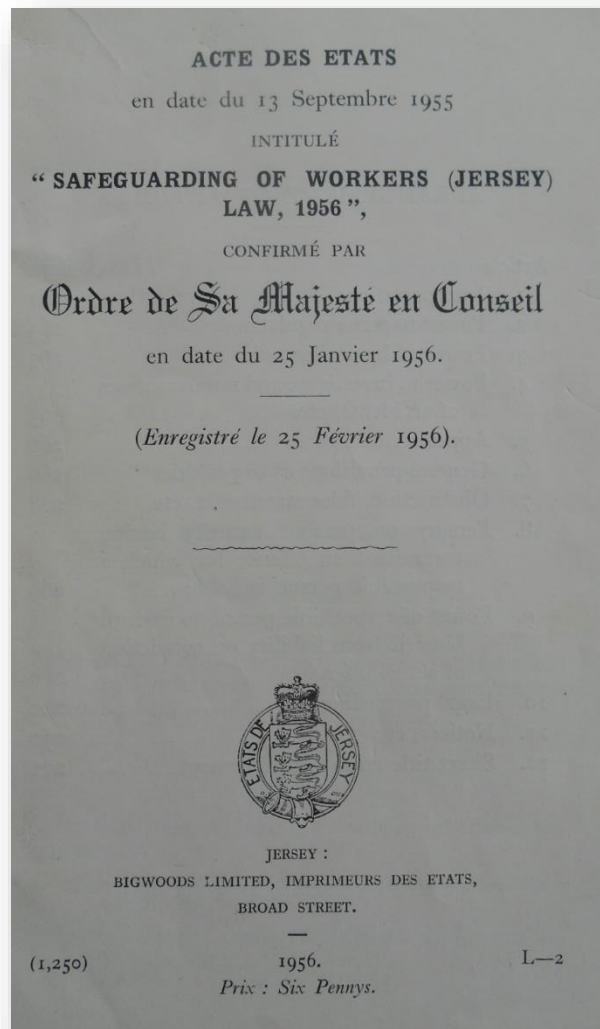


States of Jersey
**Health and Safety at Work
Inspectorate**

1956



2016

ANNUAL REPORT

2016

Foreword



It gives me great pleasure to present the Annual Report for 2016, which sets out the Inspectorate's performance and achievements during another busy and challenging year.

Statistical data on workplace accidents and ill health obtained from the Social Security benefit system is also presented. It is particularly pleasing to note that 2016 saw a reduction in the total number of accident and ill health claims for the first time since 2013. This also represented the lowest number of total claims recorded since the earliest reliable statistical data is available, 2006, and is even more positive considering 2016 saw a 1.3% increase in total employment in the Island over the past year.

2016 was also a particularly notable year for occupational health and safety, being the 60th Anniversary since the first health and safety at work Law was introduced in Jersey, with the 'Safeguarding of Workers (Jersey) Law 1956 coming into force on 1 June 1956. A potted history and few photographs taken over the years help illustrate the advances that have been made in respect of health and safety in the workplace. Sadly a few also demonstrate how many of the basic hazards seen 60 years ago are still found today due to a failure to take basic, well known and readily available steps to manage health and safety. This is unacceptable and Inspectors will continue to take formal enforcement action where this is necessary to help improve standards.

2016 was also notable for another key milestone in the development of health and safety legislation, with a new set of Regulations for the construction industry, the Management in Construction (Jersey) Regulations 2016, coming into force on 1 October 2016. This represented the culmination of many years of work and extensive consultation with the industry. These Regulations introduce requirements which ensure health and safety is planned for, and managed, throughout the life of a construction project, and should provide a safer and healthier working environment for our construction workers.

I would like to take this opportunity to acknowledge and thank all of the Inspectorate team for their continued commitment and enthusiasm to improving health and safety standards in the workplace. I would also thank my Chief Officer, Ian Burns, for his support throughout the year.

Tammy Fage
Director of Health and Safety

The Health and Safety at Work Inspectorate

What we do

Our **vision** is to **prevent death, injury and ill health** to those **at work** and those **directly affected by work activities**

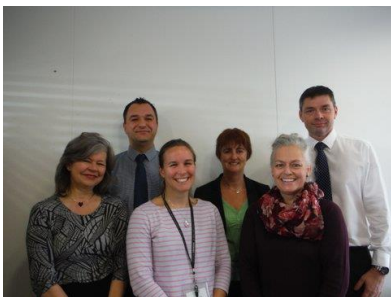
To help achieve this we strive to lead and engage with those who influence health and safety at work. Whilst our approach seeks to change behaviours primarily through advice and guidance, awareness raising and leadership, where necessary, those who fail to meet their legal obligations to protect people from harm will be held to account through formal enforcement.

Our **key priorities** are

- to provide an effective regulatory framework
- to secure compliance with the Law in a fair and proportionate manner
- to reduce the incidence and/or severity of accidents and ill health in workplaces, and during activities which give rise to the most serious risks
- to improve the understanding of duty holders and workers to encourage them to drive forward improvements in the management of health and safety in the workplace
- to manage the Inspectorate's limited resources efficiently and effectively

Who we are

The Health and Safety at Work Inspectorate is a small team that sits within the Social Security Department, and is responsible for administering and enforcing the Health and Safety at Work (Jersey) Law, 1989 and subordinate legislation.



The team comprises the Director of Health and Safety who, in addition to leading the team and being a member of the Senior Management Team of the Social Security Department, holds an operational role as an Inspector, 3 Health and Safety Inspectors, a Technical and Administrative Officer and part-time Administrator.

Deputy Susie Pinel, Minister for Social Security, together with Deputy Graham Truscott, Assistant Minister, hold political responsibility for all health and safety at work matters.

Who we regulate

The [Jersey Labour Market report](http://www.gov.je/statistics), published by the Statistics Unit every 6 months (www.gov.je/statistics) provides detailed information of both public and private sector employment in Jersey. The report published in December 2016 identifies that at that time:

- the public sector employed approximately 13% of all workers (based on a headcount basis)
- there were just over 7,000 active undertakings in the private sector, approximately half of which were single-person undertakings and 90% had 10 or fewer employees
- there were approximately 58,500 people working in Jersey, an increase of 740 over December 2015
- the number of jobs in the construction industry has increased annually since December 2013 with the highest figure recorded to date in December 2016. This represents approximately 10% of the Island's workers on a headcount basis

It is therefore apparent that it is impossible for the small Inspectorate team to individually inspect or engage with anything other than a very small percentage of employers or undertakings.

