

# Health and Safety at Work Inspectorate

## Annual Report 2013



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## Foreword

This Annual Report provides information on the work of the Inspectorate during 2013, and statistics for work related accidents and ill health obtained through claims made for Social Security benefit.

Overall, it can be said that the Inspectorate had a challenging year, mainly due to staff changes and the demands of ongoing investigations into serious incidents. This has had an impact on the Inspectorate's ability to carry out proactive work and the need for prioritisation of reactive work; nevertheless, I am pleased to say that the key performance indicators for the work of the Inspectorate were met.



It is pleasing to note that the number of claims for Social Security benefit as a result of work related accidents and illnesses, fell in 2013. Whilst it could be surmised that this is due to the economic downturn, in reality there are probably a multitude of factors involved. Whatever the true reasons, the reduction is to be welcomed as it means that there were fewer individuals who suffered pain and injury as a result of their work in 2013. That really is what health and safety at work is all about – putting arrangements in place to ensure that people are protected from risks created as a result of working activities.

**Colin Myers Dip Mgmt (Open) MA CMIOSH**  
Health and Safety Inspectorate  
August 2014

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## Strategic framework

### About us

The Health and Safety at Work Inspectorate (“Inspectorate”) sits within the Social Security Department. Inspectors are appointed under the Health and Safety at Work (Jersey) Law, 1989, the principal occupational health and safety law in the Island.

Senator Francis Le Gresley, Minister for Social Security, and Assistant Minister for Social Security, Deputy Susie Pinel, have political responsibility for health and safety at work. The head of the Inspectorate, Colin Myers, the Director of Health and Safety, provides support to the Minister and Assistant Minister.

Our primary function is to secure the health, safety and welfare of people at work and to protect others from risks to health and safety from work activities. We regulate virtually all working activities in the Island, and work closely with regulatory authorities in other States Departments where they have lead responsibility for a specific workplace matter.

We apply a proportionate and targeted inspection regime, focusing on high risk workplaces and major hazard activities, but also carry out accident investigations and respond to complaints across all industry sectors. We seek to achieve compliance with the Law by providing advice and support; undertaking initiatives aimed at improving areas of poor performance; and investigating and taking enforcement action. Inspectors are able to serve legal notices which can either stop work or seek improvements within a set timescale. Where an investigation identifies a serious breach of the Law, Inspectors may also make a recommendation to the Attorney General that the offender be prosecuted.



## Staffing

The Inspectorate is comprised of the Director of Health and Safety, 3 Inspectors, a Technical and Administrative Officer and part time Administrator.

During 2013, due to staff changes and succession planning, the recruitment of two new health and safety trainee inspectors took place. Both trainees, who joined the Inspectorate in early 2014, are embarking on a 3 year training course arranged through the UK Health and Safety Executive. Their development is an essential factor in the continuation of the Inspectorate as a highly trained and professional unit.

An Inspector, who joined the Inspectorate as a trainee in 2010, also made satisfactory progress and is nearing the completion of her training.

Mrs Tammy Fage, who has been with the Inspectorate for over 16 years, was also appointed as Director of Health and Safety, designate, during 2013, taking up the post of Director from 1<sup>st</sup> July 2014. In keeping with the commitment to provide development opportunities for employees of the States of Jersey, Mrs Fage has undertaken significant training not only in her role as an Inspector but also in her development as a senior manager in the States of Jersey. The focus on her development resulted in her being successful in her application to become the new Director of Health and Safety.

In addition to Inspectors, the Inspectorate also includes a Technical and Administrative Officer and a part time Administrator. Both Administrative Officers not only support the Inspectors and are the first line contact for the Inspectorate, but also carry out specific roles in such areas as budgeting control, the development of guidance and collation of statistical information.

The Inspectorate is also supported by staff and work closely with colleagues in other areas of the Social Security Department.

As a small Island, it would be impossible for the Inspectorate to have the extensive range of specialist knowledge required. The Inspectorate therefore works closely with and receives support, specialist advice and training from the UK Health and Safety Executive (HSE). In 2013, this arrangement was revisited with a formal agreement prepared.

## The Inspectorate's strategic framework

The Inspectorate's strategic framework fits within the vision set out in the States of Jersey Strategic Plan for 2012 – 2015 which states:

Islanders should all be able to enjoy a safe, just and thriving community. People have a right to expect that the fundamentals are in place, such as protection from harm, effective law enforcement and security, a fair and functioning criminal justice system, secure borders and clear rights and responsibilities for individuals.

The Inspectorate's vision is:

The prevention of death, injury and ill health to those at work and those directly affected by work activities

In seeking to achieve this vision we have four occupational health and safety priorities:

- Reducing the incidence/severity of risks in high risk workplaces
- Improving the understanding of dutyholders<sup>1</sup> and workers to effectively manage real occupational health and safety issues
- Providing assistance to those that seek help to meet their legal duties but taking against those that have a blatant disregard for occupational health and safety
- Encouraging States' Departments to influence occupational health and safety outcomes

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<sup>1</sup> A dutyholder is an organisation or individual who has legal requirements placed on them under the Law. Examples of dutyholders include employers, employees, a self-employed individual and those with responsibility for premises used as a workplace.

