

## Small Business Trade Association Forum Minutes

<b>Meeting Date:</b>	18 <sup>th</sup> October 2006	<b>Open Gov. Status:</b>	Fully Open
<b>Type of Paper:</b>	Above the line	<b>Paper File Ref:</b>	
<b>Exemptions:</b>			

### Small Business Trade Association Forum

#### Minutes of the Meeting of the Small Business Trade Association Forum, held on 18<sup>th</sup> October 2006 in the Hope Room, Rose Court.

**Present:**

Judith Donovan CBE, Chairman  
 Douglas Leech, British Chemical Distributors and Traders Association  
 Moira McMillan, British Coatings Federation  
 Pete Walker, British Constructional Steelwork Association Ltd  
 Annabel Berdy, British Retail Consortium  
 Janet Asherson, Confederation of British Industry  
 Andrew Braund, Confederation of Paper Industries  
 Louise Ward, Engineering Employers' Federation  
 Phil Russell, Federation of Master Builders  
 Rosina Robson, Federation of Small Business  
 Tim Kind, Forum of Private Business  
 Geraint Day, Institute of Directors  
 Ray Seymour, National Hairdressers' Federation  
 Colette Best, Royal Institute of Chartered Surveyors  
 Tony Hutchinson, Rural & Industrial Design and Building Association  
 John Morecroft, Vehicle Builders and Repairers' Association

**Apologies:**

Philip Clarke, British Association of Chemical Specialities  
 Anne Tipple, British Chambers of Commerce  
 Daniel McAlonan, British Dental Association  
 Declan Moore, British Glass Manufacturers' Confederation  
 Bob Cotton, British Hospitality Association  
 Robert Keen, British International Freight Association  
 Leslie Hill, British Wood Preserving & Damp Proofing Association (Leslie also comes to Forum meetings as a representative of the Property Care Association, the Wood Protection Association and the British Pest Control Association)  
 Michael Lee, British Woodworking Federation  
 Shelley Atkinson – Frost, Construction Confederation  
 Haydn Steele, Construction Plant Hire Association  
 Paul Reeve, Electrical Contractors' Association  
 Angela Hills, Federation of Tour Operators  
 Wendy Nixon, Hair and Beauty Industry Association  
 Bob Towse, Heating and Ventilating Contractors' Association  
 Robert Hudson, National Association of Shopfitters

John Gililland, National Care Homes Association  
 Pat Stanley, National Farmers' Union  
 Howard Button, National Federation of Demolition Contractors  
 Catherine Tong, National Federation of Retail Newsagents  
 John Kell, Professional Contractors Group  
 Martin Isles, Quarry Products Association  
 Mike Floodgate, Radio, Electrical and Television Repairers' Association  
 Frank Ursell, Registered Nursing Home Association  
 Ruth Pott, Road Haulage Association  
 Garry Parker, Small Business Bureau  
 Jean Rennie, Timber Trade Federation

**Officials Present:**

Elizabeth Hodgkinson (Head Cross Cutting Interventions Division)  
 Jane Lumb (Radiation Policy Delivery team)  
 Laurence Golob (Business Involvement Unit)  
 Theresa Quinn (Better Regulation Unit)  
 Richard Boland (Construction Policy)  
 Andrew East (Construction Sector)  
 Malcolm Darvill (International Policy)

Heather Butler – SBTAF Secretariat  
 Debra MacLeod – SBTAF Secretariat  
 Elizabeth Hornsby - SBTAF Secretariat

<b>1.</b>	<b>Introductions and apologies</b>
1.1	Judith Donovan welcomed members to the meeting.
<b>2.</b>	<b>Minutes of the last meeting</b>
2.1	<p>A member of the forum expressed the opinion that the minutes from the July SBTAF meeting did not reflect the robust feelings of the forum regarding CDM regulations and their strongly raised, private and public, objections. It was agreed that it should be noted in the October minutes that</p> <ul style="list-style-type: none"> <li>• Discussion at the last meeting highlighted a number of strongly raised objections from forum members, the strength of which had not fully translated into the minutes;</li> <li>• The lack of explicit concerns being raised had led to a perceived implicit acceptance of the proposals which did not reflect the views of all forum members.</li> <li>• The chairman had effectively represented the concerns of the forum at the HSC meeting to discuss the CDM regulations, both in open and private sessions.</li> </ul>
<b>3</b>	<b>EMF (Electro Magnetic Fields) Directive</b>
3.1	Jane Lumb, Radiation Policy Delivery team, delivered a presentation explaining the EMF Directive (EC 2004/40). The directive sets common standards across the EU to prevent short-term effects from exposure to electromagnetic fields at work. Jane clarified the main duties proposed upon the employer as a result of