We therefore target those sectors and activities with the most serious risks, or where there is evidence or intelligence that health and safety is a significant concern and/or risks are least well-controlled, to ensure the most effective use of our limited resources.

Whilst unsafe work at height remains a high priority and accounts for many complaints made to the Inspectorate, we thankfully rarely see evidence of working platforms typically seen in the past:



Our key priorities for 2016

Ensuring the **legal framework** remains effective

New **Regulations** for the **Construction** industry



A new set of Regulations for the construction industry, the **Health and Safety (Management in Construction) (Jersey) Regulations 2016** came into force on 1 October 2016. This was the culmination of many years work, involving close consultation and support from the construction industry.

Replacing the Construction (Safety Provisions)(Jersey) Regulations 1970, the new Regulations represent the most significant change in health and safety legislation since the introduction of the Health and Safety at Work Law in 1989.

The Regulations set out a number of detailed requirements for ensuring health and safety in the construction industry by requiring risks to be systematically identified and controlled. Unlike the previous Regulations, these deal with the planning, organisation, control, monitoring and review of health and safety throughout the whole construction process, from initial concept and design through the construction phase to eventual demolition of a building or structure.

Throughout 2015 and 2016 a significant amount of Inspector resource, time and support was dedicated to raising awareness of the new Regulations across all sectors of the construction industry, which will be touched on throughout this report. This work will continue into 2017.

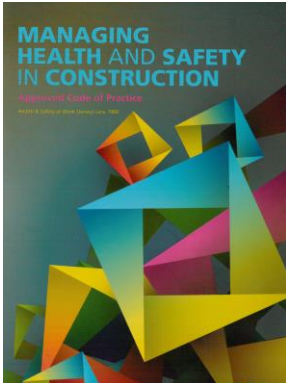


Revocation of the ‘**Managing Health and Safety in Construction: Approved Code of Practice**’

This Approved Code of Practice (ACoP) came into force on 1 January 2015 and was introduced, at the request of the construction industry, in order to act as an interim measure whilst the final Regulations were developed. The ACoP set out specific requirements to ensure that health and safety was planned and managed throughout the life of a construction project, principles not enshrined in the outdated 1970 Construction Regulations but recognised as an essential step in controlling risks to construction workers.

ACoPs are a key means of providing clear, practical guidance on how to comply with the Law. They hold a special legal status in that following the guidance in the ACoP is not compulsory, but if you do, you will be doing enough to comply with the Law in respect of those specific matters on which the ACoP gives advice.

If you are prosecuted for a breach of the Law, and it is proved that you did not follow the advice provided in the ACoP, you will need to show that you have complied with the relevant provision in some other way or the Court will find you at fault.



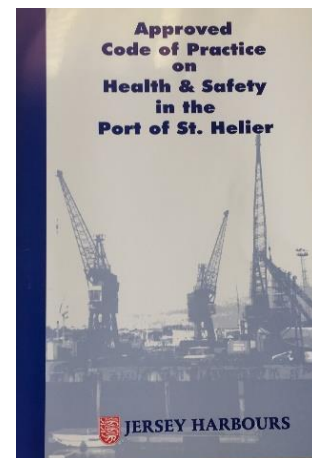
The 'Managing Health and Safety in Construction ACoP' therefore enabled the industry to become familiar with, and work with the new principles for 22 months prior to the new Regulations coming into force. It also provided the industry the opportunity to provide meaningful and practical feedback during the formal consultation on the final draft Regulations.

Once the new Regulations came into force the ACoP was obsolete as the principles had been incorporated in to the Regulations. The ACoP was therefore revoked with effect from 1 October 2016.

Revocation of the 'Approved Code of Practice on Health and Safety in the Port of St Helier'

This ACoP was introduced in 1999 and had been obsolete for some time as it no longer reflected the recognised principles of effective health and safety management within the complex and specialized docks environment. It also failed to reflect contractual relationships within the docks environment or accepted industry safe working practices.

Following liaison and agreement with the Harbour Master, the ACoP was revoked by the Minister for Social Security. In its place Ports of Jersey introduced authoritative guidance in the form of a Code of Practice, taking into account the recognised guidance produced for the UK Health and Safety Executive and the Industry Body, Ports Skills and Safety.



Our achievements and challenges in 2016

In addition to administering and enforcing the Law which applies to all workplaces and working activities in the Island, the work of the Inspectorate covers a wide and varied range of other activities from shaping and reviewing the health and safety at work legislation, producing guidance and working with a number of partners to help promote and improve the management of health and safety in the workplace.

Enforcing the Law involves **reactive activities**, which are interventions which include investigation of accidents, injuries and ill health, as well as concerns or complaints raised by workers, the public and others, and **proactive activities**, which are primarily focused at encouraging and supporting duty holders to achieve improvements in health and safety to help prevent accidents and ill health occurring in the first place. These include unannounced and announced inspections of key industry sectors, workplaces and work activities.

Whilst in an ideal world there would be an equal balance of resource committed to reactive and proactive activities, in reality the demands of the reactive work in 2016 far outstripped the limited resource of the small Inspectorate team. The number of proactive inspections therefore showed a decrease compared to 2015.

Reactive work

Investigations into workplace accidents and ill health form a significant part of our work, but it is neither possible nor necessary for the purposes of the Law for all reported events to be investigated.

The Inspectorate's **enforcement policy**, available through the website www.gov.je/hsi sets out the general principles and approach to determining when an investigation will be carried out. This is designed to ensure that there is a proportionate balance of our limited resource between reactive investigation and enforcement and other preventative activities such as pro-active inspections.

The purpose of an investigation is to determine

- the cause(s) of an accident or incident
- whether action has been taken, or needs to be taken, to prevent reoccurrence and to secure compliance with the Law
- whether there are lessons to be learnt, which may influence the development of future legislation and guidance
- what, if any, enforcement action is appropriate

During 2016, the Inspectorate carried out 58 investigations into serious work-related accidents and incidents, including, sadly, one fatal accident in which an elderly patient with dementia fell from a bath hoist, sustaining catastrophic head injuries which resulted in death a few days later. Of the 58 accidents and incidents:

29 followed notification by the Police Emergency Control Room

9 were notified by a Utility Service following significant damage to an electrical or gas service during construction work

6 were prompted by claims for Social Security benefit

14 were reported by other sources, including employers, employees and others contacting the Inspectorate directly



In addition to the fatal accident, many of these resulted in people sustaining serious injuries including multiple fractures, amputations, serious head injuries and exposures to airborne asbestos fibres.