Work is carried out by the Inspectorate to meet these occupational health and safety priorities through carrying out work under the following action points:

1. Investigating work related accidents and ill health which have resulted in death, serious injury or ill health and incidents which have given rise to unsafe conditions with the potential to cause death, serious injury or ill health.
2. Carrying out the inspection of high risk workplaces to gain compliance with OHS legislation.
3. Providing advice and guidance to enable those seeking help to meet their duties under OHS legislation.
4. Taking action on complaints about working conditions and activities within our stated complaints policy.
5. Enforcing occupational health and safety legislation within our stated enforcement policy.
6. Collating and publishing statistical information on work related accidents and ill health.
7. Carrying out targeted action in specific areas to seek improvements in the understanding and management of occupational health and safety.
8. Supporting industry-led initiatives to improve occupational health and safety.
9. Developing the legal framework for occupational health and safety to support the improvement of the control of risks in the workplace.

The following section of this report sets out the work carried out by the Inspectorate in 2013 towards meeting these action points.

## Work carried out by the Inspectorate in 2013

### Action point 1

**Investigating work related accidents and ill health which have resulted in death, serious injury or ill health and incidents which have given rise to unsafe conditions with the potential to cause death, serious injury or ill health**

Information on work related accidents and ill health is reported to the Inspectorate in a number of ways:

- Reports received from the emergency services who have been called to a workplace accident or incident.
- Notification through the Social Security benefit system as a result of claims for Social Security benefit due to work related accidents and ill health.
- Employers and other concerned parties contacting the Inspectorate directly.



In determining which reports to investigate, Inspectors will take into account a number of factors including:

- The severity and scale of potential harm.
- The seriousness of any potential breach of the Law.
- Knowledge of the dutyholder's past health and safety performance.
- The enforcement priorities.
- The practicality of achieving results.
- The wider relevance of the event, including serious public concern.



During 2013, the Inspectorate carried out 88 investigations into serious accidents and incidents.

29 of these investigations were made in response to being contacted by the emergency services, 15 investigations prompted by claims made for benefit and 44 from other sources, including concerns expressed by individuals who contacted the Inspectorate directly.

Of these 88 investigations, 29 were construction related with 13 being linked to disturbance of asbestos. 10 were as a result of the movement of material, equipment or vehicles.

Investigations are undertaken to determine:

- The cause of the accident/incident.
- Whether action has been taken or needs to be taken to prevent a reoccurrence and to secure compliance with the Law.
- Whether there are wider lessons to be learnt, and to influence the development of future Law and guidance.

Where it is determined that there is a breach of the Law, the action taken against a dutyholder will be proportionate to the incident/accident in accordance with the Inspectorates' published Enforcement Policy.

## Action point 2

### Carrying out the inspection of high risk workplaces to gain compliance with OHS legislation

As part of its proactive work, the Inspectorate carries out inspections of high risk workplaces with the aim of ensuring that dutyholders are meeting the legal requirement placed on them in addressing the risks created by the working activities for which they have responsibility.



High risk workplaces fall into two major categories, those involving a working activity which is inherently high risk, such as a major hazard site, and those where there is an awareness that there are persons placed at risk due to the nature of the working activities, for example construction sites and work with asbestos.

During 2013, Inspectors carried out 115 proactive visits; 89 of those focused on construction work, including asbestos, and 18 to major hazard sites. The action taken by Inspectors as a result of matters found during the course of these visits is in accordance with the Inspectorates' Enforcement Policy. The commitment for the year of 100 proactive visits with 70 visits to high risk activities was therefore achieved.

Asbestos is classified as a Class 1 carcinogen. Asbestos related diseases are recognised as killing more people than any other single work related cause, with it being reported that asbestos is currently responsible for an estimated 4500 deaths in the UK. For this reason, there are strict legal controls over work with asbestos; the Inspectorate reviews all plans of work to ensure the licensed contractors proposals for work with this highly dangerous substance are suitable.

Licensed contractors are required to submit notification of proposed work, together with a detailed plan of work, to the Inspectorate at least 14 days prior to them starting on site. The Inspectorate is therefore required to review the detailed plan of work within this timescale. Agreement to carry out work is only provided when the Inspector reviewing the plan of work is satisfied that the proposals are acceptable. During 2013, the Inspectorate reviewed the 59 plans of work that were submitted by licensed contractors within 14 days, achieving the 100% performance indicator set for this task.

