



# ANNUAL REPORT

## HEALTH AND SAFETY AT WORK INSPECTORATE REPORT FOR 2012

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# FOREWORD

## **Mr R M G Coppel**

In 2012, Mr R M G Coppel, the former Director of Health and Safety, sadly passed away at the age of 71. Mr Coppel joined the Inspectorate, at that time called the Accident Prevention Section, in 1964 and worked in the Inspectorate until his retirement in 2001.

Mr Coppel's work had an enormous impact on the arrangements for occupational health and safety in the Island.

He saw the need to develop a professional Inspectorate and made contact with the UK authorities, at that time the Factory Inspectorate (now the Health and Safety Executive), to arrange his own training and support required for a small regulatory authority. His professional foresight therefore set up the professional standards, training arrangements and contact with the UK authorities which is still in place today.

Mr Coppel's real passion for his work and protection of people at work resulted in him continually seeking improvements. His recommendations to politicians resulted in the development of legislation tailored to the needs of Jersey, with the aim of improving the manner in which health and safety was managed in the workplace. In particular, his role in the development of the Health and Safety at Work (Jersey) Law, which was introduced in 1989, underlined his commitment and tenacity. The introduction of the Law was a major development to provide consistent standards of health and safety across all workplaces and still remains as the basis for the legal framework for health and safety.

There is no doubt that Mr Coppel's unwavering dedication to health and safety at work has resulted in many people being able to work in safer and healthier workplaces in Jersey. The Inspectorate continues to positively develop the commitment that he gave to improving health and safety for all persons at work.

# INTRODUCTION

Health and safety is a serious business. Every year individuals suffer serious injuries and ill health as a result of their work, causing them unnecessary pain and suffering. In some cases these accidents and ill health can result in life changing events from which they never fully recover.

Accidents and ill health to individuals can also have a knock on effect to families, not only from the shock of seeing the suffering of a loved one, but also as a result of the financial loss and expense caused by being out of work.

In 2012, although there was a small reduction in the total number of reported accidents and ill health, the impact on individuals continued to provide serious concerns. This is even more the case where, following investigations carried out by the Inspectorate, it was found that the preventative measures required to be taken would have been simple and inexpensive.

The continuing reports of persons being exposed to asbestos is also of great concern, particularly in view of the knowledge and information that is readily available on the risks from asbestos fibres as a result of disturbing asbestos. Whilst asbestos may not appear to cause immediate ill health, the long term effects of exposure can result in death. Asbestos is a killer. In 2010, over 4,500 deaths in the UK were caused as a result of past exposure to asbestos. Jersey is not immune to the effects of asbestos; simply ask a room of construction workers if they know of a person who has died from asbestos and see their response.

The serious injuries that continue to occur and the disturbances of asbestos that come to the attention of the Inspectorate, suggest to me that there is still much to be accomplished in seeking improvements in the management of health and safety in the workplace.

This report sets out the work carried out by the Inspectorate in 2012 in seeking to achieve those improvements. It also identifies that there is a need for a real commitment by employers and others with responsibilities for health and safety at work, to put in place effective measures to control real risks in the workplace.

It is simply the sensible thing to do.

**Colin Myers**  
**Dip Mgmt (Open) MA CMIOSH**  
**Director of Health and Safety**

# THE HEALTH AND SAFETY INSPECTORATE

The political responsibility for health and safety at work rests with the Minister and Assistant Minister for Social Security, Senator Francis Le Gresley and Deputy Susie Pinel respectively.

The Health and Safety Inspectorate, which is part of the Social Security Department, comprises a Director, 3 Inspectors, a Technical and Administrative Officer, and an Administrator who works part time with the Inspectorate.

The development of the team continued throughout 2012, with an emphasis on developing a new member of the team who was appointed as a trainee in 2011. Her training, both with the UK Health and Safety Executive and within the Inspectorate, continues the commitment to providing an experienced and professional Inspectorate.

The commitment to developing the team continues after the initial training period, with the Director and Inspectors undergoing continued professional development throughout the year. In 2012, this training included legal updates and asbestos refresher training.

Fortunately, the Inspectorate does not operate in isolation, with support being provided on occasion by the UK Health and Safety Executive. In 2012, this support was called upon in the investigation into the fire on the gas holder at the premises of Jersey Gas in Tunnell Street, St Helier, in view of the complexities involved in the investigation.

The health and safety authorities in Jersey, Guernsey and the Isle of Man have worked together for many years, with a memorandum of understanding, providing for mutual support, in place with the Guernsey Health and Safety Executive since 2003. In 2012, John Moreno, the Chief Inspector of the Gibraltar Health and Safety Inspectorate also visited the Islands on a fact finding mission. The arrangements for mutual support between the Jersey and Guernsey Inspectorates, in particular, underline the commitment to working together in order to learn from each other's experiences of working in small jurisdictions.

