



OFFICE OF RAIL REGULATION

Welcome to RIHSAC 93

Dilip Sinha, RIHSAC Secretary

11 June 2013



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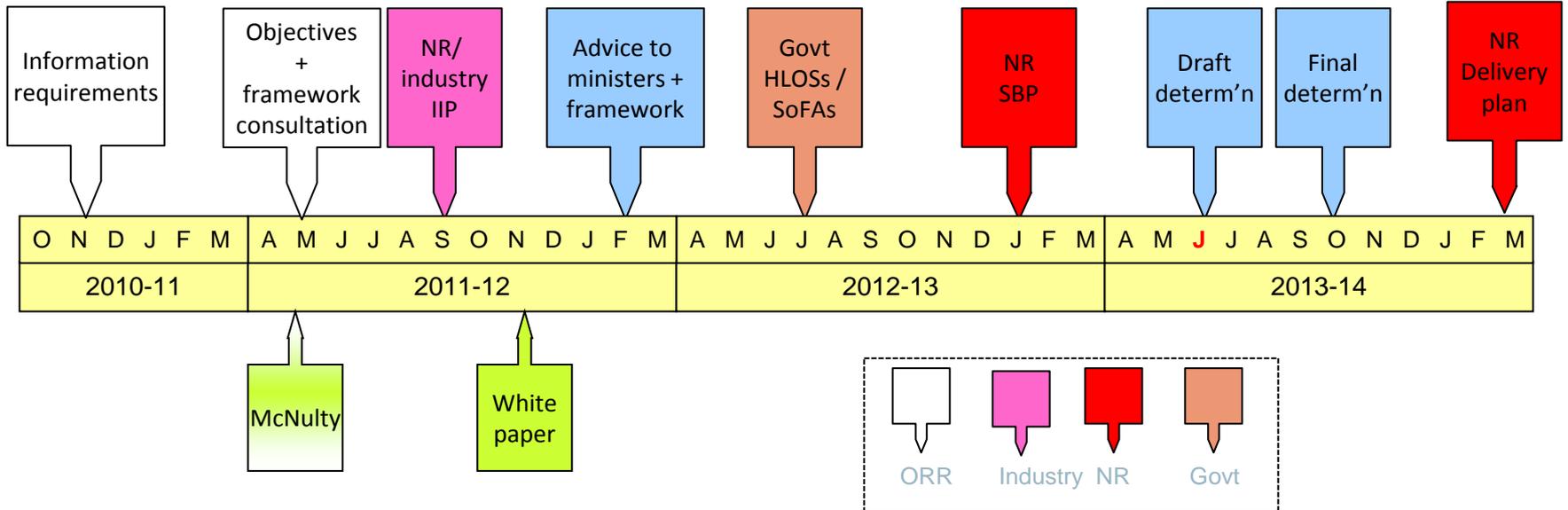
PR13: Publication of draft determination
on 12 June 2013

Railway Industry Health & Safety Advisory
Committee

Graham Richards

11 June 2013

Key PR13 Milestones



Background

- PR13 is the process through which we determine
 - the outputs that Network Rail must deliver,
 - the efficient cost of delivering those outputs, and
 - the access charges the company can levy on train operators for using its network to recover those costs.
- It covers CP5 which is 1 April 2014 to 31 March 2019. It also establishes the wider 'regulatory framework'. This includes
 - the financial framework within which Network Rail will operate and
 - the incentives that will act on both it and train operators (and through them on suppliers and rolling stock companies) to deliver and outperform our determination.



The draft determination

- The draft determination includes our overall judgements and decisions on:
 - the outputs that Network Rail must deliver;
 - how much Network Rail needs to spend to deliver its outputs;
 - the incentive mechanisms to encourage Network Rail and its industry partners to deliver and outperform our determination; and
 - the affordability of what the Scottish Ministers and the Secretary of State want the railway to deliver in Scotland and England & Wales respectively, as set out in their high level output specifications (HLOSs).
- It should also explain how we have ensured that our overall decisions are consistent with Network Rail's obligations to maintain and improve health and safety.
- Our decisions are made as part of a 'balanced package'. The settlement may be regarded as more challenging in certain areas and relatively less challenging in others, but should be considered and judged as a whole.