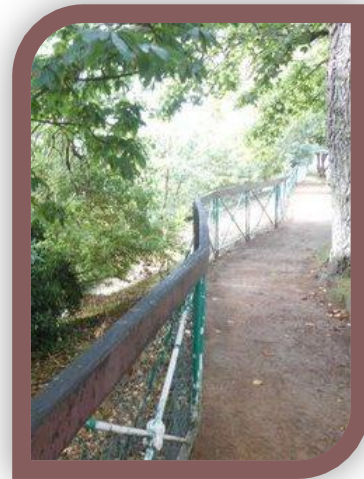
As part of the agreed arrangements with the HSE, the Inspectorate is able to request assistance from HSE Inspectors to assist them with inspections where specialist knowledge is required. In 2013 this assistance was called upon when inspections were carried out of major hazard sites in the Island, including the Jersey Gas major hazard site at La Collette. Under the UK Control of Major Accident Hazard Regulations ("COMAH"), the Jersey Gas La Collette site would be classified as a top tier site in view of the quantity of Liquefied Petroleum Gas stored on the site. Although COMAH Regulations have not been introduced in Jersey, Jersey Gas voluntarily works to the requirements of the COMAH Regulations and submits a safety report to the Inspectorate. This safety report is the subject of a detailed review by a team of Inspectors from the Hazardous Installation Directorate, part of HSE, with inspections carried out to review progress on issues identified as part of the review.

The Inspectorate also works closely with its counterparts in Guernsey, the Guernsey Health and Safety Executive, with a memorandum of understanding providing for mutual support between the Islands. In 2013, a Guernsey Inspector with specialist knowledge of quarry operations, supported by a Jersey Inspector, carried out a proactive visit to a quarry in Jersey. This visit was part of a wider UK HSE campaign focusing on the management of maintenance, transport and contractors working in quarries. The outcome of the review showed that the quarry management was proactively managing the issues that were the subject of the review.

### **Action point 3**

#### **Providing advice and guidance to enable those seeking help to meet their duties under OHS legislation**

Persons seeking advice and guidance, or interpretation of the legal requirements for health and safety, are able to contact the Inspectorate. In 2013, the Inspectorate dealt with over 2500 telephone enquiries and provided over 1000 email and written responses to queries. In addition, Inspectors made 166 visits in response to requests for advice.



The Inspectorate's role in providing advice and guidance on the legal requirements is not to act as health and safety consultants, of whom there are a number who operate in Jersey, but to explain the legal requirements and, where possible, identify the steps that can be taken in order to meet these legal requirements.

The Inspectorate also produces a number of publications, including Approved Codes of Practice and guides to the Law and Regulations. In 2013, a major revision was carried out of the general guide to health and safety, 'Health and Safety in the Workplace, A General Guide'. This guide is aimed at providing general information on the legal framework for health and safety at work in Jersey, and advice on managing health and safety and key issues in the workplace. The guide is available free of charge from the Social Security Department or can be viewed on the Inspectorate section of the States of Jersey website.

The publication 'Guidance on Risk Assessment in the Work Place' was also updated and published in 2013. This publication helps to demystify the term 'risk assessment' by explaining how risk assessment can be approached through a five step approach, with examples of a risk assessment for an office provided as an example in the publication.

The Inspectorate is also committed to providing information on the Inspectorate section of the States of Jersey website. In 2013, nine web articles were completed including articles on prosecutions, updates on progress of work being carried out on a new Approved Code of Practice and articles on specific issues including advice on the issue of stress in the workplace.

Stress is a significant cause of work related ill health reported through the Social Security benefit system. The web article explains what stress is, and provides guidance for both employers and employees on how work related stress can be proactively managed. This proactive approach can be achieved by taking action on the six management standards, which have been identified by the HSE as being the cause of work related stress.

Inspectors also carried out 4 presentations at seminars organised during the year. This included working with the construction industry representative body, the Jersey Construction Council, who sought to raise awareness to asbestos in the workplace through a campaign aimed at construction workers.

#### **Action point 4**

##### **Taking action on complaints about working conditions and activities within our stated complaints policy**

The Inspectorate responds to complaints through a risk-based approach which seeks to obtain a proportionate response to the risks created by the concern and ensure the best use of resources. A complaint is defined as:

*A concern in relation to a work activity for which the Health and Safety Inspectorate is the enforcing authority, that is significantly*



*specific to enable identification of the issues and the dutyholder and/or location, and that either:*

- *Has caused or has potential to cause significant harm, or alleges the denial of basic employee welfare facilities: or*
- *Appears to constitute a significant breach of Law for which the Health and Safety Inspectorate is the enforcing authority.*

Using a decision matrix, complaints are categorised into one of three categories:

- 1= serious risk
- 2= significant risk
- 3 = low risk

The Inspectorate gives a commitment to responding to serious risks within one working day, significant risks within five working days. Complaints which fall into the low risk category will not be followed up.

During 2013, the Inspectorate received 149 complaints about working conditions and activities, with 42 complaints categorised as a serious risk, 99 categorised as a significant risk and 8 as low risk.