	<p>the directive and detailed the types of work and industries that would potentially be affected by it.</p> <p>HSE is concerned that small businesses may feel the effect of new regulation more strongly and that some of industries affected include small business where awareness of EMF may be very low. HSE accepts there is work to be done to raise awareness of EMF among small businesses.</p> <p>The Forum was asked for views on the best way for HSE to engage small businesses in the development of the legislation and guidance.</p>
3.2	<p>Several members expressed the opinion that it will be difficult for small businesses to even know whether their equipment generates electro-magnetic fields and therefore comes under the jurisdiction of the directive. Theoretically every appliance using electricity even a hairdryer could emit an electromagnetic field Jane explained that CENELEC are developing guidance for the European Commission, which will include a list of the equipment that will and will not require detailed assessment under the directive to allow small businesses to see at a glance whether they need to do any further work. The draft of this document is intended to be included in the consultation package.</p>
3.3	<p>Members expressed concerns as to how small businesses could be expected to measure electromagnetic fields. Forum members suggested that the manufacturers of affected equipment should bear the burden of responsibility rather than the end user. This reinforced member opinion that it is vital that the equipment that is exempt from the directive be made explicitly clear in any proposed guidance.</p>
3.4	<p>Members expressed fears that the directive would lead small businesses to unnecessarily employ external consultants. The question of whether it is actually possible to measure low EMF emissions was raised with the concern that there may be few people with the relevant equipment or training for detailed assessments, which could lead to the nonsense situation of an unenforceable piece of legislation. One member suggested that the HSE might itself make measuring equipment available for loan from its regional offices.</p>
3.5	<p>Members questioned the need to implement the directive considering that the research is not exhaustive and that there is not significant evidence to demonstrate that electro magnetic fields actually cause damage to health. The conflict between the work of better regulation and the simplification agendas and implementation of this directive which imposes a specific, topic based risk assessment was raised. It was however recognised that as an agreed Directive the UK is obliged to implement it and that effort should concentrate on making the implementation as easy and low burden as possible for business.</p>
3.6	<p>The issue of specific risk assessment for EMF was raised as particularly questionable if one considered that most of these pieces of equipment had other far more serious risks such as electrical shock and manual handling risks associated with them.</p>

3.7	The Chairman concluded the debate by informing the speaker that she should ensure that the proposed guidance being produced with CENELEC is appropriate and constructive and that the Forum members would like to see more information regarding the specific proposals. Elizabeth Hodgkinson agreed to work with the speaker on whether the Directive could be flagged as a possible simplification issue with the European Commission.
4	<b>Presentation and discussion of difficulties relating to employing competent help and a draft HSE/IOSH (Institute of Occupational Safety and Health) statement offering guidance in this area.</b>
4.1	<p>Laurence Golob, Business Involvement Unit, introduced this topic which raised the issue of the problems that SMEs encounter when seeking to employ competent external help.</p> <p>HSE hoped to ascertain whether SMEs are satisfied with the help they receive from external providers of health and safety assistance. If there <u>is</u> a problem, is this in particular sectors, with certain providers and is the advice is 'bad,' 'poor' or both? The forum were asked to advise what they felt was the most appropriate ways to deal with any problem in this area. A draft statement on the issue was circulated to members in advance of the meeting and for them to comment on the suitability of this statement.</p>
4.2	It was noted that a number of surveys, including recent research undertaken by the Forum of Private Business, conclude that health and safety legislation is a major issue for small businesses.
4.3	A lively discussion ensued. There was clear agreement amongst members that poor consultancy advice is a significant problem faced by small business and several examples to reinforce this were cited. It was stated that many consultants merely provide a large number of risk assessments leaflets and cannot provide the simple, practical, workplace focused advice that small businesses require. It was noted that many problems arise from the fact that small businesses cannot identify a competent consultant because they will often employ someone as a 'competent' consultant based solely on their qualifications and this often does not equate to competence in applying the knowledge within a specific industry. Members were agreed that to provide competent advice consultants needed to be both qualified and experienced in the particular sector/industry in which they were operating.
4.4	Members felt that the draft HSE/IOSH statement would not be helpful to SMEs. It was too general and did not provide the practical advice that SMEs wanted and needed. It did contain some useful material, such as the reference to the fact that small businesses are often able to provide sufficient health and safety advice from within their own ranks, but such material could better be presented as a few bullet points on a card rather than a lengthy statement.

