

HSA Response to the Commission for Energy Regulation's Consultation Paper on the Regulation of the Gas Installer Industry with respect to Safety from 2016

Introduction.

The HSA is pleased to have the opportunity to respond to Commission for Energy Regulation's Consultation Paper Ref. CER/14/131 on the Regulation of Gas Installer Industry with respect to Safety from 2016, dated the 17th June 2014. The HSA's comments are in the context of its remit in all matters of occupational safety and health and specifically given its remit in the area of gas safety in the workplace. The comments are also made in the context of the 2005 Safety Health & Welfare at Work Act.

Layout.

This response will set out the HSA position, if any, on the various questions posed by the CER's document and will also make some comments about the regime as it exists currently.

3.0 The Designated Body

Financial Structure of a Designated Body

Currently the Gas SSB is a not-for-profit organisation. Should the Gas SSB, which is designated commencing January 2016:

- a) continue to operate as a not-for-profit organisation; or
- b) be allowed to operate as a profit making business?

Please provide justification for your preferred option.

- How should the money which is paid to the CER on termination be used (i.e. do parties agree with the proposal to transfer the reserve to the body which is designated from 2016 onwards)?

In the HSA's opinion the SSB should continue on a not-for-profit basis. There is potential for conflict of interest if the SSB operates in both a safety supervisory role while also operating in a commercial profit-making environment.

The HSA does not have a position on how the surplus money being returned to the CER should be used.

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Term of Designation

The CER would like to hear views from interested parties on whether the fixed term for the designation period commencing January 2016 should: a) move to five years as originally envisaged; or b) remain at seven years mirroring the first term. Respondents should provide justification for either answer provided.

The HSA takes the view that the designation period of 7 years should remain. The HSA views a period of 5 years as being excessively short given the amount of resources required in the tendering for the appointment of an SSB in accordance with the legislation.

Staggered end dates for Electrical and Gas SSBs

□ Comments are sought from interested parties on the possibility of having staggered designation end dates for Electrical and Gas SSBs in order to avoid coinciding termination dates.

The HSA does not have a view on this and has no objection to staggered or non-staggered dates.

Cost Recovery

Comments are invited from interested parties on the separation of cost recovery between membership fees and certificates.

The HSA does not have a view on cost recovery.

Permitted activities

□ What criteria should be used if prohibiting the Gas SSB which is in place from 2016 onwards from participating in any permitted activities?

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In order to guarantee transparency and to allow the SSB's focus on their statutory obligations, the HSA is of the view that the SSB should be prohibited from taking on activities if these activities are not mandated by their contract of appointment unless it is deemed justified because of safety considerations to permit additional activities. For this reason it may not be appropriate to allow the SSB engage in training and competency assessments.

SSB Compliance

The CER is interested in comments regarding the introduction of any further measures to ensure Gas SSB compliance with the Terms and Conditions of Appointment and the Criteria Document.

The HSA sees it as vital that the SSB's comply with the terms and conditions of appointment and the criteria document. The HSA is in favour of a strict contractual obligation for the forthcoming appointment with suitable and substantial penalty clauses in the event of non-compliance, up to and including removal as an SSB if necessary.

Investigation of Incidents

Investigation of Incidents □ The CER would like to invite views from interested parties on who is best placed to investigate incidents involving an issue on the customer side of the meter.

The HSA is of the view that this will need to be considered on a case-by-case basis with the following being taken into consideration:

- nature and seriousness of the incident
- length of time after installation
- nature of the customer-if the customer is in a workplace then the Health and Safety Authority with whom CER have a memorandum of understanding, are a relevant authority
- role of the HSA, if any, in the investigation of such an incident.

The Gardaí will also most likely be involved, at least initially and may maintain their involvement if there is a possibility of a deliberate action leading to the incident.

Qualifications of Inspectors

Comments are invited from interested parties on what qualifications Gas SSB inspectors should be expected to hold?

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The HSA is of the view that the qualifications and competence of the SSB inspectors will be dependent on the types of project they are inspecting. Many SSB inspectors might be competent to inspect standard domestic installations but might not be competent to undertake supervisory audits of more complex environments.

4.0 The Criteria Document.

Criteria Document

The CER request comments from interested parties on the Criteria Document as it currently stands. In particular the CER wishes to receive views on: - where any improvements could be made; and - how the CER should communicate any modifications proposed to the Criteria Document to stakeholders prior to making a decision.

- (a) The HSA does not have, at present, any specific improvements to recommend to the Criteria document.
- (b) The HSA believes that changes to the Criteria should be minimised as much as possible. Any changes should be publicly available through the CER website and notice of proposed modifications advertised in newspapers.

5.0 Technical Standards, Training and Assessments

Technical Standards.

Training and Assessments □ The CER wishes to invite any comments on the following issues raised in this section: - Technical standards to which Gas Works must be carried out; - Training prior to registration; and - Assessments for RGIs.