# THE WORK OF THE INSPECTORATE

The publication of the States of Jersey Strategic Plan in 2012, resulted in the need to amend the Inspectorate’s Strategic Plan to reflect the vision set out in the States Strategic Plan. The Inspectorate’s Strategic Plan for 2012 – 2015, sets out the vision, priorities and actions which form the basis for the work undertaken by the Inspectorate.

<p><b>States of Jersey Strategic Plan 2012</b></p>	<p>Our Vision</p> <p>“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.”</p>
<p><b>Vision</b></p>	<p>The prevention of death, injury and ill health to those at work and those directly affected by work activities</p>
<p><b>Occupational Health and Safety Priorities (OHS)</b></p>	<p>Reduce the incidence /severity of risks in high risk workplaces</p> <p>Improve the understanding of duty holders and workers to effectively manage real OHS (occupational health and safety) issues</p> <p>Provide assistance to those that seek help to meet their legal duties but taking action against those that have a blatant disregard for OHS</p> <p>Encourage States Departments to influence OHS outcomes</p>
<p><b>Actions</b></p>	<p>Investigate work-related accidents and ill health which have resulted in death, serious injury or ill health</p> <p>Carry out the inspection of high risk workplaces to gain compliance with OHS legislation</p> <p>Provide advice and guidance to enable those seeking help to meet their duties under OHS legislation</p> <p>Take action on complaints about working conditions and activities within our stated complaints policy</p> <p>Enforce OHS legislation within our stated enforcement policy</p> <p>Collating and publishing statistical information on work related accidents and ill health</p> <p>Carry out targeted action in specific areas to seek improvements in the understanding and management of OHS</p> <p>Support industry-led initiatives to improve OHS</p> <p>Develop the legal framework for OHS to support the improvement of the control of risks in the workplace</p>

# INVESTIGATIONS

In 2012, the Inspectorate carried out 102 investigations into work related accidents and ill health. In addition 26 investigations were carried out into reports of defective work equipment: lift installations; and cranes and lifting gear, notified by competent persons carrying out regular examination under the various legal requirements.

Of the 102 investigations into work related accidents and ill health, 32 involved construction works including the disturbance of asbestos. Investigations by the Inspectorate are initiated by: notification from the States of Jersey Police or other emergency services who have been initially called to an incident; as a result of claims made for Social Security Benefit where the claimant has identified that their injury or ill health was as a result of their work; and from individuals who have sustained a work related injury or ill health.

The decision to carry out an investigation is dependent on a number of factors including:

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

Examples of matters which were the subject of investigations by the Inspectorate in 2012 included a sudden death in a hotel sauna, a major fire, falls from height and serious injuries resulting from the use of machinery.

## ***Sudden death***

The Inspectorate is, on occasion, requested to provide reports to assist an Inquest into a sudden death. In 2012, the Inspectorate was involved in the investigation of the death of an elderly gentleman which occurred in a hotel sauna, as a result of which the Inspectorate was able to provide assurance to the Inquest that the sauna was being operated correctly within the recommended temperatures.

# INVESTIGATIONS

## *Jersey Gas fire*

At 12.35pm on the 4<sup>th</sup> July 2012, the States of Jersey Fire and Rescue Service were called to a fire which had occurred during work carried out on the low-pressure gas holder site at the premises of Jersey Gas, Tunnell Street, St Helier. The States of Jersey Fire and Rescue Service took control of the scene with the fire being allowed to burn-off under control until being fully extinguished at 5.15am the following morning.

The fire resulted in the decision being taken to evacuate premises within half a kilometre of the gas holder with emergency planning measures being brought into effect to arrange for temporary accommodation for many people who had to leave their homes. Fortunately, no one suffered serious injuries as a result of the fire.



The Inspectorate initially worked with the States of Jersey Fire and Rescue Service and then took over responsibility for the investigation into the events which led to the fire occurring. The lengthy investigation carried out by the Inspectorate involved support being provided by the UK Health and Safety Executive. The Inspectorate was not only involved in the direct investigation into the fire but also in the manner in which the remaining gas in the holder was removed and the working arrangements for the operation of the La Collette production plant, which was affected by the loss of the backup gas supply to the gas distribution network which had been provided by the gas holder.

Work for the Inspectorate, arising from the incident, continued throughout 2012 and 2013.



# INVESTIGATIONS

## *Serious injuries to construction worker as a result of a fall from scaffolding*

In March 2012, a construction worker needed to be flown to the UK for specialist treatment for serious head and back injuries following a fall of approximately 20 feet, head first, from a scaffold loading platform onto a tarmac surface below. The operative had been involved in replacing a scaffold rail when he fell.

In order to reduce the potential for persons to work at open edges, it is critical that such temporary loading areas are designed to avoid the need for the edge protection to be removed.