What happens next

- We are consulting on our draft determination. We want people to focus on whether there is evidence that we have missed or not properly taken into account.
- There may be a small number of specific policy issues which had not been closed down at the time of publication.
- During the consultation period we will also review our work to ensure we have correctly interpreted the evidence and reached appropriate judgements.
- We will be hosting three workshops to discuss our draft determination. These will be in London (19 June 2013), Glasgow (24 June 2013) and Cardiff (16 July 2013).
- **Responses by 04 September 2013**





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Health and Safety Regulation: ORR's priorities in 2013-14

Name Ian Prosser

Date 11 June 2013

Purpose

- ▶ Our health and safety goals for the rail industry
- ▶ ORR's strategic safety objective
- ▶ Our assumptions and risk priorities for 2013-14
- ▶ Network Rail's intervention plans

Our Goal is reduced harm...

- ▶ Vision: Zero fatalities and ever-decreasing health and safety risk
- ▶ Excellence
 - ▶ In asset management and operations
 - ▶ In health and safety management and culture
- ▶ Result
 - ▶ Better management capability
 - ▶ Reduction in risks
 - ▶ Reduction in harm
 - ▶ Reduced likelihood of catastrophic incident



2013-14 Strategic Objective

1. Drive for a safer railway: Enforce the law and ensure that the industry delivers continuous improvement in the health and safety of passengers, the workforce and public, by achieving excellence in health and safety culture, management and risk control.

- Our focus:
- ▶ Industry response to safety issues;
 - ▶ Extend use of RM3;
 - ▶ Investigation and enforcement;
 - ▶ Duty holders ensure safety of workers;
 - ▶ Industry delivers EU Common Safety Methods;
 - ▶ We carry out statutory duties (LX orders, safety certificates and authorisations and train driving licences);
 - ▶ Promotion of greater occupational health management.



Our plan assumptions for 2013-14

- **Activities informed by our strategy:** *ORR's strategy for regulation of health and safety risks (Sept 2012)*
- **50% of inspector time spent on active inspection activity**
- **112 FTEs:** down from 115 in 2012-13
- **Greater focus on work coordination:** fewer key risk areas covered but in greater depth.
- **More focus on infrastructure risks:** structures, earthworks and track safety, responding to changes in SRM/PIM model trends.
- **Employee risk: our activity will focus on Network Rail.**



2013-14 risk priorities:

- **Level crossings** – focus on delivery of Network Rail’s strategy rather than inspections (notable risk reduction since 2010).
- **Greater focus on system interface safety** – particularly PTI risk which represents 40% of total passenger fatality risk.
- **Maintain our focus on occupational health** - building on the good work of our existing OH programme.
- **Further encourage and support the use and wider implementation of RM3.**
- **Same activity levels** as in previous years on ***Statutory, Reactive*** and ***CTSA / IGC*** work.
- **Supply chain management** – new activity to ensure we use suppliers potential to help reduce risk.



Network Rail 2013-14 intervention plans

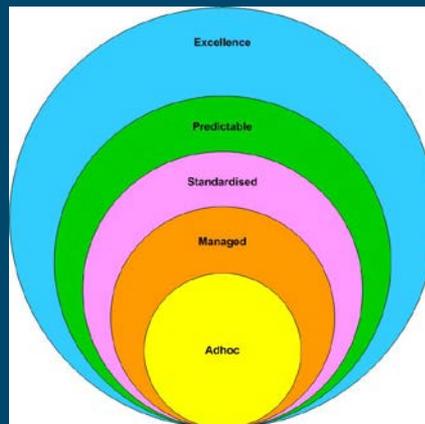
Risk Programme	Intervention Project	Focusing on:
Occupational Health	Occupational Health	silica; HAVs; asbestos; Network Rail's OH strategy
Infrastructure; SMS; Interface safety; change management; competence	Track and Delivery Unit	S&C signalling; L2 twist; vegetation management; drainage; Plain Line Pattern Recognition (PLPR)
Infrastructure; SMS	Management of structures and earthworks	adverse weather; longitudinal timbers; asset knowledge
Change management	Safety by Design	Northern Hub; Great Western Upgrade; Edinburgh-Glasgow Improvement Project (EGIP)
Workforce safety; change management	Safe design and use of On Track Machines	Safe design; operation; maintenance and repair; bespoke machines