Inspectors will take action on any breaches of Law or Regulations which are found as a result of a complaint in accordance with the Inspectorate's Enforcement Policy. On occasion, a complainant may also wish to pursue a claim for compensation and sees the role of the Inspectorate as assisting in this process. However, this is not the function of Inspectors who are legally restricted in becoming involved in such matters. Persons seeking such redress are advised to contact their own legal representative.

#### **Action point 5**

#### **Enforcing occupational health and safety legislation within our stated enforcement policy**

Mention has been previously made in this report to the use of the Inspectorates' Enforcement Policy. This Enforcement Policy, which was agreed by the Attorney

General when it was introduced, sets out the general principles and approach which the Inspectorate will follow in enforcing the requirements of health and safety Law.

The Enforcement Policy provides Inspectors with a range of options in seeking to secure compliance with the Law, including:

- Providing verbal advice.
- Writing to the dutyholder setting out the requirements of the law and the actions that the dutyholder must take to comply with the duty placed on them.
- Serving Improvement or Prohibition Notices. These are formal legal Notices requiring, in the case of Improvement Notices, action to be taken to remedy a contravention of the Law, and Prohibition Notices, requiring that work be stopped as, in the opinion of the Inspector, there is a serious risk of injury.
- Making a recommendation to HM Attorney General that a dutyholder be prosecuted as a result of a breach of health and safety Law.

### ***Prosecutions***

In 2013, 3 companies were prosecuted in the Royal Court for health and safety offences as a result of accidents that had occurred.

#### ***Cosgrove (1969) Limited***

On the 20<sup>th</sup> December 2013, Cosgrove (1969) Limited was fined £4,000 for failing to comply with Article 3(1) of the Health and Safety at Work (Jersey) Law, 1989. The prosecution took place as a result of the findings of an investigation into an accident which occurred to one of its employees on the 22<sup>nd</sup> March 2013, when he fell approximately 5 feet 10 inches whilst in the course of removing a concrete window lintel. The investigation identified that no risk assessments had been prepared for any work carried

out on the site, with the Company relying on the experience of employees to effectively



plan, manage and control their own work and keep themselves safe. This approach resulted in an unsafe system of work being used for the removal of the lintel with the result that the employee weakened the structural strength of the lintel resulting in it suddenly collapsing. Fortunately, the employee did not sustain serious injury which was really a matter of luck.

The Court took into account the financial position of the Company in determining the level of fine that was imposed.

### *Alfa Groundworks Limited*

Considerable discussions over financial arrangements also took place in the case involving Alfa Groundworks Limited who appeared in the Royal Court on the 19<sup>th</sup> November 2013. The Company was charged under Article 3 of the Health and Safety at Work (Jersey) Law, 1989, and Regulation 23 of the Construction (Safety Provisions) (Jersey) Regulations, 1970, following an accident to one of its employees on the 19<sup>th</sup> September 2012.



The accident occurred as a result of a sequence of events following the overturn of a 'high tip' tracked dumper. A decision was made to right the dumper using the bucket of the excavator. As this was being carried out, the dumper, which was not secured to the bucket of the excavator, slipped and started to fall back. The employee who was injured was one of a number who had, on seeing the dumper slip, instinctively attempted to push the excavator up. However, they were unable to do so and the dumper fell back trapping the employee's legs.

There were a number of factors which contributed to the accident including the failure to provide appropriate training, and the unsafe manner in which the attempts to right the dumper took place.

Alfa Groundworks Limited had gone into liquidation approximately 3 months after the Summons to appear in Court had been served and, at the time of sentencing, had stopped trading. The Court gave a clear message that, notwithstanding this fact, it was



still in the public interest to pursue the Company to highlight the obligations placed on employers. The Company was fined a nominal £100.

#### *FDJ Construction Limited*

FDJ Construction Limited appeared in the Royal Court on the 1<sup>st</sup> and 2<sup>nd</sup> August 2013 as a result of the Company not admitting to charges under Article 3 of the Health and Safety at Work (Jersey) Law, 1989, and Regulation 79(2)(a) of the Construction (Safety Provisions) (Jersey) Regulations, 1970.

During the 2 day trial, the Court heard that, on the 5<sup>th</sup> March 2012, an employee of FDJ Construction Limited had fallen a distance of approximately 10'-9" from formwork which was not provided with edge protection. The Company argued that the employee had been told to erect the formwork, which the employee denied.



In reaching its decision to find FDJ Construction Limited in contravention of both charges, the Court stated *"The Court is satisfied that there was a general inefficiency in managing the health and safety aspects of this particular job in a responsible way and that it was that which led to the lack of protective barriers..."*

The Company was fined a total of £35,000 with costs of £8,700.

In 2013, the Inspectorate was also involved in the ongoing investigations into two serious matters which occurred in 2012.

#### *Jersey Gas Company Limited*

Jersey Gas Company Limited was summoned to appear in the Royal Court as a result of the fire which occurred on the gas holder at their Tunnell Street site on the 4<sup>th</sup> July 2012. The Company appeared in Court on the 21<sup>st</sup> March 2014 when they admitted to charges under Article 3 and 5 of the Health and Safety at Work (Jersey) Law, 1989, and



Regulation 7 of the Safeguarding of Workers (Electricity at Work) (Jersey) Regulations, 1967.