## *Amputation of agricultural worker's finger*

An investigation took place during 2012 into an accident which resulted in the amputation of the finger of an agricultural worker. The employee was attempting to remove an Allen key from the linkage mechanism at the rear of a tractor when his right index finger was crushed and amputated by the moving parts of the linkage. He had to be flown to Salisbury District Hospital in the UK for treatment.

It is important that such equipment is kept well maintained and any defects that are found are reported and repaired immediately.

# INVESTIGATIONS

## *Carpenter suffers severe injury due to a defective guard on a circular saw*

A carpenter was using a hand held circular saw to cut timber at ground floor level. As he stood up, the saw blade came into contact with the inside of his right leg resulting in a laceration, approximately 8 inches long. Subsequent examination of the circular saw revealed that the guard to the saw blade, which is designed to be self-closing, had failed due to a missing return spring.

The serious consequences resulting from the use of the circular saw with a defective guard highlighted the need for such equipment to be routinely checked prior to use.



## *Painter/ decorator fractures leg and ankle as a result of falling from porch*

An experienced painter/decorator sustained a fracture to his left leg and ankle when he fell approximately 9'-0" from a concrete porch onto the gravel driveway.

The painter/decorator was painting timber sash windows to the property and decided to climb onto the concrete porch above the entrance in order to access a first floor window. The preparation work on the window had resulted in the two sections of the sash window frames "sticking together". The individual was in the process of releasing the window frames when he lost his footing and fell backwards.

It was understood that it was the intention for a scaffold to be erected for accessing the upper windows to the property but the experienced individual decided to progress the work from the top of the porch.

The accident demonstrates the need for experienced individuals to be aware of the risks and consequences, in this case to themselves, of using an unsatisfactory place from which to work.

# INVESTIGATIONS

## *Construction worker suffers serious injuries as a result of a fall through roof light opening*

A construction worker suffered a fracture to his leg, and severe head injuries, for which he had to be flown to the UK for medical treatment, as a result of falling through the opening for a roof light.

Roof light openings created in a new roof had been temporarily covered by plywood prior to installation of the roof lights. The plywood was provided in order to protect persons from falling through the openings.

It was understood that, on the morning of the accident, plywood was required for other work and the operative went onto the roof to obtain a piece that had been used to cover the roof light openings. As he was picking up the plywood he fell through the roof light opening.



The operative had assisted in placing the plywood over the roof light openings and it is not known why he decided to obtain the plywood from this area.

Temporary covers placed over openings through which persons can fall a height greater than 6'-6", are required to be either secured in position or clearly marked to act both as a deterrent to easily moving the covering or to make persons aware of the opening beneath.

The decision on the type of action that needs to be taken as a result of the findings of an investigation is determined in accordance with the Inspectorate's enforcement policy, which is available on the States of Jersey website at:

<http://www.gov.je/Industry/HealthSafetyWork/HSI/Inspectorate/Pages/EnforcementPolicyStatement.aspx>

In the case of the investigations referred to in this section, the action taken by the Inspectorate was to provide advice and guidance to either the employer, or employee, involved.

# INSPECTIONS

The proactive inspections of workplaces need to be balanced against the demands placed on the Inspectorate as a result of investigations and complaints. Nevertheless, in 2012, Inspectors carried out 185 proactive inspections of workplaces, with 91 of these inspections made to construction sites.

The targeting of construction sites is carried out in accordance with our priority of targeting high risk workplaces. We also focus our inspections on high risk activities during these inspections in order to seek improvements and reduce risks on sites.

## *Scaffolding initiative*

In 2012, the Inspectorate worked with other agencies, including the Parish of St Helier, who issue permits for scaffolds erected in the Parish; Transport and Technical Services, who have an involvement in the erection of scaffolding on public roads; and the Jersey Safety Council, to seek improvements in the scaffolding industry.

The initiative was aimed at improving the safety of scaffold operatives when carrying out the erection of scaffolding, ensuring that scaffold companies were aware of the arrangements for the protection of the public when erecting scaffolds, and bringing to the attention of scaffold companies the need for certain types of scaffolds to be specially designed.



In addition to focusing on scaffolding when carrying out proactive visits to construction sites, the Inspectorate met with scaffold contractors to discuss their performance and policies and arrangements in place for managing health and safety.

Training courses, arranged through the Jersey Safety Council, were also provided to scaffold contractors by a health and safety consultancy. The Parish of St Helier also required scaffold contractors to attend the course in order to be able to erect scaffolding under the permit system operated by the Parish.