4.5	<p>One member raised the subject of the IOSH register of competent contractors. It was generally agreed that SMEs relate best to sector specific practical examples. The work of HSE's construction sector was singled out as an exemplar. Elizabeth Hodkinson, Cross Cutting Interventions Division, said that perhaps there is a role here for HSE to explore options to promote case studies of SMEs employing consultancy help.</p>
4.6	<p>Part of the problem is that health and safety in the workplace other includes topics where HSE is not the primary regulator such as fire and disposal of chemicals. Members noted that consultants often provide advice that is too narrow or inaccurate due to reading between the lines of guidance from different departments.</p>
<b>5</b>	<b>Better Regulation/Sensible Risk Management</b>
5.1	<p>Helen Smart, Better Regulation Unit presented this item which introduced and explained the background to the draft example risk assessments (which were handed out to members at the meeting), which have been developed through the sensible risk management project which forms part of the simplification plan. The simplification plan lays out initiatives to make complying with health and safety legislation simpler and less burdensome, especially for small firms.</p> <p>The example risk assessments have been designed as a major feature of the project, to help small businesses to know how to go about tackling risk assessments in certain industries. Several questions were put to members regarding the example risk assessments:</p> <ul style="list-style-type: none"> <li>• Their usefulness;</li> <li>• Ease of use;</li> <li>• Possible enhancements;</li> <li>• Priority sectors to develop sample risk assessments</li> </ul> <p>Members were asked to consider and share them with their members and provide us with their views and suggestions.</p>
5.2	<p>Members of the forum expressed considerable concern that the example risk assessments were not sufficiently comprehensive in their content. Fears were articulated that if the examples were targeted at high risk industries that they could prove to do more harm than good because of the complexity of risk management in such industries. Members stated that they believed that it is of great importance to have the examples placed in the right context so that people who may use them could be directed to further information and made fully aware that the examples were just that and do not provide an exhaustive list.</p> <p>Members expressed the opinion that most businesses would need to do more in their own risk assessments than what is being addressed in the examples but that it was useful to have it explained in a clear and simple format how to undertake a risk assessment. It was suggested that the examples could be used as a constructive learning tool if placed in the appropriate context. It was suggested that falls from height needs to be included in the example that is based in an office environment.</p>

6	<b>Improving information, advice and guidance for SMEs</b>
6.1	<p>Debra MacLeod, Business Involvement Unit, introduced this item which explained the workstream being developed by HSE to look at the way we communicate with small business with a view to becoming more effective and efficient in getting key messages across. One of the key issues that small businesses face is keeping abreast of legislation and understanding what is required of them by law. It can be difficult for small firms to identify which are the key pieces of information and prioritise where to start.</p> <p>HSE are looking across the organisation to see what we've done and produced and to try and identify how effective it has been. HSE are developing a better understanding of different types of small business – using internal and external sources of information, they are examining current use and views of existing publications and thinking about refinements and plugging gaps</p> <p>HSE are very keen for members of the Forum to feed in their views, and where possible, the views of their own members. Three specific questions were put to the forum:</p> <ul style="list-style-type: none"> <li>• What are the health and safety topics which small businesses generally need most help on?</li> <li>• Which HSE publications are most/least helpful?</li> <li>• Are there examples of good practice in communicating with small business outside HSE?</li> </ul>
6.2	<p>A number of members initiated the discussion by remarking upon the difficulties they encounter when using the HSE website. Members expressed their frustration with search engine on the site, that it is difficult to navigate and that information is duplicated. Members also stated that they encounter problems when guidance is updated and they are not informed of these modifications. Elizabeth Hornsby, Business Involvement Unit, informed the forum members that HSE are aware of the problems associated with the website and that they are currently working towards resolving them and making the webpages more user-friendly and re-organising the information stored on the site to increase the appropriateness of searches.</p> <p>It was stated during the discussion that it is important to remember that many small businesses do not like to have to search the internet to find information. They would prefer to receive an email prompt about, for example, updated guidance. It was recognised that Trade Associations are playing an increasingly important role in passing HSE messages to small businesses. This is a key part of the TA role, but can be resource or cost intensive which can be an issue for some TAs.</p> <p>It was noted that there is an e-bulletin that is circulated by HSE and that this will soon be updated to include filters so that individual businesses can receive information appropriate to their size sector.</p> <p>The chair summed up the discussion by saying that this discussion was not to be</p>