The Company is due to be sentenced on the 5<sup>th</sup> September 2014.

### *States Employment Board*

The States Employment Board appeared in the Royal Court on the 21<sup>st</sup> February 2014 when they admitted to an infraction of Article 5 of the Health and Safety at Work (Jersey) Law, 1989. The charge followed an investigation into an accident which occurred to a 16 year old pupil of Victoria College on the 16<sup>th</sup> March 2012 when he fell a distance of approximately 15'-0".

On the 27<sup>th</sup> June 2014, the States Employment Board was fined £20,000 with £5,000 costs.

### ***Improvement and Prohibition Notices***

During 2013, Inspectors served a total of 33 Notices, 7 Prohibition Notices and 26 Improvement Notices.

6 of the 7 Prohibition Notices were served on construction work, with 5 Notices stopping work at height due to inadequate arrangements being put in place.



Scaffold contractors, who were the focus on an initiative carried out by the Inspectorate to raise standards in the industry, were served with 19 Improvement Notices, 17 of which were served in relation to competency and training.

There is a right of appeal against the serving of a Notice but the dutyholders on whom the Notices were served did not avail themselves of this right and all complied with the requirements set out in the Notice.

## ***Appeals***

### *Solent Environment Services (Asbestos) Limited*

The removal of the approval to work in Jersey under its UK asbestos removal licence resulted in Solent Environment Services (Asbestos) Limited, lodging an appeal to the Health and Safety Appeal Tribunal. The Appeal Tribunal, which is an independent body of individuals appointed by the States, is able to hear appeals against refusal to issue asbestos licences, removal of approval and against the serving of Prohibition and Improvement Notices.

Solent Environmental Services (Asbestos) Limited had worked in Jersey under its current UK asbestos removal licence which was issued by the HSE since 2010. The approval for Solent Environmental Services (Asbestos) Limited to work in Jersey was subject to plans of work for each job that it was contracted to carry out being submitted to the Inspectorate, and for the work to comply with the Approved Code of Practice for the Management of Exposure to Asbestos in Workplace Buildings and Structures.

In 2013 the Company was awarded a contract to remove asbestos in a block of flats and, as part of the arrangements for the work, being required to submit a new plan of work for each floor.

It transpired that the Company had modified its method of working by reducing the number of operatives involved with the work without notifying the Inspectorate. As, in the opinion of the Inspector involved with reviewing the work, the reduction in number of operatives increased the risk to operatives and resulted in the Approved Code of Practice not being met, the approval of the Company to work in Jersey was removed.

This was not the first occasion that the Inspectorate had taken up the issue of the Company not meeting the working arrangements set out in their plan of work submitted to the Inspectorate.

Solent Environmental Services (Asbestos) Limited subsequently appealed the decision to remove approval to the Appeal Tribunal with the hearing being heard on the 13<sup>th</sup> November 2013. The Appeal Tribunal published its decision on the 4<sup>th</sup> December 2013, upholding the decision which had been made to remove the approval for the Company to work in Jersey.

The Appeal Tribunal also recommended changes to the notification process for licensed contractors, which have since been acted upon by the Inspectorate.