Network Rail 2013-14 intervention plans

Risk Programme	Intervention Project	Focusing on:
Level Crossings; competence	Management of risk at level crossings	new LX new managers role; changed approach to risk assessment and maintenance
Workforce safety; competence	Safe and efficient access	access points; efficient engineering access; electrical isolations; possession management; SSoW; safety critical staff
Workforces Safety; change management; competence; infrastructure	Electrical safety – new and existing infrastructure	isolations; SSoW; substations and transformers; national electrification programme; asset data
Interface safety; competence	Railway operations	Interface safety; degraded working; SPADs; control room operations
All	Contractor's holding safety certificates	

Summary

- ▶ Our health and safety goals for the rail industry
 - ▶ Zero fatalities and ever-decreasing health and safety risk
- ▶ ORR's strategic safety objective
 - ▶ Drive for a safer railway
- ▶ Our assumptions and risk priorities for 2013-14
 - ▶ 112 FTEs delivering our strategic risk priorities
- ▶ Network Rail's intervention plans
 - ▶ 10 main projects across all 6 Network Rail routes



ORR's Occupational Health Programme 2010/14

Claire Dickinson, ORR

11th June 2013



Aim to cover

- What's ORR's health programme all about ?
- Why did we need one ?
- Three years in ...emerging findings
- What comes next?

ORR's health programme 2010-14

What are we looking to achieve?

<http://www.rail-reg.gov.uk/server/show/nav.2497>



Our vision is an industry that **consistently** achieves best practice in occupational health

Our health programme aims to

- ▶ **Change how health is led and managed by organisations in the rail industry**
- ▶ Improve how health is regulated by ORR

Shift the balance – health like safety



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How much of a problem is ill health in rail?

- ▶ HSE Labour Force Survey data 2003/4 to 2009/10 on ill health caused or made worse by work
- ▶ **Rail workers report a higher incidence of work-related ill health than similar occupation groups**
- ▶ Railway operatives: **5850** rate per 100,000 employed
 - ▶ All industry: 3470
 - ▶ All transport: **3740**
 - ▶ Construction: **4800**
- ▶ Consultant &/or GP attendance –more cases MSD, mental health than similar industries



Sickness absence rates in rail sector?

- ▶ **National sickness absence rates –4.5 - 6.5 days** per employee per year, **3.5%** working days lost
- ▶ **Some rail sector comparisons.....**
- ▶ Network Rail = 8.1 days/employee in 2010/11
- ▶ Transport for London = 9.7 days/FTE
- ▶ Crossrail = 6.8 days/FTE
- ▶ First Rail = 3.7 % (except First Hull Trains)
- ▶ FTPE = 4.48 % overall (6.29% drivers, 4.25% conductors, 3% station)



Ill-health costs MORE than safety !

- Across all sectors, **22.7 million** working days lost due to **work related ill health** in 2010/11
- **4.3 million** working days lost due to injury
- **Work related ill health** cost GB **£8.5 billion**
- **Work related injury** cost GB **£5.2 billion**
- ORR main focus remains ensuring proper risk management and sustained compliance with law, but...
- Cost is important- delivering legal compliance *efficiently*