In line with the principle of targeting high risk sectors and activities, figure 1 illustrates the industry sector or working activities where these investigations were carried out

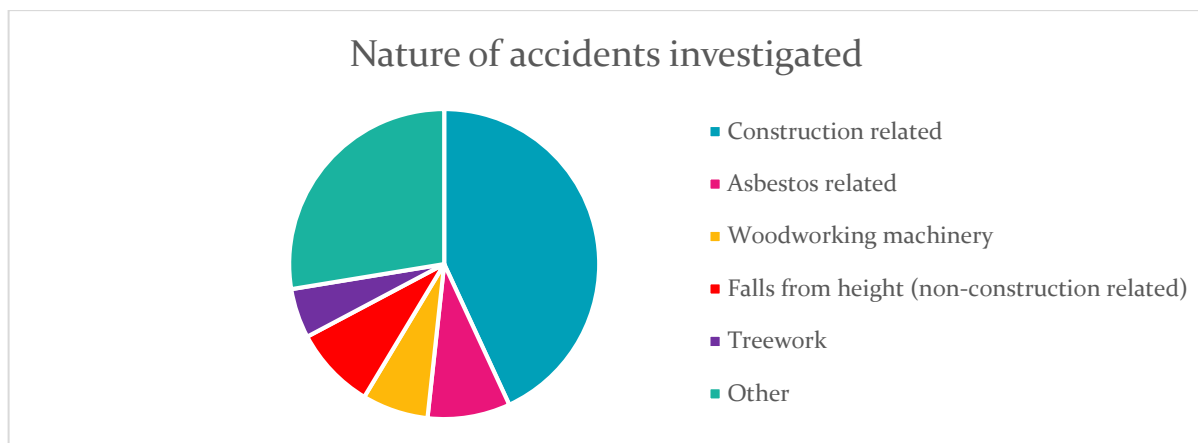


Figure 1: Breakdown of accident investigations by sector or working activity

In addition, Inspectors followed up on 78 reports relating to defective work equipment, which, at the time of thorough examination by a competent engineer surveyor, presented a danger to persons. When such defects are identified during a statutory thorough examination, the examiner is required by Law to notify the Inspectorate.

Asbestos licensing

Asbestos licensing is the only 'permissioning' regime in health and safety legislation in Jersey. Asbestos is classified as a class 1 carcinogen, with asbestos-related diseases causing approximately 5000 deaths every year in the UK. Work with asbestos therefore requires a high degree of regulatory control, which is achieved through licensing.



Anybody wishing to work with certain asbestos-containing materials, including asbestos insulation, asbestos insulation board and asbestos coatings, must obtain a licence from the Minister for Social Security, or receive approval from a Health and Safety Inspector to work on a licence issued under an equivalent licensing regime in the UK or Northern Ireland.

In order to be granted a licence, the applicant must be able to demonstrate they have the necessary skills, competency, expertise, knowledge and experience of work with asbestos, together with excellent health and safety management systems.

During 2016 one locally based licence holder stopped carrying out licensed work in order to focus on other business activities. This left one licence holder based in Jersey at the end of 2016, and an average of 4 UK based contractors holding approval to work on their UK licence at any one time. An up to date list of licence holders is available on the Inspectorate website www.gov.je/hsi

Licensed contractors are required to submit notification of any licensable work to the Inspectorate at least 14 days before work starts, together with a detailed Plan of Work setting out how the work is going to be carried out safely. In 2016, 113 Plans of Work were submitted to the Inspectorate.

Complaints

The Inspectorate received a total of **162** formal complaints in 2016. These covered a wide range of activities and levels of risk.

Whilst consideration is given to all complaints received, to ensure the most effective use of the Inspectorate's limited resources, the decision of what action is taken is made on a risk-based approach. This will depend on:

- The **seriousness** of the **injury** caused, or which may be caused
- The **number** of persons injured, or who may be injured
- The **likelihood** of the incident occurring, or reoccurring

Using a decision matrix, which is publically available on the Inspectorate website, all complaints are categorised into one of three categories, which will determine the response taken by an Inspector:-

- Category 1: **Serious** risk – we will respond within one working day
- Category 2: **Significant** risk – we will respond within 5 working days
- Category 3: **Low** risk – we will not follow up the complaint

Of the 162 complaints received in 2016:

46 were classified as category 1
94 as category 2 and
22 as category 3

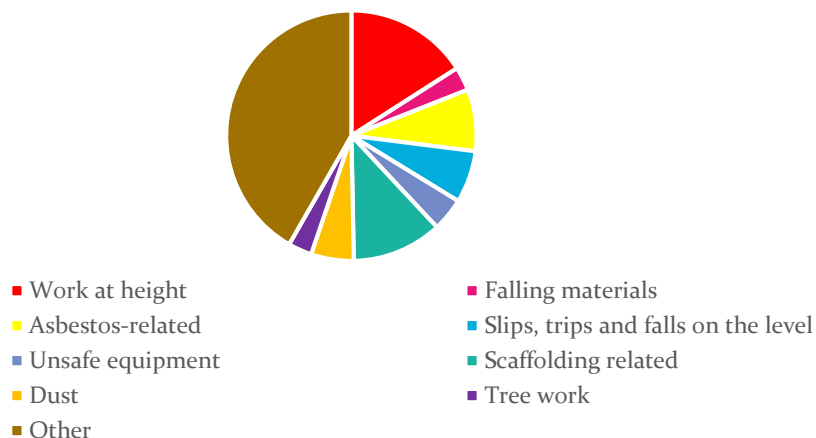


Where any breaches of legislation are found as a result of a complaint, action is taken in accordance with the Inspectorate's enforcement policy.

11% of all category 1 complaints resulted in an immediate Prohibition Notice being served, legally stopping the work until action had been taken to control the risks

16% of these Prohibition Notices related to unsafe work at height

Basis for complaint



When a complaint is categorised as category 3 or 'low risk' and therefore not followed up, the Inspector will always be happy to explain why this is the case. This may be based on the risk profiling, or because the matter falls outside the scope of the health and safety at work legislation.

Enforcement action

The Inspectorate is committed to delivering firm, but fair enforcement of health and safety legislation. As a Regulator we use a range of methods to encourage and support businesses to manage health and safety risks in a sensible and proportionate way and secure compliance with the Law. We will, however, ensure that those who have legal duties are held to account for significant failures.