### **Action point 6**

#### **Collating and publishing statistical information on work related accidents and ill health**

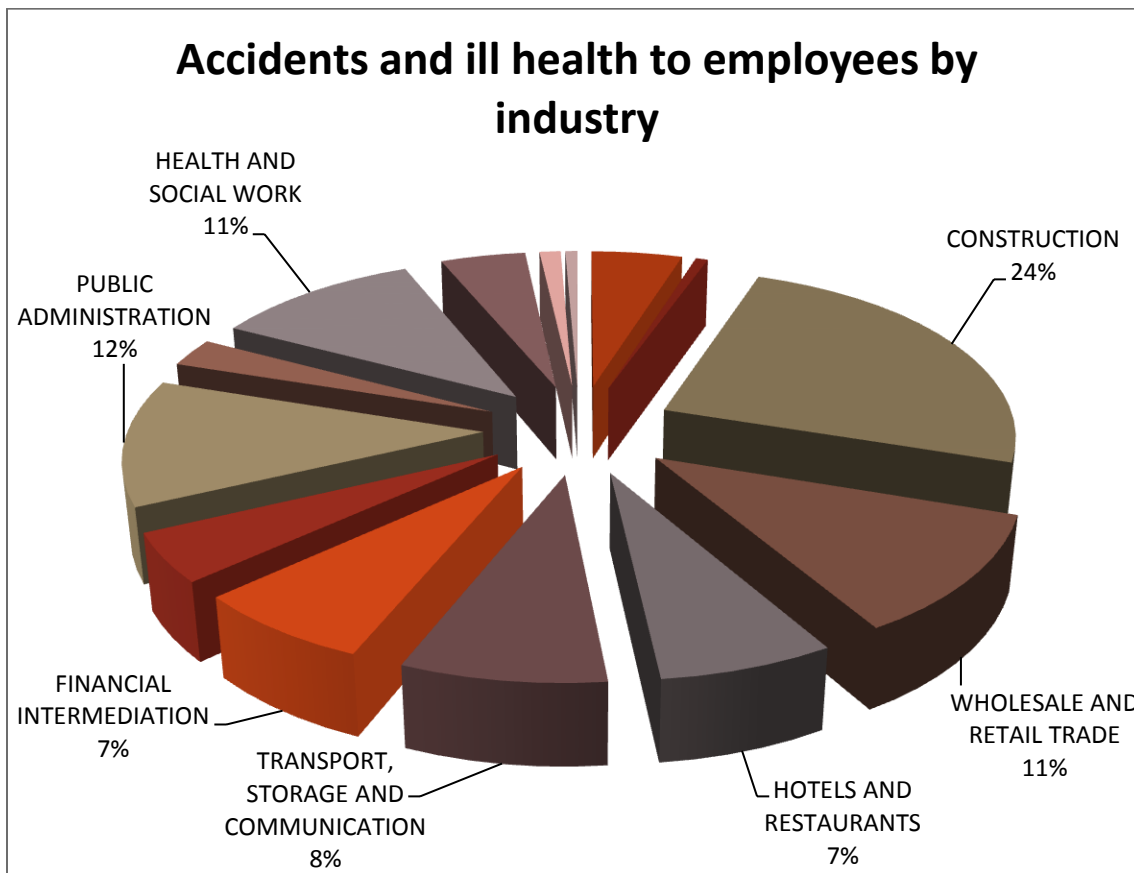
Statistics on work related accidents and ill health are collated through individual claims made for Social Security benefit (Short Term Incapacity Allowance). Claims will only be paid on receipt of a medical certificate for 2 days or more off work.

In 2013, the number of claims made for Social Security Short Term Incapacity Allowance due to work related accidents and ill health fell by a total of 157 to 621, representing a 20% decrease in the number of individuals making a claim. This figure also shows a marked decline in reported work related accidents and ill health from the figure of 1012 claims made in 2008.

The industry sectors showing a significant reduction in individual claims were construction, with a reduction of 70 to 153 claims, and hospitality, with a reduction of 30 to 42 claims.

The total number of working days recorded as being lost due to claims also reduced by 3,105, to 16,827 with, as a result, a reduction in the total of money being paid out by £74,715 to £451,738.

There are a number of factors which can result in the decline in the total number of reported accidents and ill health in the workplace, it being rarely the case that the cause of such a reduction is due to only one specific factor. For example, it could be assumed that a drop in claims is directly proportional to the downturn in the economy and amount of people at work. However, a comparison of the number of employees paying Social Security Contributions between the first quarter of 2008 and the first quarter of 2013 shows 3.4% less employees, with a 6% fall in construction employees. This does suggest that there are other factors involved which could perhaps include an increased awareness of the importance of health and safety at work.