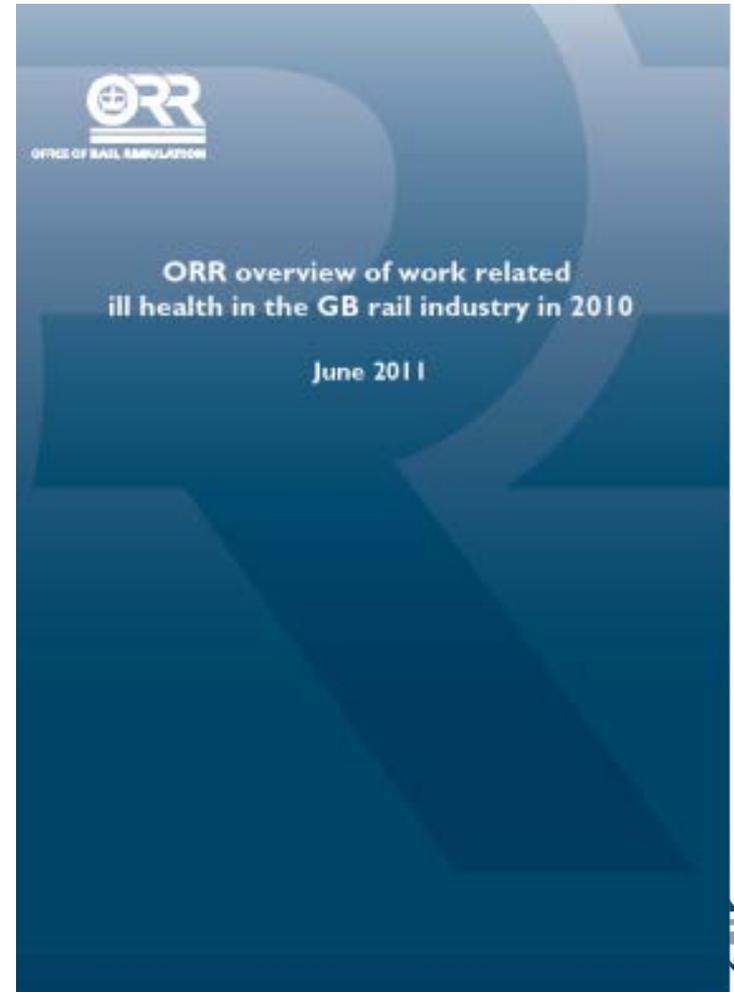


Where was the rail industry in 2010?

ORR baseline review

<http://www.rail-reg.gov.uk/server/show/nav.2538>

- Pockets of excellence but.....
- **Variable practice, patchy compliance with the law**
- Few companies with occupational health advisor directly employed
- **Strong focus on pre-employment screening, rehabilitation and managing for attendance – less on proactive ill health prevention**
- **Role of line manager in occupational health not fully embedded – seen as role of HR or OH advisor**



That was then, where are we now ?the good!

- Recognition of need for industry leadership on health
- RSSB remit extended to cover occupational health
- RSSB led projects
 - Exploring options for industry data collection on ill health absence
 - Health risk assessment – interactive DVD and on-line resources
- ATOC led project - Legionella in on train water supplies
- Upturn in devising TOCs health strategies and action plans



Progress since thenmore good!