HSA considers that the Gas Technical Standards Committee of the NSAI is the most suitable forum for consideration of technical standards for gas works. Any training carried out prior to the registration or assessment of RGI's should be done in order to ensure it complies with the definition for 'competent person' as set out in Section 2 (2) of the Safety, Health and Welfare at Work Act, 2005. The HSA notes and supports the 5 yearly assessment scheme but also suggests that the use of Continuous Professional Development (CPD) Schemes for maintaining competence could play a useful role. Such schemes are

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widely used for demonstrating health and safety competence under the 'competent persons' definition and HSA has some experience on how these work e.g. for the IOSH CPD Scheme.

6.0 Registered Gas Installer Membership.

Electrical Craft Certificates and Categories of RGIs

□ Comments are requested regarding whether the level 6 advanced craft certificate in electrical should remain as one of the craft certificates which would satisfy this requirements for entry to the scheme. □ Should additional categories of registration be introduced into the scheme? □ In the event that there were additional categories, what should these be and what should be the qualification requirements for each category?

The HSA does not have any specific comments on whether the electrical craft certificates should remain for entry into the RGI scheme.

Comments are invited regarding the

7.0 Definition of Gas Works and Certification

Certification system. In particular, comments are sought on the possibility of introducing electronic certification. In this regard, if electronic certification were to be introduced, comments are sought on whether it should be: (a) mandatory for all RGIs but brought in on a phased basis; (b) a dual system should operate whereby RGIs can choose to use the electronic certification system or the paper based system or (c) mandatory for certain groups of installers.

The HSA is of the view that there are obvious benefits in a move towards electronic certification. However there may also be certain dangers including data-security issues which would need to be effectively managed. In addition, the HSA believes that you need to take into account the age profile of the RGIs, the extent of their computer literacy and that perhaps a dual system would suit all. The idea to positively incentivise the use of electronic certs appears to have merit in these circumstances.

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8.0 Gas Works by Unregistered Individuals

Gas Works by Unregistered Individuals

□ Comments are invited from interested parties to provide specific suggestions on additional actions that can be taken in detecting unregistered individuals who carry out illegal Gas Works.

The HSA will co-operate with the CER where it becomes aware that illegal gas works have taken place and will monitor compliance under the Safety, Health and Welfare at Work Act, 2005.

CER Appointed Gas Safety Officer □ □ The CER wishes to invite comments from interested parties on the proposed approach of the CER in appointing a Gas Safety Officer from within its own resources rather than from a resource provided by the Gas SSB.

The HSA does not have a view on where the Appointed Gas Safety Officer is recruited from except that the person(s) recruited should be competent to carry out their role effectively and safely. In addition the appointed Gas Safety Officers should retain their competence through an appropriate CPD Scheme. Operating within the CER, rather than the Gas SSB would ensure greater independence of the role.

9.0 Communication between the CER and Stakeholders

Customer Complaints

The CER would like to invite comments from interested parties on whether the interaction with complainants should: a) remain as currently outlined in the Criteria Document; or b) be amended to include a requirement to ensure the complainant has more involvement in the process following the initial complaint.

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As the HSA has no knowledge on the workings of the current system for dealing with customer complaints-no observations are offered.

Communication with Stakeholders

Comments are invited from any interested parties as to how the CER may best communicate with stakeholders. □ The CER also seeks comments regarding whether gas installers should play a more significant role in the day-to-day governance of the Gas SSB

The HSA does not have a view on how the CER communicates with other stakeholder but believes there's an effective means of communication in place between the HSA and CER which includes both face to face meetings and by electronic means.

10.0 Public Awareness.

Mandatory Use of RGI Logo

□ Comments are invited from interested parties as to whether it should be made mandatory for an RGI to display the RGI logo on their vehicle?

The HSA has no observations on this matter.

Annual Logo

Comments are invited from interested parties as to: □ whether references to the year of registration should be included (either as part of or in addition to the logo); □ whether the Gas SSB should be required to issue revised stickers each year to the RGI (which included a reference to the year); and, □ whether RGIs should be required to update any logo which they display on their vehicle each year with the stickers provided by the Gas SSB and be subject to disciplinary proceedings where they fail to do so?

The HSA has no observations on this matter.

Unique Identifier

Comments are invited from interested parties as to whether a unique identifier e.g. RGI number should be included as part of the RGI logo.

The HSA does not have any specific comments on the use of a unique identifier.

11.0 Interaction with the Electrical Scheme.

Joint Electrical and Gas SSB

The CER invites comments from interested parties on the option of one process being utilised to designate a single organisation as both the Gas SSB and the Electrical SSB.

The HSA believes that separate processes should be used to designate Gas SSB(s) and Electrical SSB(s) due to the variation in the contractors and skills involved in both industries. However if these two operations can be run by one main Safety Supervisory Body then the Authority have no objection to one Body doing this work and the advantages set out could be achieved.

Conclusion

The HSA is available to discuss all of the above inputs at a mutually suitable time and location.