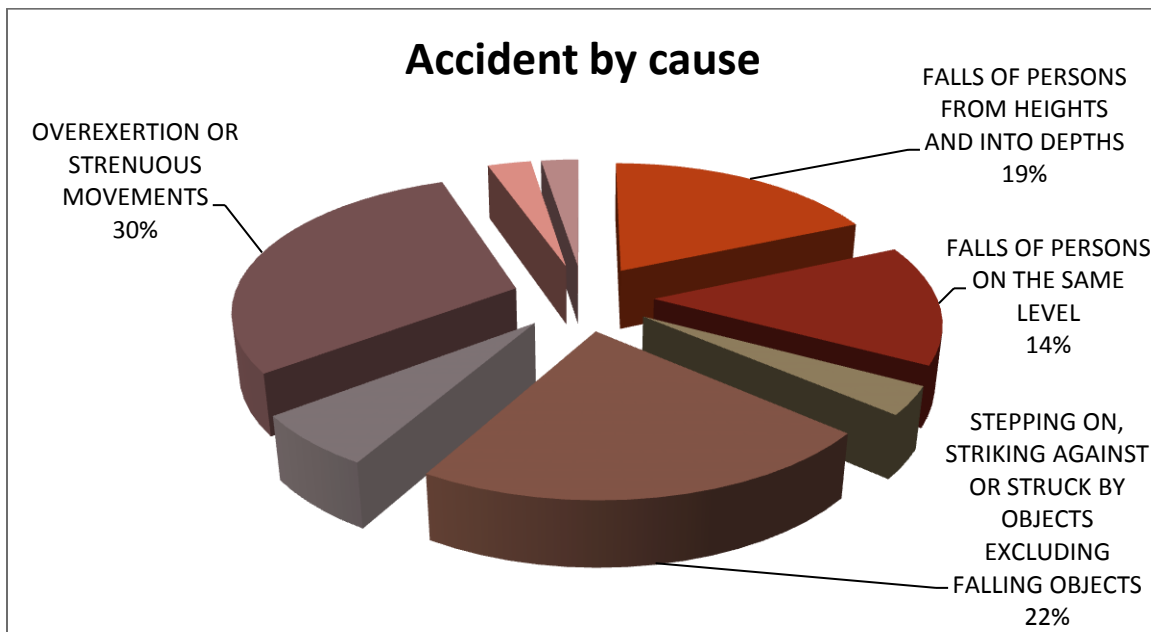


Of the total number of claims that were received, individual claimants identified that 372 were as a result of an accident and 249 due to ill health.

Further information is requested from claimants on the causes of work related accidents and ill health. In 2013, 481 responses were received to this request, 238 of whom reported that they had sustained an accident at work and 243 suffered work related ill health.

Further analysis of the 238 claims due to an accident indicated that 33% of accidents were due to 'falls, either from a height or on the same level', 30% due to 'overexertion or strenuous movements' and 22% by 'stepping on, striking against or struck by objects'.

'Stress related ill health' was the cause of 49% of the 243 claims identified as being due to ill health with 45% being due to 'musculo-skeletal disorders'. The term musculo-skeletal disorders cover any injury damage or disorder of the joints or other tissues in the upper and lower limbs or the back.



Whilst these statistics only provide limited information on work related accidents and ill health, as they are restricted to being based on claims made for Social Security benefit, it is possible to use this information to build up a picture of the key risks faced by individuals working in the Island.

Construction workers are those most at risk, demonstrating the need for the industry to focus on the manner in which health and safety is managed on construction sites. In order to achieve real benefits in reducing risks on sites, this management needs to start well in advance of the work with proper planning and consideration being given to the manner in which the work is to be carried out safely. Sadly, the experience of the Inspectorate indicates that this planned approach is often not taken. The focus on managing health and safety on construction sites is therefore intended to be an essential part of new legislation which is in the course of development.

The high percentage of work related stress which claimants have identified as being the cause of work related health may come as a surprise, but in reality, stress related illness has been on the radar for a number of years. There are some who will say that stress is due to an individual's inability to cope. It is possibly true to say that we may all face the pressures of work in different ways, but research carried out by the HSE has identified that there are 6 broad categories of work related stress; 'Demands', 'Control', 'Support', 'Relationships', 'Role' and 'Change', which can all be addressed by effective management.

There is a common thread between these two issues. Health and safety at work needs to be effectively managed by competent managers who have the experience and knowledge to do a good job. They also need to be supported and encouraged by the organisation that they work for, with the aim being to develop a culture in an organisation that treats health and safety as simply being part of ‘the way we do things’ rather than an add on to the job. There is some way to go to achieve this goal.

### **Action point 7**

**Carrying out targeted action in specific areas to seek improvements in the understanding and management of occupational health and safety**

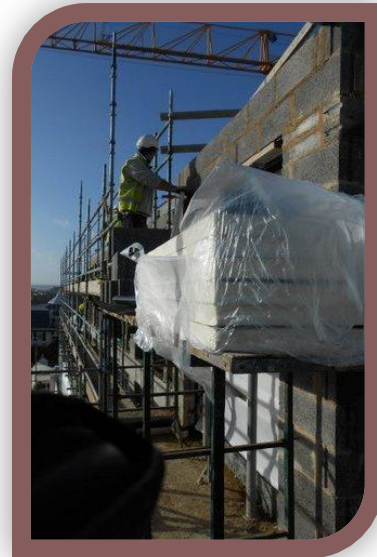
Due to the concerns over the performance of scaffold contractors, the Inspectorate undertook a targeted initiative during 2013 with the aim of improving the competence and training of scaffold operatives.

As a result of a major company ceasing scaffold work in the Island, a number of small scaffold contractors had started trading. During 2013, there were 16 scaffold contractors working in the Island, with wide ranging evidence of inconsistencies in standards of scaffold erection being found by the Inspectorate.

Scaffolding operatives work in areas of considerable risk, not only to themselves as a result of working at height but also to other persons, such as members of the public, who are at risk by being struck by a falling scaffold component dropped during the course of erection or dismantling of a scaffold.

The aim of the initiative was to ensure that scaffolding operatives had been trained to a nationally accredited standard. Each scaffold contractor was required to produce a training policy setting out their commitment to the training of their operatives.

As a result of the initiative a total of 15 of the 16 scaffold contractors were served with Improvement Notices requiring the development of a suitable training policy.



### Action point 8

#### Supporting industry-led initiatives to improve occupational health and safety

As part of the initiative aimed at the scaffold industry, discussions took place with training providers to provide a training course for scaffold operatives in the Island.