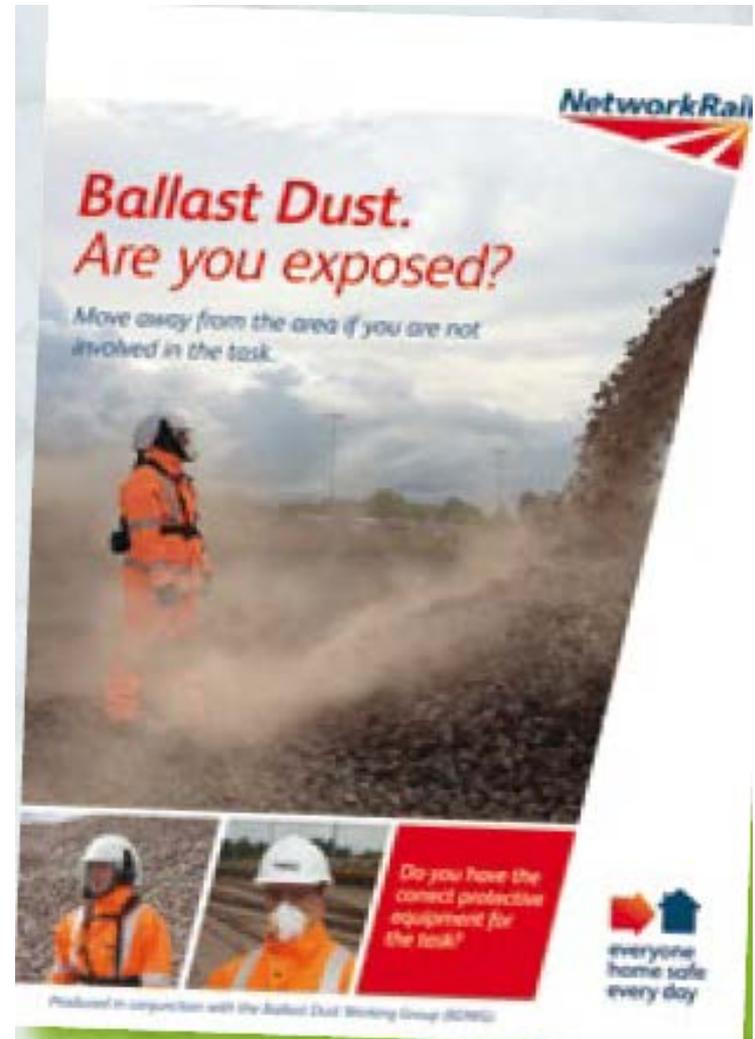
- Better collaboration and sharing information between rail companies
 - Ballast dust working group excellent example – DBS a leading role
 - NDS and FOCs on asbestos in recovered ballast
 - NDS and FOCs on COSHH assessment for weed spraying train
 - Sharing what works – 16 good practice case studies on ORR website with more to come



Ballast dust working group ...an example of excellence in working together

Ballast Dust Working Group (BDWG) members

- Network Rail
- Hydrex
- DB Schenker
- Babcock
- Balfour Beatty Rail
- Amey Colas
- Transport for London
- Frimstone



ASLEF

Best Practice Menopause

Women's Representative Commi



and wellbeing strategy 2010-2013 Get Fit - Get Well



Network Rail

Introducing
The Summer Collection*
for him and for her

Small text: Rail changes to the sun, steps in colour of modern pattern of skin, you should call your doctor without delay before the sun goes down.

There's nothing cool about exposing yourself to the sun and picking up one of these accessories. Skin cancer kills more people in the UK than Australia. The smart set are wearing at least SPF 15 sunscreen, lightweight PPE and are regularly checking their skin for changes.

SAFETY
365

CANCER RESEARCHUK



Guidance for Line Managers on the management of an employee who fails their periodic medical or who presents with performance issues related to obesity and/or associated ill health

Department Chair	Safety and Compliance
Content Manager	Valma Hughes - Occupational Health Specialist
Version	3.0
Date issued	01/10/2016
Reference	VMG0919



Good practice case studies on ORR website

- Stress
- Musculoskeletal disorders
- Hand arm vibration
- Radon gas
- Wellbeing programmes
- Silica dust
- Noise
- Manual handling
- Costing framework



What we have also foundthe bad!

- **Poor understanding of health risk assessment, particularly COSHH for process by-products**
 - bridge refurbishment (lead, HAVs,, isocyanates)
 - welding/cutting dust and fume
 - silica in ballast dust
 - cleaning of train under frames
 - Repeated exposure to lead dust/fume
- Under-reporting: HAVS, lead, asthma
- Material data sheets claimed as COSHH assessments
- Enforcement action resulted



What we have also foundand the ugly!

- RPE is the last line of defence
- It must be suitable and properly maintained
- It must be compatible with other PPE



What next?