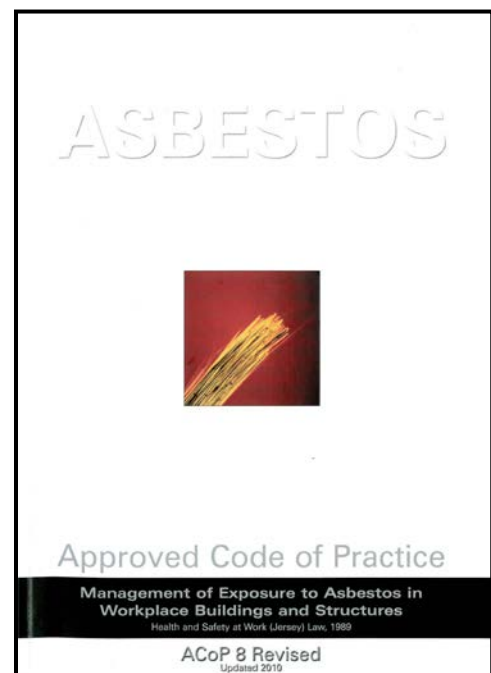
# INSPECTIONS

## *Asbestos management initiative in hotels*

Asbestos continues to be the focus of proactive work carried out by the Inspectorate. This is perhaps not surprising in view of the high risks posed as a result of being exposed to asbestos which has been disturbed, but the Inspectorate still finds the complacency with which asbestos is regarded, on occasion, as being quite staggering. The statistics paint a very grim picture. Exposure to asbestos is still the largest occupational killer, the UK Health and Safety Executive reporting that, in 2010, 4,579 deaths were attributed to past exposure to asbestos<sup>1</sup>.

Whilst asbestos is no longer used as a construction material, there is still a considerable amount of material, which contains asbestos, in buildings as a result of its use in the past. Asbestos that is not disturbed does not present a problem, but there is a need to ensure that there is detailed knowledge of where asbestos is present and arrangements in place to ensure that it is not inadvertently disturbed.

The Approved Code of Practice for the Management of Asbestos in Workplace Buildings and Structures (ACoP) sets out practical guidance on the manner in which employers and others with responsibility for workplaces can meet their legal duties for ensuring that the risks from disturbance of asbestos are controlled. Part Two of the ACoP provides information on the preparation of an asbestos management plan.



In 2012 the Inspectorate carried out an initiative to review how the hotel industry was managing the risks from asbestos. A total of 16 separate duty holders were visited which represented over 24 different hotels. In 9 instances it was found that there were inadequate arrangements in place which resulted in the serving of Improvement Notices, requiring that an asbestos management plan be prepared. The requirements of the Notices were all met.

As part of raising awareness and providing specific advice to the industry, an article setting out the findings of the initiative was placed on the States of Jersey web site at:

<http://www.gov.je/government/departments/socialsecurity/healthsafetyinspectorate/updates/pages/asbestosmanagementhotels-.aspx>

<sup>1</sup> <http://www.hse.gov.uk/statistics/causdis/asbestos.htm>

# ADVICE AND GUIDANCE

The Inspectorate also provides advice and guidance on health and safety at work issues, in keeping with our objective to assist those seeking help to meet their duties under occupational health and safety legislation. This does not mean that the Inspectorate is in a position to provide a health and safety consultancy or assist those seeking redress through the courts for compensation, but the Inspectorate does provide advice on the legal requirements and how these can be met.

In 2012, the Inspectorate provided such advice in over 2500 telephone calls and over 143 face to face contacts.

The Inspectorate also attempts to raise awareness to current issues and provides advice on specific matters through its publications and articles which are available on the States of Jersey website. Articles produced in 2012 included information on safety in the use of agricultural log splitting equipment, the maintenance of portable electrical equipment, gas safety in commercial kitchens and the lifting of pallet trucks using a fork – lift truck.

Articles on the website and A-Z on health and safety, which includes links to publications, can be accessed through the following links:

<http://www.gov.je/Government/Departments/SocialSecurity/HealthSafetyInspectorate/Updates/Pages/index.aspx>

<http://www.gov.je/Government/Departments/SocialSecurity/HealthSafetyInspectorate/Pages/QuickFindAtoZ.aspx>

# COMPLAINTS

Complaints about working conditions and working activities are made to the Inspectorate by employees or members of the public who are concerned about risks to health and safety. Complaints can also result from persons who have suffered a work related accident or ill health.

The response by the Inspectorate to complaints is set out in our complaints policy, which is available on the States of Jersey website at:

<http://www.gov.je/Government/Departments/SocialSecurity/HealthSafetyInspectorate/Pages/Complaints.aspx>

The policy aims to prioritise the response of the Inspectorate into three categories, depending on the seriousness of the concern that has been made. Category 1 complaints, where it has been identified that there is a serious risk, an Inspector will follow up within one working day, and for category 2 complaints, where it is considered that there is a significant risk, an Inspector will follow up the concern within five working days. An Inspector will not follow up category 3 complaints which are determined to be low risk, although advice will be offered to complainants and, where possible, they will be referred to more appropriate authorities.