As well as providing published guidance and information and verbal advice, enforcement methods available to inspectors include

- providing written information regarding breaches of the Law
- requiring improvements in the way risks are managed - through the use of Improvement Notices if necessary
- stopping certain activities where they create serious risk – through the use of Prohibition Notices where necessary
- collecting evidence and submitting a report for the Attorney General for consideration of prosecution

All enforcement is taken in accordance with the Inspectorate's enforcement policy, which is available through the Inspectorate's website, and the following 5 principles:-



Legal Notices

Prohibition Notices are served when, in the opinion of an Inspector, there is a risk of serious personal injury and work must be stopped until the appropriate steps are taken to control the risks.



During 2016 **10** Prohibition Notices were served

- 6 related to unsafe work at height
- 3 related to the use of defective and unsafe equipment
- 1 related to unsafe aerial tree work

Improvement Notices are served when, in the opinion of an Inspector, there is a breach of the health and safety legislation which needs to be remedied within a certain period of time.

During 2016 **29** Improvement Notices were served

- 21 in connection with a proactive targeted initiative of the arboriculture industry and related to a failure to provide appropriate refresher training for aerial tree workers
- 3 for the failure to have a suitable written health and safety policy
- 3 relating to the failure to prepare suitable risk assessments for high risk activities involving pedestrian / vehicle segregation, work at height and damage to utility services during demolition
- 2 relating to the failure to provide adequate training



Failure to comply with a Prohibition Notice or Improvement Notice is an automatic offence under the Law.

There is a right of independent appeal against Improvement and Prohibition Notices, through the Health and Safety Appeal Tribunal. No appeals were submitted in 2016.

Prosecutions

During the year 5 case files, including one relating to a fatal accident that occurred in March 2016 in which an elderly patient died after falling from a bath hoist, were referred to the Attorney General for consideration of pursuing a prosecution under health and safety legislation.

No case had progressed to Court proceedings by the end of the year, but indications were given that these would all be progressed in early 2017.

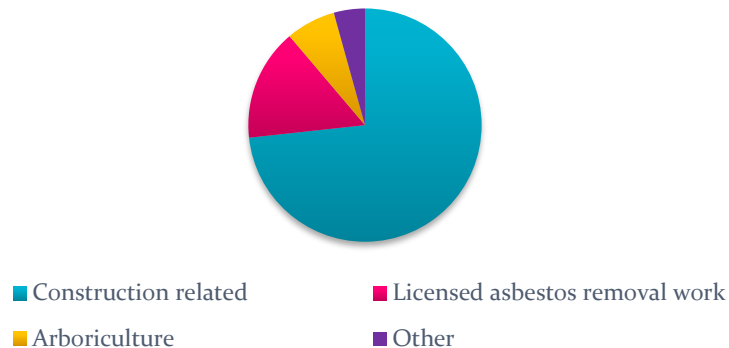
Proactive work

Proactive inspections

116 proactive inspections of workplaces were carried out during the year. Such visits are typically carried out without prior notice, and are designed to review whether duty holders are meeting their legal requirements in respect of the risks created by their working activities. Any action taken by an Inspector will be proportionate to the findings of the visit, and may range from general guidance and advice (either verbal or in writing) through to formal enforcement action if there are health and safety risks which need to be dealt with.

In accordance with our aim to focus the limited Inspector resource to those workplaces where the risks are highest, and where we can have the greatest impact, 87% of all proactive inspections were construction-related or connected to the removal of licensed asbestos-containing materials.

Proactive visits



Targeted initiative

During 2016 a targeted initiative was carried out of the arboricultural industry, specifically looking at high risk aerial tree work, ie work which involves being suspended at height by ropes and harnesses when operating chainsaws. The initiative focused on the training and competence of tree climbers, the use of chainsaws and access into/working in trees and the provision for aerial rescue.

All duty holders known, or suspected, to be carrying out aerial tree work in the Island were contacted in respect of the initiative. Although all of those carrying out such work could provide evidence of appropriate training in the past, the majority of this had taken place up to 9 years ago. There was little evidence of refresher training being provided in

accordance with industry best practice. Refresher training is essential to ensure proficiency doesn't lapse and to maintain an up to date knowledge and awareness of new techniques and standards of best practice.

As a result of the findings, a total of 21 Improvement Notices were served, 10 relating to a requirement to provide training in the use of chainsaws for aerial tree work, and 11 relating to the requirement for training in aerial rescue.



Advice and guidance

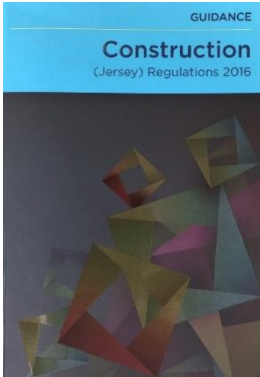
The Inspectorate is always happy to provide targeted advice, information and guidance to help duty holders comply with health and safety legislation in a sensible and proportionate manner.

During 2016, the Inspectorate dealt with over **2200 telephone requests** and provided over **1500 email and written responses** to queries on health and safety. In addition, Inspectors had **328 face to face contacts** in response to direct requests for advice.

Publications and authoritative guidance

To assist duty holders to understand what they need to do to comply with their legal obligations, the Inspectorate writes, designs and publishes a wide range of guidance. This is intended to provide straightforward and practical advice on the minimum standards which need to be achieved to ensure compliance with the Law.

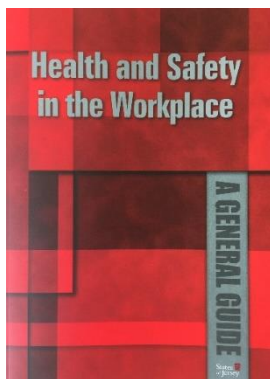
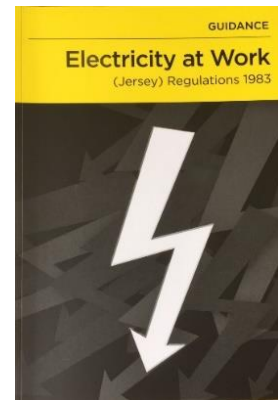
Whilst all publications are made available to download through the Inspectorate website, it is clear from customer feedback that hard copies of the key publications are still very much valued. Although in the present economic climate the cost of providing hard copies must be kept under regular review, it is still the intention to continue to offer all key documents free of charge to ensure duty holders have access to the guidance in their preferred format. Examples of guidance published in 2016 include:



To coincide with the introduction of the new 'Management in Construction (Jersey) Regulations 2016, a comprehensive guidance publication was produced to provide practical, technical and legal advice on the legal requirements for all those having duties under the Regulations.