- ORR continue to push key themes:
 - Better and more visible industry **leadership**
 - Improvements in **health risk management**, especially by line managers
 - Improved **competence in health risk management**
 - **Sharing** of good practice
- ORR inspection focus on key health risks:
 - HAVS, MSDs, stress, carcinogens including asbestos, DEEE and silica,
 - plus known areas of poor compliance (particularly COSHH and competence in occupational health)
- Build occupational health in to RM3



Please subscribe

Quarterly occupational health programme updates

www.rail-reg.gov.uk/occupational_health

ORR occupational health programme update

October 2012



Introduction
This quarterly brief aims to bring you up-to-date on progress with some of the work under the ORR [Occupational Health programme 2010-14](#), to help inform discussions on health at routine liaison meetings with ORR inspectors. We have identified key messages for rail duty holders and would welcome [feedback](#).

This issue focuses on:

- Diesel engine exhaust emissions – guidance on what rail employers need to do to help rail businesses
- ORR health programme news – 7 November ORR occupational health seminar, new stress good practice case study, and new ORR stress web pages

1. Diesel engine exhaust emissions (DEEE) – need for active precautionary approach

Diesel engines are in widespread use in the railway industry, with potential for fume levels to be up in stations, depots, and worksites in tunnels when diesel engines are left running. In June 2012, the World Health Organisation International Agency on Research for Cancer (IARC) classified DEEE as carcinogenic to humans (group 1) based on sufficient evidence that exposure is associated with an increased risk of lung cancer. DEEE had previously been classified by IARC as a group 2A probable human carcinogen.

HSE has advised that this re-classification does not trigger the specific requirements for carcinogenic substances under the COSHH Regulations and Appendix 1 to the COSHH ACOP on assessing the risk from DEEE, and should be able to demonstrate a robust precautionary approach to controlling DEEE exposures.

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ORR occupational health programme update

July 2012



Introduction

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This issue focuses on:

- Developing front line manager competence on occupational health - new ORR good practice guidance
- Recent changes to the law on management of asbestos, and ORR inspection
- Sharing good practice in occupational health management – more case studies show the business benefits of a proactive approach

1. ORR guidance on developing rail manager competence on occupational health

One of the aims of ORR's [Health Programme 2010-14](#) is to encourage excellence in health management by helping the industry to improve its managers' competence on health. Managers and supervisors are on the front line in identifying and managing risk to work and they need the right level of skills and knowledge to do this. As well as helping to improve health and safety law, ensuring that front line managers have the right occupational health and safety knowledge, can deliver real business benefits by increasing productivity, reducing sickness absence, and can help rail companies to get the most from specialist health services.

[New ORR guidance](#) seeks to help the rail industry to bridge the gaps in rail occupational health by providing clear practical advice on what good practice is and how to achieve it. We provide good practice guidance on what rail managers need to know to achieve this. We suggest a number of resources for smaller rail companies, as well as training support for larger companies. This work we have looked to source a syllabus for occupational health training.

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ORR occupational health programme update

April 2012



Action by account holders

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This issue focuses on:

- Health risk assessment – inspection findings from 2011-12 and priorities for this year
- New RGSB toolkit for assessing and managing musculoskeletal disorder (MSD) risk in train driving
- New HSE study on costs of new work related ill health cases strengthens business case for rail employers to do more

1. Need for better understanding of health risk assessment

Our inspection work on health in 2011-12 focused on health risk assessment and control under COSHH, and also for hand arm vibration (HAV) exposure. A recurring theme has been the industry's continued reliance on use of proprietary COSHH assessment packages, in many cases resulting in inadequate control of key health risks. This has been particularly evident for assessing risks from process by-products such as dust (in rail grinding; silica in ballast handling), fume (gas cutting and welding), and biological agents (proliferation of legionella bacteria in water systems). Failure of mainline contractors to properly assess the risk from oxy-gas cutting of rail resulted in formal enforcement action against the principal and sub-contractors.

Our inspection work on health in 2011-12 focused on health risk assessment and control under COSHH, and also for hand arm vibration (HAV) exposure. A recurring theme has been the industry's continued reliance on use of proprietary COSHH assessment packages, in many cases resulting in inadequate control of key health risks. This has been particularly evident for assessing risks from process by-products such as dust (in rail grinding; silica in ballast handling), fume (gas cutting and welding), and biological agents (proliferation of legionella bacteria in water systems). Failure of mainline contractors to properly assess the risk from oxy-gas cutting of rail resulted in formal enforcement action against the principal and sub-contractors.