It is not possible for the Inspectorate to respond to matters which are outside of its remit.

In 2012, 139 complaints were made to the Inspectorate; its performance target of 95% of complaints being responded to within its complaints policy, being met. Of these 138 complaints, 40 were determined as being category 1 complaints, 85 category 2, and 14 category 3.

Of the category 1 complaints, 20 complaints were received about work at height, 6 in relation to asbestos, 5 as a result of falling material and 4 as a result of poor practices observed when cutting down trees.

## COMPLAINTS



Two men were working on this roof cleaning moss from the surface of the roof tiles. No edge protection had been provided, with the only safety measure adopted being a rope tied around one of the men's waist held by the other man sitting on the ridge of the roof.

The Inspectorate was contacted as a result of concerns over the manner in which roof lights were being replaced in this roof. The men were working from on top of the roof. Even though a mobile scaffold was provided beneath the roof, it was inadequate to provide any real protection for the men and was not sited beneath where they had been observed working.





# COMPLAINTS

Complaints were received as a result of debris and chunks of masonry being removed from the façade of office premises in St Helier and falling onto the pavement below.



In each of these cases, Inspectors took action to ensure that the matters raised by the complainants were addressed. The Inspectorate will aim to advise the individual, who raised concerns, of the action that has been taken, although the Inspectorate is sometimes legally restricted on advising of the precise measures required to be taken as a result of the complaint. Nevertheless, the Inspectorate welcomes and appreciates being informed of serious concerns, enabling Inspectors to make an appropriate response.

# ENFORCEMENT

Inspectors have a range of actions that can be taken when seeking to ensure that dutyholders are meeting their legal requirements, with the decision on the appropriate action determined in accordance with the Inspectorate's enforcement policy.

In general terms, the action taken by Inspectors is proportionate to the risks that are present. At the lower end of the risk scale, Inspectors may simply provide verbal advice or write to the dutyholder. Where there is a breach of legislation resulting in more significant risk, Inspectors may serve Improvement Notices requiring action to be taken within a stated time scale. If an Inspector believes that there is a risk of serious injury they can serve a Prohibition Notice, immediately stopping the work in order to deal with the risk. Inspectors can also recommend that a prosecution of a duty holder take place by sending a report to the Attorney General for his consideration.

In 2012, Inspectors served 5 Prohibition Notices, 4 of these Notices being served on construction work. The other Prohibition Notice was served on the use of a motor vehicle lift which was not repaired in accordance with a defect report on the lift carried out by an independent engineer surveyor.



During a routine construction site inspection, this circular saw bench was seen on the site. A top guard and riving knife are required to be fitted to this type of machine. As this equipment was not available, a Prohibition Notice was served preventing use of the machine until the top guard and riving knife were fitted.

# ENFORCEMENT



A Prohibition Notice was served preventing further use of this access platform following an accident where an operative had fallen whilst working on the roof.

An Inspector found an operative working on this single width board which had been placed on the scaffolding. A Prohibition Notice was served stopping the work. It was understood that additional works to that for which the scaffold had been erected were required to be undertaken, but the scaffold had not been altered to allow these additional works to be carried out safely.



## ENFORCEMENT

17 Improvement Notices were also served by Inspectors during the year, as part of the initiative targeting hotels referred to elsewhere in this report. 9 of these Notices required the preparation of asbestos management plans. Improvement Notices were also served on employers in relation to such issues as asbestos training, preparation of a health and safety policy, lack of adequate storage arrangements and assessment of the risks associated with the use of chemical cleaners.



An Improvement Notice was served requiring a risk assessment to be prepared following an accident to a professional car valet who was splashed in the face by an acid based cleaning chemical.

# ENFORCEMENT

Following a visit by the States of Jersey Fire and Rescue Service to these premises, an Inspector followed up the concerns expressed by the Fire Officer and served an Improvement Notice requiring significant improvements to the manner in which goods were stored, in order to ensure that passageways were kept clear and to reduce the risk of goods falling from racking systems.



Special scaffolds, such as temporary roof scaffolds, are required to be specifically designed to take into account the location and specific requirements for the scaffolding. This temporary roof scaffold had not had such a design and an Improvement Notice was served requiring one to be prepared in order to demonstrate that it was safe.

# PROSECUTIONS

The Inspectorate's enforcement policy sets out the deciding factors which result in an investigation report being referred to the Attorney General for his consideration on whether a prosecution should take place in respect of a health and safety offence. These deciding factors are:

- Where it was significant.
- Where it is seen to have been conscious and deliberate.
- Where the public interest makes it more important that there should be a prosecution.
- Where it was one of a series of small breaches which suggest a persistent lack of conformity with the law.
- Where there was a perceived trend of similar breaches by others which might call for prosecution as a warning or example.