It was pleasing to note the very positive feedback this publication has received from all sectors of the industry.

New guidance on the 'Electricity at Work (Jersey) Regulations, 1983' was also published in 2016 to replace outdated guidance. This proved to be an extensive piece of work, but the final document provides comprehensive, but clear, advice on the standards of good practice within the electrical field and the steps that should be taken to control the risks of electrical injury.

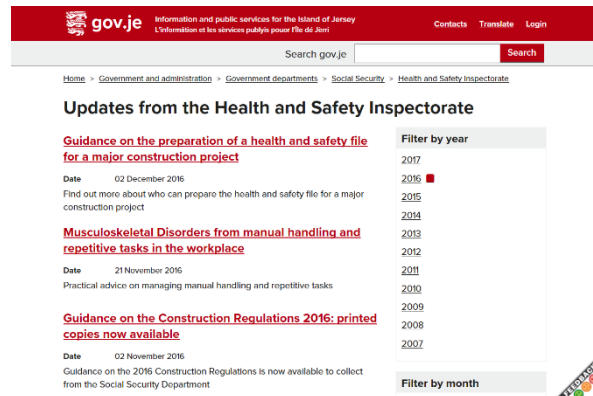


The popular 'Health and Safety in the Workplace: A general guide' (commonly known as the 'Red Guide') was revised to reflect changes in the legislation and to ensure the advice provided continues to reflect standards of best practice.

The Inspectorate website www.gov.je/hsi

The website is increasingly being seen as a valuable forum for providing timely information and guidance about the Inspectorate and the legal requirements imposed by the Law.

The [Updates page](#) is increasingly being recognised as the place to check for information about the on-going work of the Inspectorate, find topical advice and guidance on health and safety at work matters, and keep up to date with changes in legislation or authoritative guidance.



The screenshot shows the 'gov.je' website header with navigation links for Home, Government and administration, Government departments, Social Security, and Health and Safety Inspectorate. The main content area is titled 'Updates from the Health and Safety Inspectorate' and lists three recent updates:

- Guidance on the preparation of a health and safety file for a major construction project**
Date: 02 December 2016
Find out more about who can prepare the health and safety file for a major construction project.
- Musculoskeletal Disorders from manual handling and repetitive tasks in the workplace**
Date: 21 November 2016
Practical advice on managing manual handling and repetitive tasks.
- Guidance on the Construction Regulations 2016: printed copies now available**
Date: 02 November 2016
Guidance on the 2016 Construction Regulations is now available to collect from the Social Security Department.

On the right side of the updates, there is a 'Filter by year' dropdown menu with a list of years from 2007 to 2017. The year 2016 is currently selected, indicated by a red square. Below the year filter is a 'Filter by month' dropdown menu.

During 2016 a number of [web based](#) articles and [information sheets](#) were published as a direct result of specific queries being received by the Inspectorate or where there was evidence of a common misunderstanding amongst duty holders. This ranged, for example, from guidance on the legal requirements relating to the thorough examination and testing of passenger lifts, specific advice tailored to the different duty holders under the Construction Regulations, stress in the workplace to managing the risks of musculoskeletal disorders from manual handling and repetitive tasks.

A dedicated section of the website was developed specifically for the new Construction Regulations. As well as providing links to a range of guidance on the legal requirements imposed by the Regulations, copies of the form used to record statutory inspections, weekly records, tests and examinations of excavations and various equipment including scaffolding, hoists and fall protection systems can be downloaded.

Electronic notification of major construction projects, as required by Regulation 9 of the Construction Regulations, is also achieved through this section of the website. Whilst a significant amount of work and effort was put in to ensure the electronic on-line form was available for the 1 October, it is recognised that the form requires further development in 2017 in order to provide a better customer experience, particularly in respect of updating an existing notification.

Working in Partnership

The Inspectorate continued to work closely with a number of partners to help deliver key health and safety messages and to encourage a commitment to achieving the real benefits gained from effective health and safety management.

The **Jersey Safety Council** is a body set up by the States to promote occupational health and safety, and to provide work-related health and safety training and support which would otherwise not be readily accessible in the Island. The Director of Health and Safety sits on the Council as an ex-officio member.

Whilst the achievements and work of the Council are set out in its Annual Report, the Council started an extensive piece of work in 2016 to develop a basic health and safety awareness test for the construction industry. This is intended to replace the old 'Passport to Safety' scheme, which was withdrawn when the new Construction Regulations were introduced as the scheme no longer reflected the legal requirements. This major piece of work will continue into 2017 with the support of the Council, the Inspectorate and other industry partners, and is an excellent example of a collaborative approach to improving standards in a high risk industry. The intention is to expand the scheme to apply to other industry sectors in the future, with the web based platform and design being developed to facilitate this.

The Council also undertook to facilitate accredited training for those with duties under the new Construction Regulations to assist with raising awareness and competence in compliance with the legal obligations. This included accredited and assessed training for 'Health and Safety Project Co-ordinators', a new role required to be appointed for major construction projects, which was successfully attended by almost 70 people. In addition a number of bespoke courses specifically tailored to other duty holders, including Directors, designers and contractors, were also delivered.

The **Jersey Construction Council** (JeCC) is a representative body of the construction industry, with a wide breadth and depth of membership across the different sectors of the industry, including contractors, consultants, supplier/ service providers and clients. A new '**smaller contractors' group** was set up by the Council in 2016 which is seen as an extremely positive move as this is a sector which the Inspectorate has traditionally found most difficult to engage with. Early events have proved extremely well supported and of mutual benefit to all involved.

The **Jersey Association of Scaffolding Contractors** was formally constituted in 2016, and although the Association is still in the early stages of development, it represents the first time this key sector of the construction industry has had a common voice. It is hoped that this will help improve and maintain standards within this high risk industry.



The Director of Health and Safety sits on a number of multi-agency Groups including the **Emergency Planning Board** which ensures the Island properly plans for, and is in a position to respond to, any major emergency or disaster in, or affecting, Jersey.

The Director also sits on the **Hazardous Review Group**, which includes representatives of a number of Regulators, States Departments and duty holders, who meet quarterly to monitor and review the safety of the major hazard installations and off-site arrangements at La Collette.

