvement Notices have been issued (14 served associated with Major Accident Hazards, 2 relating to Conventional Safety and 2 Occupational Health)
- 4 Prohibition Notices had also been issued.
- Considerable Safety Case work load has been undertaken, particularly associated with Combined Operations Notifications (70), Material Changes (51) and Thorough Reviews (50), overall HSE had received 192 submissions.

Intervention Targeting and Prioritisation

- 5.3 Members were introduced to the model that HSE is currently using to prioritise its strategic planning and workload. Intelligence is gathered from considering several factors, namely the 'Inherent hazard' (e.g. the potential loss of life), 'Operator performance' (e.g. non-compliance issues, HCRs and incidents etc. and 'Other intelligence' (e.g. time since last inspection, new entrant / new technology, professional judgement etc.) all of which is evaluated to prioritise installations for intervention.

Proposals to change arrangements for providing OIAC with offshore accident, ill health and dangerous occurrences statistic reports

- 5.4 The Chairman introduced a short paper that proposed to halt the production of 6 monthly offshore accident and incident reports and replace them with:

- a. An Annual Report that meets standards recommended for official statistics. (The 2013/14 report will be published in December 2014 and subsequent reports will be in the summer following the financial year end). Future reports will be available on HSE's web site.
 - b. Hydrocarbon release reports produced at 6-monthly intervals for OIAC meetings.
- 5.5 These new reporting proposals were agreed without challenge, but it was noted OIAC may need to amend its reporting commitments to adopt any necessary EU Offshore Directive reporting requirements.

6. Maritime and Coastguard Agency presentation

Safety standards on ships conducting 'walk to work' activities

- 6.1 Paul Wilkins brought to member's attention the range of legislation and standards that currently impact upon vessels e.g. SOLAS, Port State Control and Standards imposed by Flag States, which affect the safety standards/construction required of a ship engaged in 'walk to work' activities where there are 12 or more personnel who are working on an installation (in addition to the ship's crew).
- 6.2 The MCA raised a number of factors that contribute to wide differences in standards imposed by flag states e.g. non international voyages, improvements to SOLAS and IMO codes and guidance. As a result, people who are working on an installation are being supported by vessels that are not suitable for their needs, or to carry large numbers of personnel. In addition, evidence from MCA Port State Control inspections indicates that operators and or flag administrations often exploit the widest possible interpretations of SOLAS. Therefore, using construction standards that the MCA believe are inappropriate and that take little or no account of the societal risks addressed through SOLAS.
- 6.3 MCA is addressing this through its policies that are applied to 'Red Ensign Group' ships and Port State Control applying domestic and or EU requirements and through briefings to the IMO Ship Design Construction technical sub-committee. The objective of this action is to ensure that ships are appropriate for conducting 'walk to work' operations, mainly from the perspective of safety construction (principally damage stability, subdivision and fire protection), they should have valid certification issued by or on the behalf of the flag State for either:
- a) the IMO Special Purpose Ships Code (2008 or 1983) – normally issued in addition to valid SOLAS certification; or
 - b) a passenger ship (less likely in practice).
- 6.4 The MCA stated that all UK enforcement authorities with responsibilities for vessels in attendance at offshore installations should take action to ensure that a common and consistent approach to safety standards is taken. They also stated they were satisfied that vessels operating in the North Sea were safe for the purposes for which they were being used.

- 6.5 Discussions confirmed that HSE's does not regulate the suitability of vessels and under their legislation personnel undertaking 'walk to work' activities would only be under HSE jurisdiction when they are physically on a connecting bridge/basket walking to work. Also, that a 'walk to work' vessel is not classed as an offshore installation, based on HSE's interpretation of "in connection with". There was also the view that there should be a greater influence on dutyholders to ensure they use vessels that are suitable for walk to work purposes. The MCA confirmed that they would be happy to provide any guidance to the industry on the suitability of a vessel, based upon standards identified in MCA Marine Guidance Note MGN515.

Maritime Labour Convention (MLC)

- 6.6 Arising from the introduction of the MLC that came into force on 7th Aug. 2014, the MCA had been considering the potential issues for the Memorandum of Understanding (MoU) between HSE, MCA and MAIB. The MCA reported the key changes to the MoU will affect the recognition of medicals for offshore workers and seafarers. Also following the introduction of the 2013 Application outside Great Britain Order, there will be a greater emphasis on maritime jurisdiction in territorial waters. These updates are to be incorporated into the next revision of the MoU.
- 6.7 The unions asked specifically what health and safety protection do workers have when they are on a vessel. It was confirmed that welfare requirements imposed through the Maritime Labour Convention do not apply to them as they are not classed as seafarers. MCA confirmed that under their legislation these workers are classed as a form of 'Special Persons' and their fundamental safety is secured for societal risks. On board occupational health and safety is covered through implementation and within the scope of European Directive requirements as described in Marine Guidance Note MGN471.

7. Any other business

Helideck Liaison Group (HLG)

- 7.1 The Chairman reported that following the circulation of the HLG's revised Terms of Reference to members in August, they had been approved via correspondence. It was proposed that the HLG will now report back to OIAC with their Annual Report covering work activities at the March 2015.

Action 3 Oct. 14

HLG are to provide their Annual progress report at the March 2015 meeting.

Date of the next OIAC Meeting

- 7.2 The date of next regular meeting will be held on 17th March 2015, at Lord Cullen House, Aberdeen.