The last of these factors includes the desire to alert other duty holders to lessons that can be learnt from the circumstances which resulted in a prosecution. The Inspectorate therefore publishes on the States website details of prosecutions which have taken place, together with advice on the steps that employers and others with duties under health should take to ensure that they can be seen to be complying with the law.

The Health and Safety Inspectorate section of the States of Jersey website can be found at:

[www.gov.je/hsi](http://www.gov.je/hsi)

Information on prosecutions is published on the 'Updates from the Health and Safety Inspectorate' section of the website at:

<http://www.gov.je/Government/Departments/SocialSecurity/HealthSafetyInspectorate/Updates/Pages/index.aspx>



# PROSECUTIONS

In 2012, 7 cases were heard in the Royal Court, with 9 employers prosecuted for health and safety offences. 4 of the prosecutions were as a result of investigations into serious accidents and 3 from investigations into disturbances of asbestos. In total, £160,500 in fines were imposed by the Court and £20,500 awarded in costs.

## **Nixon and McKenna Building Contractors Limited**

Nixon and McKenna Building Contractors Limited was fined £6,000 and ordered to pay costs of £2,500 by the Royal Court on 2 March 2012, after pleading guilty to an offence under Article 3 of the Health and Safety at Work (Jersey) Law, 1989.

The prosecution arose as a result of an employee of Nixon and McKenna sustaining serious leg injuries from an angle grinder after it 'kicked back' and became embedded in his right thigh. The subsequent investigation identified that Nixon and McKenna had failed to train its employees in the safe use of an angle grinder.



Further information is available at:

<http://www.gov.je/government/departments/socialsecurity/healthsafetyinspectorate/updates/pages/anglegrinderaccident.aspx>

# PROSECUTIONS

## **Connex Transport Jersey Limited**

Connex Transport Jersey Limited was fined £50,000, with prosecution costs of £5,000, in the Royal Court on Friday 30 March 2012, for failing to meet the duty placed on the Company under Article 3(1) of the Health and Safety at Work (Jersey) Law, 1989. The prosecution followed an accident that occurred to one of their employees at approximately 10pm on Thursday 25 November 2010. The employee, a bus driver, was struck by a bus being driven by another employee whilst the bus driver was walking across the bus depot at La Collette in order to collect a parked bus.



## **W Horn Brothers Limited**

W Horn Brothers Ltd was fined £12,000 with prosecution costs of £2,500, in the Royal Court on Friday 16 November 2012, for failing to meet the duty placed on it under Article 3(1) of the Health and Safety at Work (Jersey) Law, 1989 and Regulation 2(1) of the Asbestos-Licensing (Jersey) Regulations, 2008.

The prosecution arose from an investigation into the exposure of 2 employees of W Horn Brothers Ltd to significant levels of asbestos fibre during the demolition of a garage and boiler room ceiling.

Further information is available at:

<http://www.gov.je/government/departments/socialsecurity/healthsafetyinspectorate/updates/pages/whornbrosfined-.aspx>



# PROSECUTIONS

## **J C Stonemasons and Builders**

JC Stonemasons and Builders, a small local building contractor, was fined a total of £5,000 and ordered to pay costs of £1,000 by the Royal Court on Friday 23 November 2012, after pleading guilty to offences under Article 3 of the Health and Safety at Work (Jersey) Law, 1989 and Regulation 2 of the Asbestos-Licensing (Jersey) Regulations, 2008. The Court commented that, but for the poor financial position of the company, the fines would have been far greater.

The prosecution followed the investigation into the exposure of 2 employees to asbestos fibre during the refurbishment of a single garage at a residential property. Due to the lack of knowledge or understanding about the risks associated with asbestos, and a failure to provide appropriate asbestos awareness training to employees, no consideration was given to the potential for asbestos containing materials to be present before work started. The employees simply demolished the flat roof structure of the garage, as instructed by their employer, without realising that the internal ceiling was asbestos insulation board; they were consequently exposed to asbestos fibres as a result of the work.

## **Constructions Industrielles de la Mediterranee SA and Spie Batignolles Camerons Limited**

Constructions Industrielles de la Mediterranee SA and Spie Batignolles Camerons Limited were each fined £25,000 and ordered to pay costs of £2,500 by the Royal Court on Friday 23 November 2012, after pleading guilty to offences under Article 5 of the Health and Safety at Work (Jersey) Law, 1989.

The prosecution followed an investigation into an accident which occurred on the 21 December 2010, during the building of the new Energy from Waste plant at La Collette, when an employee of a subcontractor was engulfed in pressurised steam and sustained burns to his face, neck and left forearm.