Other States Departments

The Inspectorate regularly liaises and works with a wide range of other States Departments, including the States of Jersey Police, Fire and Rescue Service, Department of the Environment, Environmental Health and Driver and Vehicle Standards. This includes joint investigations into matters where more than one regulatory authority may have any interest to general advice and mutual support.

Other Regulatory Authorities

The close working relationship with the UK Health and Safety Executive, formalised through a formal Letter of Understanding, was maintained and developed. This provides access to specialist advice and support when required.

Contact with the UK Local Authorities national forum was also maintained in order to provide access to advice and guidance relating to non-HSE regulated workplaces in the UK, which are regulated by the Inspectorate in Jersey .

The long standing relationship with the Health and Safety Executive in Guernsey also remains a valued and beneficial association, with a memorandum of understanding providing for mutual support between the Islands in place.

A look back at 60 years of Health and Safety at Work Law in Jersey



1956 - the first Law providing for the 'safeguarding of the health, safety and welfare of persons in employment' in Jersey came into force. This was some 6 years after a proposal for the introduction of a health and safety Law was first formally put before the States. Several years of debate and political opposition ensued, which saw the draft Law being withdrawn in 1953. Several amendments and debates later the 'Safeguarding of Workers (Jersey) Law 1956 was finally adopted on 20 January 1955 and

came into force on 1 June 1956.

The first full-time Inspector appointed had powers of entry into workplaces but his function was purely advisory until specific Regulations were introduced under the Law. It was not until 1960 that the first Regulations appeared which introduced specific legal requirements relating to the safety of scaffolding.



In 1964 the first health and safety prosecution took place as a result of 3 scaffolds being erected which 'were not securely supported and properly strutted or braced to ensure stability'.

A fine of £3 was imposed on each of the 3 charges.

Regulations on the use of poisonous substances in agriculture were next to appear in 1965, followed by Ionis-

ing radiation, cellulose solutions and, in 1967, the Machinery and Woodworking Regulations.

The introduction of the Construction (Safety Provisions) (Jersey) Regulations, 1970, was reported as 'the biggest step forward in health and safety legislation'. I doubt many people thought then that they would remain in force for the next 46 years - at which time their replacement would be seen as the most significant development in occupational health and safety legislation for over 27 years.



Following a gas explosion in 1982 concerns that the enabling 1956 Law did not provide the appropriate level of statutory protection were raised. The first draft of a new Law placing general duties on employers to ensure the health, safety and welfare of employees

and providing for the protection of the public was subsequently drawn up. The self-employed and manufacturers, designers and suppliers were also brought into the scope of the Law for the first time.

Once again, the proposed Law met considerable opposition in the States chamber when first debated in 1987, with only members of the Social Security Committee speaking in support of its introduction, leading to its withdrawal. Following new elections, extensive consultation and some relatively minor amendments to the original draft Law, the Health and Safety at Work (Jersey) Law was finally adopted and came into force on 1 November 1989. This Law, although subject to several amendments over

the years, remains the overarching Law setting out the framework for dealing with health and safety at work to this day.

Scrap books containing health and safety related articles published in the JEP since 1956 have been carefully maintained by the Inspectorate, and are still compiled today. These provide a fascinating insight into how health and safety in the workplace has developed over the years – and thankfully how the number of work-related fatalities has decreased significantly since the early days when there were, on average, 2 deaths every year in the Island.

Notwithstanding this, it also apparent that many of the basic failures seen as far back as the 1950s

and 60s are still seen far too often today, despite the risks typically being well recognised and easy to control. Examples include unsafe scaffolding, unguarded machinery and unsupported excavations. The photos below, taken over a period of over 20 years demonstrate this all too clearly.

This suggests there is still much to be accomplished in seeking improvements in the management of health and safety in the workplace, and underlines the importance of everybody involved with working activities to play their part.



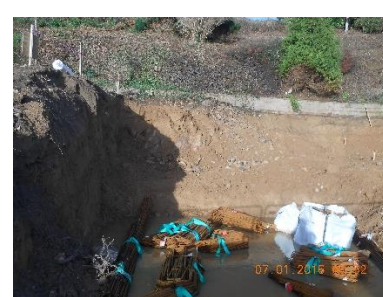
Pre-2000



2007



2011



2016

Investing in the future

Value for money

The Inspectorate budget

The Inspectorate, like all States departments, continues to face significant budgetary pressure to support the broader States of Jersey's requirement to reduce Public Sector expenditure. The challenge is to ensure that we continue to scrutinise and assess the ways in which we work to optimise our efficiency and effectiveness.

The Inspectorate total annual expenditure for 2016 was £446,494, a 2% reduction compared to 2015.



In 2015 we introduced 'Jack' the bicycle to the team. As well as being eco-friendly and cheap to run, Jack has proved to be a very popular means of getting around St Helier, particularly where it may be difficult to park, and has enabled a quicker response to some category 1 complaints where an Inspector would previously have walked.

To compliment Jack and extend the range of our cycling Inspectors we will be looking to purchase a full sized bike with panniers in 2017.

We continue to review and trial new procedures in respect of managing and storing information, which has resulted in a reduction in the amount of paper used, as well as minimising duplication of time.

Investing in the team

The Inspectorate team is a highly skilled and specialised team of people, who all play an essential part in achieving the high standards of service and performance we strive to deliver.

Due to the wide range of workplaces and working activities in Jersey, there is a requirement to ensure that all team members have, and maintain, an up to date knowledge of health and safety at work legislation and its application.

2016 saw two Inspectors, recruited in early 2014, successfully pass the bespoke specialist 'Post Graduate Diploma in Regulatory Occupational Health and Safety' administered by

the UK Health and Safety Executive. A very demanding and exacting qualification, this involved both Inspectors spending a significant amount of time in the UK over 2 years undergoing legal and technical training and formal assessment, as well as a number of joint visits and external, independent assessments and verification in Jersey. Both subsequently started a 3rd year of advanced Technical Training in 2016.

Other training and updates provided to the team during 2016 covered a diverse range of subjects including legal updates, both in respect of investigatory and enforcement processes and evidence management as well as developments in relevant health and safety case law; specialist refresher training, including asbestos-related activities; IT and web-based training; Safeguarding and data protection.