The Inspectorate worked closely with the Jersey Safety Council, who, through working with a UK scaffold training organisation, Astra Access Safety Training Limited, made arrangements to provide suitable scaffold operative training in Jersey. Work on the delivery of the training took place through 2013 with the first course being run in October 2013.

The Jersey Safety Council is the body set up by the States to promote health and safety in the workplace, with its members serving in a voluntary capacity. During 2013, the Inspectorate worked with the Council on a number of initiatives, including Passport to Safety which is a computer based awareness scheme, and the introduction of the Safety in the Use of Machinery Approved Code of Practice.

The Council was established by the States in 1973 and therefore celebrated over 40 years of seeking improvements in workplace health and safety in 2013. Council members bring their own experiences and commitment to the work of the Council with the aim of benefiting the health and safety of persons in the workplace. Over the years they have achieved this aim by supporting and organising training courses, arranging seminars, carrying out media campaigns and producing publications, amongst many other activities.

The work of the Council has, to their benefit, touched on the working lives of many Islanders over the years and therefore pays testament to the foresight of the States members who originally supported the establishment of the Council in 1973.

The Inspectorate also worked with the Jersey Construction Council, the representative body for the construction industry, during 2013, focusing on raising awareness to

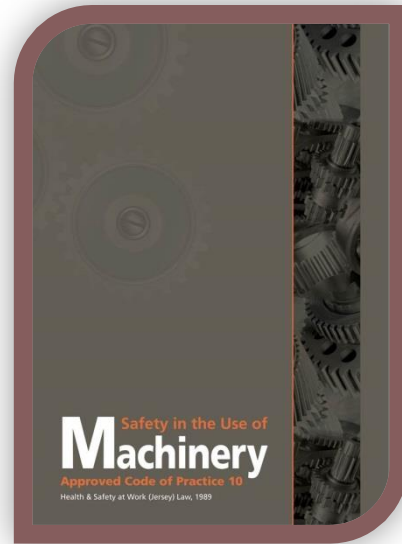
asbestos and working on proposals for new health and safety legislation for construction.

### Action point 9

#### **Developing the legal framework for occupational health and safety to support the improvement of the control of risks in the workplace**

During 2013, the Inspectorate worked on the development of a new Approved Code of Practice for Safety in the Use of Machinery (“Machinery ACoP”).

Approved Codes of Practice do not introduce new health and safety requirements but are intended to provide practical guidance in how dutyholders can meet the requirements placed on them under the Law and Regulations.



The introduction of the Machinery ACoP was part of the arrangements intended to replace the obsolete and outdated Machinery and Woodworking Machines (Jersey) Regulations, 1967, with a previous Approved Code of Practice, Safe Use of Woodworking Machinery, addressing the areas of the Regulations which set out prescriptive requirements for woodworking machinery.

The development of the Machinery ACoP was carried out within the Inspectorate with a major contribution to the finished look of the publication being made by the Technical and Administrative Officer.

The Machinery ACoP was approved by the Minister for Social Security on the 13<sup>th</sup> December 2013 and came into force on the 1<sup>st</sup> March 2014.

The Machinery and Woodworking Machines (Jersey) Regulations, 1967, were subsequently revoked on the 9<sup>th</sup> June 2014.

Work on the replacement of the existing health and safety Regulations for construction, the Construction (Safety Provisions) (Jersey) Regulations, 1970, was also recommenced in 2013. It had been recognised that these Regulations did not place sufficient



emphasis on the management of health and safety on construction sites nor reflect current employment relationships within the industry and were therefore in need of replacement. However, due to the availability of resources, the project to develop replacement Regulations was put on hold in 2011.

The project was recommenced in 2013 with a working party made up of representatives from the Jersey Construction Council carrying out a review of draft proposals which had been previously drawn up. A report of the working party was presented to the Minister for Social Security in December 2013. The Minister agreed with the recommendations made by the working party, to progress proposals for new Regulations in 2014 with the aim of bringing them before the States in 2015 and, in the interim, introducing an Approved Code of Practice for Managing Health and Safety in Construction during 2014. Work on these proposals will continue in 2014.

## Key points for 2013

- 3 prosecutions took place in the Royal Court for health and safety offences.
- 621 claims for Social Security benefit were made as a result of work related accidents and ill health, 157 less than in 2012.
- The total payments in benefits (Short Term Incapacity Allowance) as a result of work related accidents and ill health amounted to £451,738
- Benefit claims (Short Term Incapacity Allowance) for work related accidents and ill health represented a total of 16,827 lost working days, a decrease of 3,105.
- The Inspectorate carried out 88 investigations into work related and ill health.
- 115 proactive inspections were made of high risk workplaces with 89 of those being made to construction sites.
- Requests for advice to the Inspectorate resulted in over 2500 telephone calls and 166 visits being made.
- 149 complaints were received about working conditions. The Inspectorate met the response time to complaints set out in its complaints policy.
- A total of 33 enforcement notices were issued by Inspectors, with 7 Prohibition Notices stopping work and 26 Improvement Notices requiring improvements being served