# PROSECUTIONS

## **Peter Green (Builders) Limited**

Peter Green (Builders) Limited was fined £20,000 and ordered to pay costs of £2,500 by the Royal Court on 30 November 2012, after pleading guilty to an offence under Article 3 of the Health and Safety at Work (Jersey) Law, 1989.

The prosecution arose from an investigation into an accident involving a company employee who sustained a very serious back injury when he fell approximately 11 feet from a ladder. The prosecution highlighted a number of important key points for employers to note, particularly in respect of the management and supervision of experienced employees.



Further information is available at:

<http://www.gov.je/government/departments/socialsecurity/healthsafetyinspectorate/updates/pages/petergreenbuildersprosecution.aspx>

## **JF Germain & Son Limited and GEA Lister & Sons Limited**

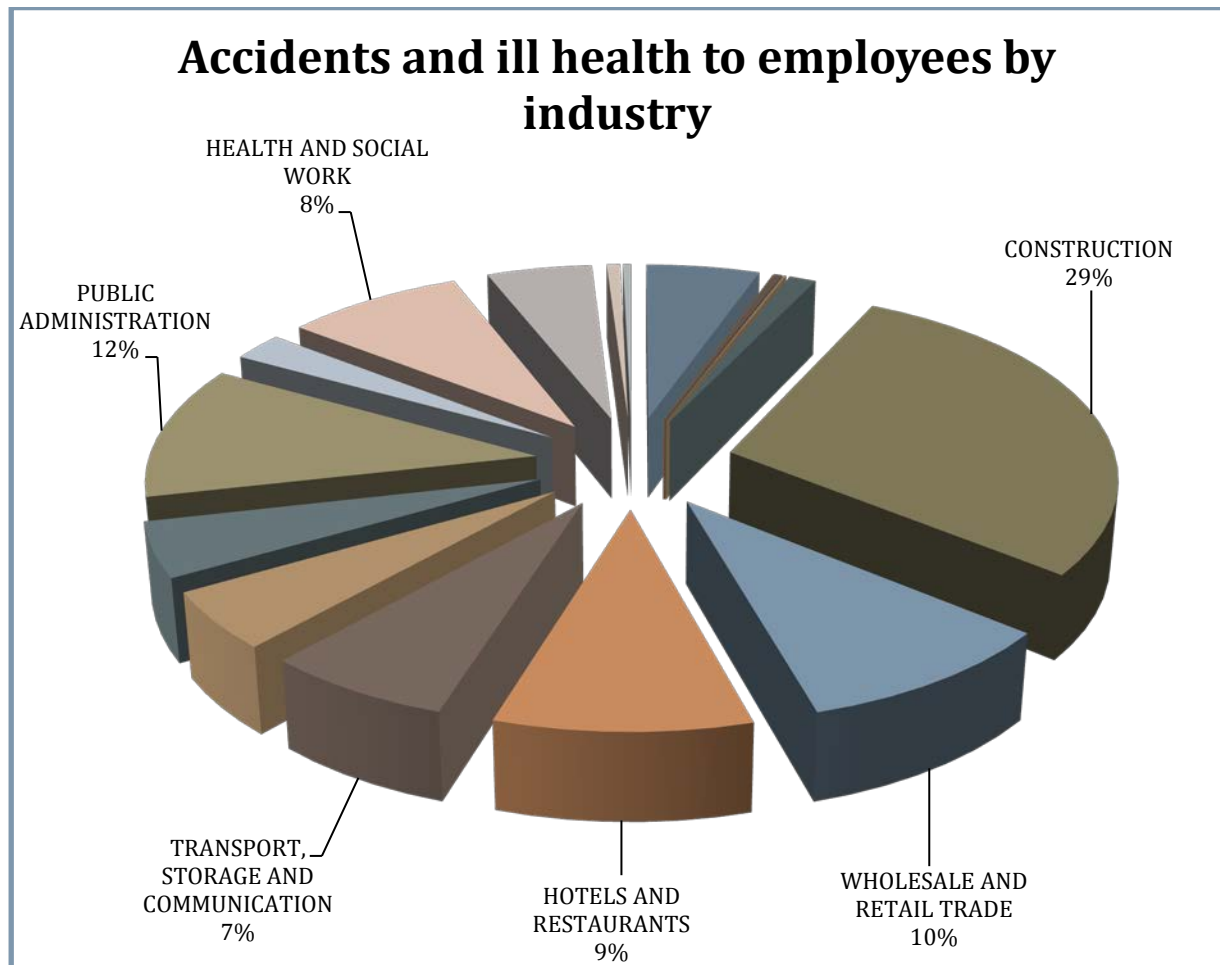
J F Germain & Son Limited and GEA Lister & Sons Limited appeared in the Royal Court on the 30th November 2012, to answer charges relating to employees of GEA Lister and Sons Limited being exposed to asbestos during building works carried out on premises occupied by JF Germain & Son Limited at 25 Commercial Buildings, St Helier, in November 2011.