Statistical data on occupational accidents and ill health

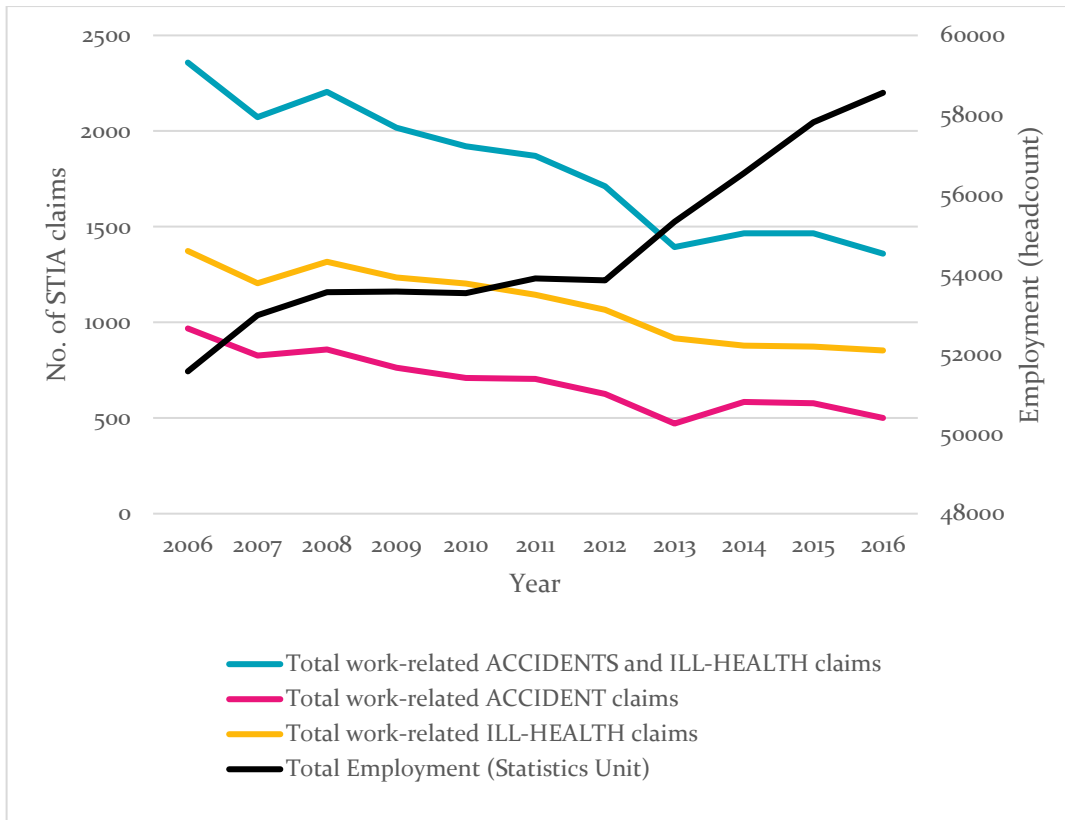
Unlike the UK, where employers, the self-employed and people in control of work premises have a legal duty to report certain serious workplace accidents, occupational diseases and specified dangerous occurrences (near-misses) to the UK Health and Safety Executive, there is no legal duty to report accidents or ill health to the Health and Safety Inspectorate.

Instead, in Jersey, statistical data on work related accidents and ill health is collated through individual claims made for Social Security benefit (short term incapacity allowance). Whilst this has some limitations, for example claims will only be paid on receipt of a medical certificate for 2 days or more off work and the system does not capture near-misses or injuries to members of the public resulting from working activities, it is believed that the system provides a more accurate picture of true absence as it does not rely on self-reporting by employers and others in control of working activities.

The manner in which the data has been collected has remained consistent for many years. However, whilst investigating an apparent anomaly in the data initially produced for 2016, it became evident that there has been an error in the way in which the data has been collated and analysed following a change in computer software some years ago. Medical certificates submitted to the Department that do not include a specific date on which an accident occurred or when the episode of ill health started have been automatically excluded from the final report detailing the total number of claims reported. Not unexpectedly, this has had the most significant impact on ill health claims where it is often difficult to pin point a specific date when the illness started, and therefore is frequently not specified on the medical certificate. This has resulted in a significant underreporting of work-related ill health claims, in particular, throughout this period.

A significant amount of work has been done to reevaluate previously reported figures and to review the impact this has had on the over-riding trends of the numbers of work-related accident and ill health over the past 10 years. This has shown that despite the total number of claims being higher than previously reported, the overall trends remain the same.

It is particularly pleasing to note that 2016 saw a reduction in the total number of accident and ill health claims for the first time since 2013. This also represented the lowest number of total claims recorded since 2006 when the earliest reliable statistical data is available. Balanced against the ever increasing level of employment this is a significant result and one we hope will continue into 2017 and beyond.



In 2016 there were **1356 claims** submitted for short term incapacity allowance for work-related accidents and ill-health. Of these **502** related to a **work-related accident** and **854** to **work-related ill-health**.

In real terms this represents the lowest rate of combined accident and ill health claims per head of working population since 2006, when the first records are available.

The number of working days lost totalled **38,818**

The total amount paid out in short term incapacity allowance was just over **£1 million** (£1,014,960)

Collation of accident and ill health data

To collect more detailed information on workplace accidents and ill health, every claimant submitting a medical certificate for benefit which indicates that the injury or ill health is work related is automatically sent a questionnaire asking for further details to be provided. Whilst this relies on the individual concerned to return the

questionnaire, those that are returned provide useful information which is used to inform and influence the planning of the Inspectorate's proactive work programme.

In 2016, of the 1356 work related claims for benefit, 37% related to **accidents** and 63% to **ill health**.

For the first time, questions on work-related accidents and ill health were included in the annual 'Jersey Opinions and Lifestyle survey report 2016'¹. This survey, administered by the Statistics Unit (Chief Minister's Department), was sent to around 3,300 randomly selected households in June and July 2016 and is designed to obtain an understanding of social issues in the Island so that policy decisions can be made from a more informed standpoint.

Unfortunately the number of respondents reporting work related accidents and ill health precluded in-depth analysis of the data as the numbers were too small to be considered statistically representative of the whole Island's population. The statistically reliable data, however, identified that 3% of workers said that they had suffered an injury at work, and 1 in 10 had taken time off for work-related stress or anxiety in the previous 12 months.