Our experience over the past two years has shown that proprietary COSHH assessment packages, when used inappropriately and/or in isolation, can fail to deliver an adequate task specific health risk assessment. We have found many examples of the need for and/or implications of exposure monitoring, with poor understanding from the user of the need for and/or implications of exposure monitoring, the priority on technical and engineering controls over respiratory protective equipment (RPE), the requirements for maintenance of control measures; and for health surveillance. Although such systems can be a useful tool, they need to be used as a part of the COSHH assessment process, rather than being seen as delivering complete compliance with COSHH.

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What rail managers need to know on health

The screenshot shows a Windows Internet Explorer browser window displaying the website of the Office of Rail Regulation (ORR). The browser's address bar shows the URL <http://www.rail-reg.gov.uk/server/show/nav.2785>. The website header features the ORR logo and navigation links: Home, Sitemap, FAQs, A-Z Index, Glossary, News-by-email, Vacancies, and Contact us. A search bar is also present with the text "Enter search words" and a "Search >>" button.

The main content area is titled "Rail manager competence on occupational health" and includes the following text:

Home > Health & safety regulation > Occupational health > Rail manager competence

Rail manager competence on occupational health

One of the aims of our [Health Programme 2010-14](#) (PDF 707 Kb) is to encourage excellence in health risk management by helping the industry to improve its managers' competence on health.

Ensuring that your managers have the right level of knowledge and skills in managing occupational health will help you to comply with health and safety law, and should also deliver real business benefits.

Occupational health training needs for managers will vary across rail businesses. However, there are some key areas of knowledge that we believe most rail managers will need in order to fulfil their responsibilities for managing the health of their staff.

As well as setting out these key areas of knowledge, we provide advice on how to achieve good practice, including some potential sources of help to support rail companies.

These include training resources for larger rail companies, including potential development of a health risk management training qualification tailored for rail managers, as well as free health training resources for smaller companies.

In this section

- > Why develop rail manager competence on occupational health?
- > What does health and safety law require?

The left-hand navigation menu includes the following items:

- > About ORR
- > Information for passengers
- > About the rail industry
- > Health & safety regulation
 - > Occupational health
 - > Programme progress: first year
 - > Programme progress: second year
 - > Formal enforcement
 - > Occupational health assessment
 - > Work related stress
 - > Reporting occupational health cases
 - > Good practice examples
 - > Advice and guidance
 - > Rail manager competence



NEBOSH National Certificate in Health and Well-being in the Rail Industry Draft Syllabus (December 2011)

Managing stress



ORR strategy for 2011-14 on work related stress in the rail industry

October 2012

1. Aim of our stress strategy

1.1 ORR's 2011-14 strategy on work related stress in the rail industry has been produced in response to our wider [occupational health programme](#), which seeks to move the rail industry towards consistent achievement of best practice in occupational health. Our stress strategy aims to promote and support the wider adoption of an organisational, rather than individual approach, to work related stress management across the rail industry.

1.2 ORR's baseline [assessment of occupational health management in the rail industry in 2010](#) concluded that stress is a key health issue in the railway industry. Rail employers and rail trades unions recognise stress as a key health concern, with significant costs both to individuals and businesses. We know that many rail companies have arrangements in place to manage stress at an individual level after traumatic events (such as fatalities, assault, or SPADs) have happened, and to support affected individuals back into work. Personal stress resilience training and counselling support are an extremely useful part of an overall stress management strategy. However, if companies only focus on tackling the problem at an individual, rather than at an organisational level, the root causes of work related stress may not be identified and managed effectively.

1.3 Current best practice in management of work related stress is exemplified by the [HSE Stress Management Standards approach](#) (an approach supported by the International Stress Management Association; ACAS; Chartered Institute of Personnel and Development, TUC, and Local Government Employers) together with the [HSE/CIPD Management Competence Tool](#). The stress management standards focus on changing the organisation and/or the job rather than the individual. This approach requires managers, employees and their representatives to work together to improve six key areas of work¹ that, if properly managed, can help to reduce work related stress. As they are aimed at an organisation, rather than an individual, more employees can benefit from any actions taken. The [stress management competency framework](#), developed by HSE in conjunction with CIPD and Investors in People, helps managers to recognise and develop the positive skills and behaviours to manage their staff in ways that minimise work-related stress.