	held exclusively within the confines of this meeting and that it was important to pass on any relevant thoughts and suggestions to HSE through the SBTAf secretariat.
<b>7</b>	<b>CDM (Construction Design and Management) Regulations (Follow up to discussion in July 06 meeting)</b>
7.1	<p>Richard Boland, Construction Policy Unit introduced this item which provided an update on the progress of the amendments to the CDM regulations and feedback following the presentation of the regulatory package to the Commission on 17<sup>th</sup> October.</p> <p>HSC were made aware of the concerns of forum members but approved the regulations, ACoP and RIA on 17<sup>th</sup> October 2006. The Construction Clients Group (CCG) has been working to draft suitable guidance on client duties which can be provided at point of need (planning application/building regulations approval).</p> <p>Clients have a fundamental influence on standards of health and safety management during a project. With this influence comes a responsibility to use it wisely. Small projects are responsible for around 70% of the industries fatal accidents and this figure is rising. Companies already have duties in relation to contractors working on their sites. The CDM client duty simply makes this explicit. It asks for 'reasonable steps.'</p> <p>The package will shortly be submitted to the Minister for his approval. Ministerial approval permitting the ACoP will be published early January 2007 and the regulations will come in to force April 2007.</p>
7.2	<p>Several members raised specific queries relating to detail within the regulations. The Chairman suggested they should continue a correspondence with Richard Boland outside the confines of the meeting. The Chairman confirmed to members that she had firmly articulated their concerns regarding the CDM regulations at the 17<sup>th</sup> October commission meeting and that these concerns would be made explicit when the package goes to the minister.</p>
<b>8</b>	<b>Members' opportunity to raise 'hot' topics</b>
8.1	<p>A member raised the issue of the application of health and safety laws across the European Union. The member believes there to be a lack of uniformity of application by all member states and provided an example to enforce this opinion. Malcolm Darvill, International Policy, responded to the 'hot' topic by stating that EU laws are fully implemented in all EU states but there needs to be consideration for local customs and practices including varying practices on enforcement. The chairman suggested that the member continue this conversation further with Malcolm outside the confines of the meeting and that the answer is to be shared with forum members.</p>

	<p>A member wished to raise his recent disappointment in the way the HSE follows up reports of dangerous practices on building sites. Richard Boland referred him to the final slide of his presentation that set out the process HSE follows and agreed to follow up any outstanding points outside the meeting.</p>
<b>9</b>	<b>AOB</b>
9.1	<p>Members raised two suggestions for future agenda items:</p> <ul style="list-style-type: none"> <li>• An update on progress regarding Registration Evaluation and Authorisation of Chemicals (REACH)</li> <li>• An item on the role of worker safety advisers in small and micro business.</li> </ul>
<b>10</b>	<b>Meeting round up and close</b>
	<p>The Chairman thanked members for attending and speakers for their contributions.</p> <p>The next meeting will take place on 17th January 2006.</p>
<b>Actions</b>	<p>Secretariat to:</p> <ul style="list-style-type: none"> <li>• Send the next edition of the e-bulletin to members specifically outlining what it is and also directing them to where they can sign up to it individually.</li> <li>• To consider options to promote case studies of SMEs employing consultancy help.</li> <li>• To circulate further details and contacts concerning the EMF directive.</li> </ul> <p>HSE officials to:</p> <ul style="list-style-type: none"> <li>• Richard Boland to continue correspondence with members that raised specific queries regarding the detail in the CDM regulations.</li> <li>• Malcolm Darvill to continue correspondence with the forum member holding concern over the lack of uniformity of health and safety regulations within the EU.</li> <li>• Elizabeth Hodgkinson to work with Jane Lumb to determine whether the Directive could be flagged as a possible simplification issue with the European Commission.</li> </ul> <p>Forum members to:</p> <ul style="list-style-type: none"> <li>• Establish links with the EMF team so that their opinions can be incorporated into the prospective consultation documents.</li> <li>• To circulate the draft examples of risk assessments to association members and then provide feedback to HSE.</li> <li>• Provide HSE with suggestions regarding how HSE can improve its Information, Advice and Guidance for SMEs.</li> </ul>

To contact the Small Business Trade Association Forum Secretariat, please email [sbtaf.secretariat@hse.gsi.gov.uk](mailto:sbtaf.secretariat@hse.gsi.gov.uk) or telephone 020 7717 6319