Accidents and ill health by industry

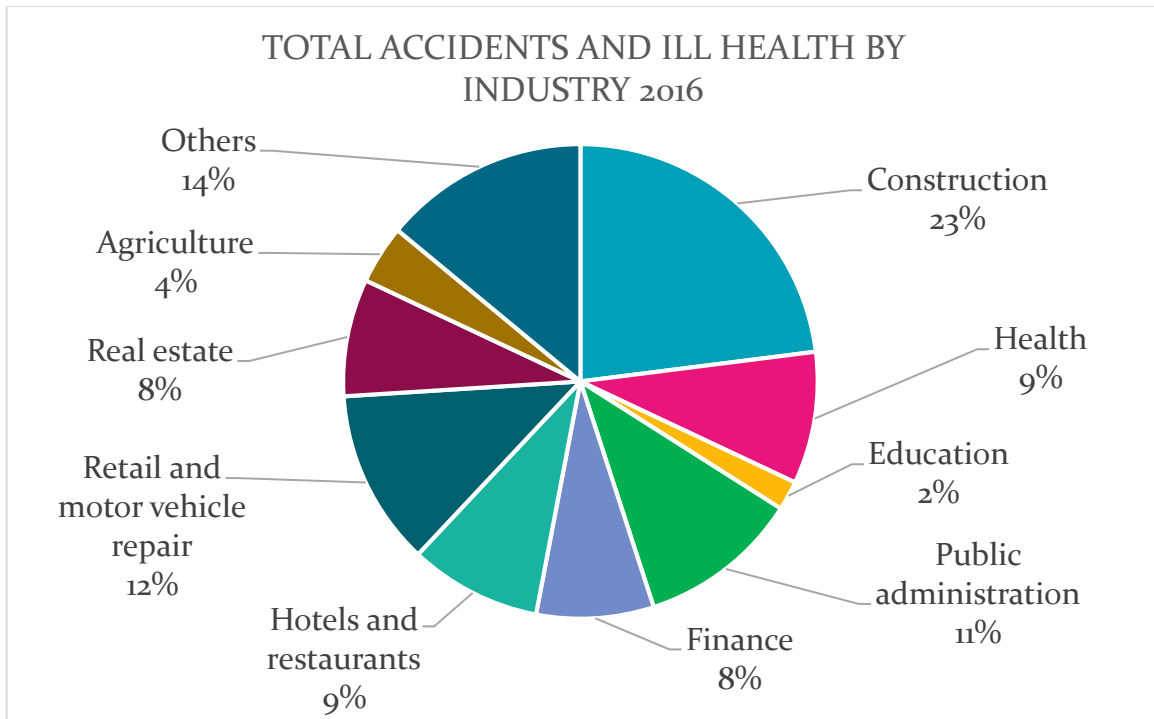
Continuing the trend of the last decade, in 2016 the **construction industry** remained the industry where employees were most likely to suffer an accident or ill health at work.

23% of all claims for benefit came from this industry sector, despite only making up approximately 10% of the Island's total workforce.

Construction workers were twice as likely to claim after having an accident at work compared to suffering ill health. Perhaps unsurprisingly, over 80% of the ill health claims that were submitted from this sector related to musculoskeletal disorders.

27% of all claims for benefit for **work-related stress** came from the **Finance** sector, a sector which accounted for almost a quarter (22%) of total employment in the Island in 2016.

¹ A copy of the report is available on www.gov.je



Accident data

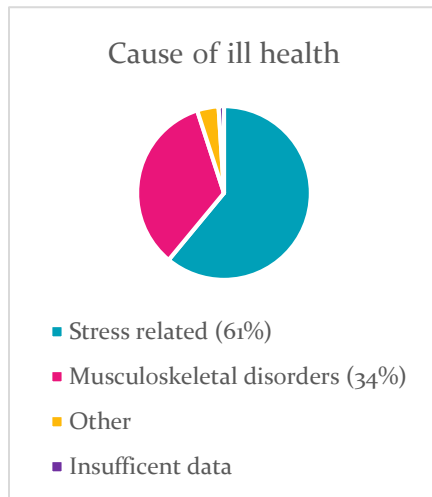
Of the 502 claimants sent a questionnaire requesting further details about their accident 49% returned a completed form. Analysis of this data showed that, as has been the case for several years, the top 3 causes of accidents were

- overexertion (34%),
- stepping on or being struck by objects (31%)
- falls from height and on the level (32%)

The most common injuries sustained as a result of an accident were

- sprains and strains (51%)
- fractures (15%)
- lacerations and open wounds (13%)
- concussions and other internal injuries (9%)

Ill health data



Of the 854 claimants sent a questionnaire requesting further details about their ill health 29% returned a completed form.

Analysis of this data showed that, following the pattern over the last decade, stress and musculoskeletal disorders formed the very significant proportion (95%) of all work-related ill health.

This reflects a broadly similar position to Great Britain where work-related musculoskeletal disorders and stress account for the majority (78%) of all reported work-related ill health. In Great Britain, however, musculoskeletal disorders are cited as the most common cause, accounting for 41%, with work-related stress coming in second at 37% of the total.

In Jersey, work-related stress was, by far, the most common cause of claims in 2016 (61%), and significantly higher than musculoskeletal disorders (34%).

27% of all claims for benefit for **work-related stress** came from the **Finance** sector. This indicates a need for the sector to take a far more proactive stance to managing work-related stress through suitable risk assessment methodology, such as the 'Management Standards' (detailed guidance on this approach is available through the Inspectorate website or www.hse.co.uk) than appears to be the case at present.

Whilst it is acknowledged that the statistics gained from claims for benefit do not reflect a full picture of work related accidents and ill health in the Island, the means of collecting the data through the Social Security benefit system has remained consistent for many years which does allow meaningful conclusions to be drawn, particularly in respect of identifying those persons most at risk.

Key points from 2016

- The Inspectorate carried out 58 investigations into serious workplace accidents and incidents
- 39 Legal enforcement notices were served; 10 immediate Prohibition Notices and 29 Improvement Notices
- 113 Plans of Work relating to licensed asbestos removal work were processed
- Inspectors followed up on 163 complaints about working activities
- 116 proactive inspections of high risk workplaces were carried out
- The Inspectorate responded to more than 2200 telephone calls and provided more than 1500 written responses
- 1356 claims for Social Security short term incapacity allowance were made as a result of a work related accident or ill health
- Work related accidents and ill health resulted in a total of just over £1 million being paid out in benefit and 38,818 working days lost
- The total number of claims for work-related accidents and ill-health combined decreased for the first time since 2013, despite the total employment figures increasing by 1.3% compared to 2015. The total number of claims was also the lowest number recorded since data is available (2006).