1.4 ORR is seeking a shift in approach from rail employers, with less dependence on reactive management of stress at an individual level (although this will still clearly be needed for affected individuals) and more proactive management of stress by looking at job design and the organisation as a whole, in line with established best practice across wider industry. This preventive, organisational approach

¹ Demands, control, support, role, change, and relationships



What success looks like...more proactive approach

- Health managed system
 - Health Policy and Objectives – documented processes
 - Health Risk Management – assessment, surveys, reporting
 - Health Assurance – data driven, audits, performance reviews
 - Health Promotion – health fairs, communications, training
- Leadership and public commitment to ill health reduction
- Informed on the cost of work related ill-health
- Credible, informed, engaged, active service provider – internal/external
- Meets legal compliance and striving for excellence
- Raised awareness at managerial/supervisory level and active role
- Pride and communicating to others what worked !



Conclusion

- Positive progress starting to emerge across the industry
- Signs of leadership
- More company/group action plans - strategic thinking
- More considered risk control being discussed in some parts of the industry
- More discussions, commitment and activity
- Need to maintain the momentum – Keep going !



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Thank you
Any questions?



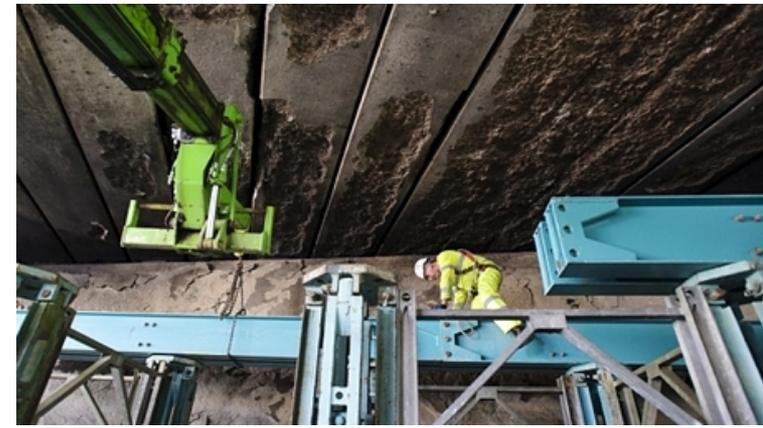
Fire risk in railway premises
Allan Spence





Background

- Fire near M1/Midland Mainline at Mill Hill, April 2011



- Reported May 2011 to Secretary of State on risk for Network Rail





Our estate and fire risk

- 5500 commercially let properties, including over 3000 railway arches
- Extra 1000+ freight sites
- 521 'high risk', 413 linked to motor trades
 - Just 18 use acetylene
- 7000 incidents of fire/smoke affecting railway services in 5 years
 - most with minimal effect
 - Just 29 in our estate
 - 0.3% of total delay
- Off-site fires, especially involving acetylene, cost £11m over 5 years



Reducing the fire impact

- Refurbishment of arches and other properties
- Continued monitoring of existing sites
 - Update to CFOA guidance has reduced exclusion period
- Numbers of significant fires are down
- Remote vehicle contract not renewed – engagement with F&RS

RISK	Monthly	3 Monthly	6 Monthly	12 Monthly	18 Monthly	Risk Based
Acetylene	Site Manager					
Acetylene Removed		Site Manager for 12 months after date of removal		Site Manager after 12 months		
High Risk			Site Manager	To be agreed with the Head of Fire Safety Policy		
All tenants and Vacant Properties				Site Manager (Vacant)	Site Manager (Tenants)	
Shared Escape Routes & Multi-occupied buildings			Site Manager	NR Fire Safety Engineer		Interim Inspection agreed by NR Fire Safety Engineer and Portfolio Manager