JF Germain & Son Limited was fined £10,000 with costs of £1,000 for an offence under Article 5 of the Health and Safety at Work (Jersey) Law, 1989. GEA Lister & Sons Limited was fined a total of £7,500 with £1,000 cost for offences under Article 3 of the Health and Safety at Work (Jersey) Law, 1989, and Regulation 2 of the Asbestos (Licensing)(Jersey) Regulations, 2008.

Further information is available at:

<http://www.gov.je/Government/Departments/SocialSecurity/HealthSafetyInspectorate/Updates/Pages/ProsecutionListerGermain.aspx>



Statistics on work related accidents and ill health are collated through 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.

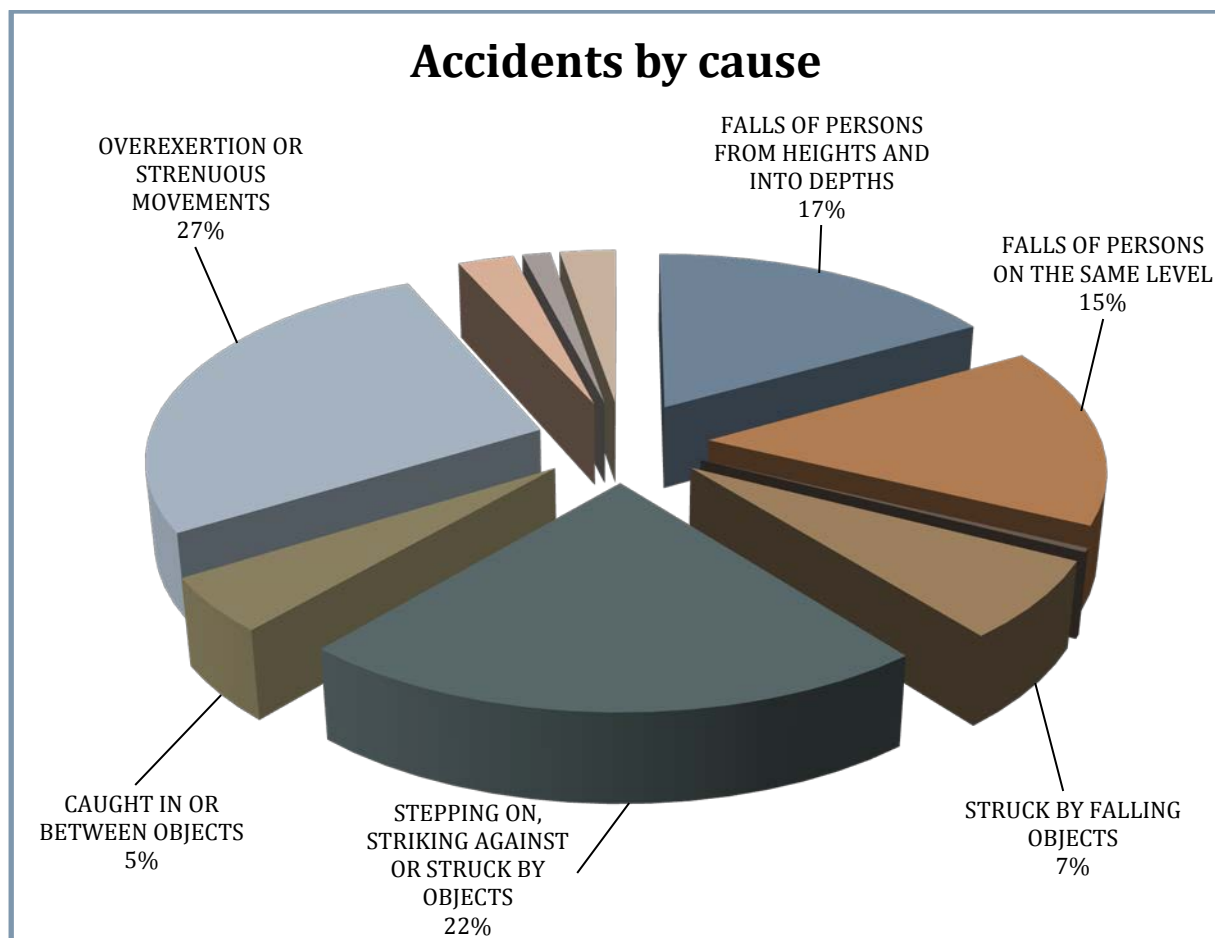
In 2012 there were 778 claims for Social Security benefit as a result of work related accidents and ill health. This represented a reduction of 98 from the total number of claims received in 2011. Of the claims that were received in 2012, 511 were stated as being due to an accident and 262 due to ill health. 5 were unclassified as insufficient information was provided.

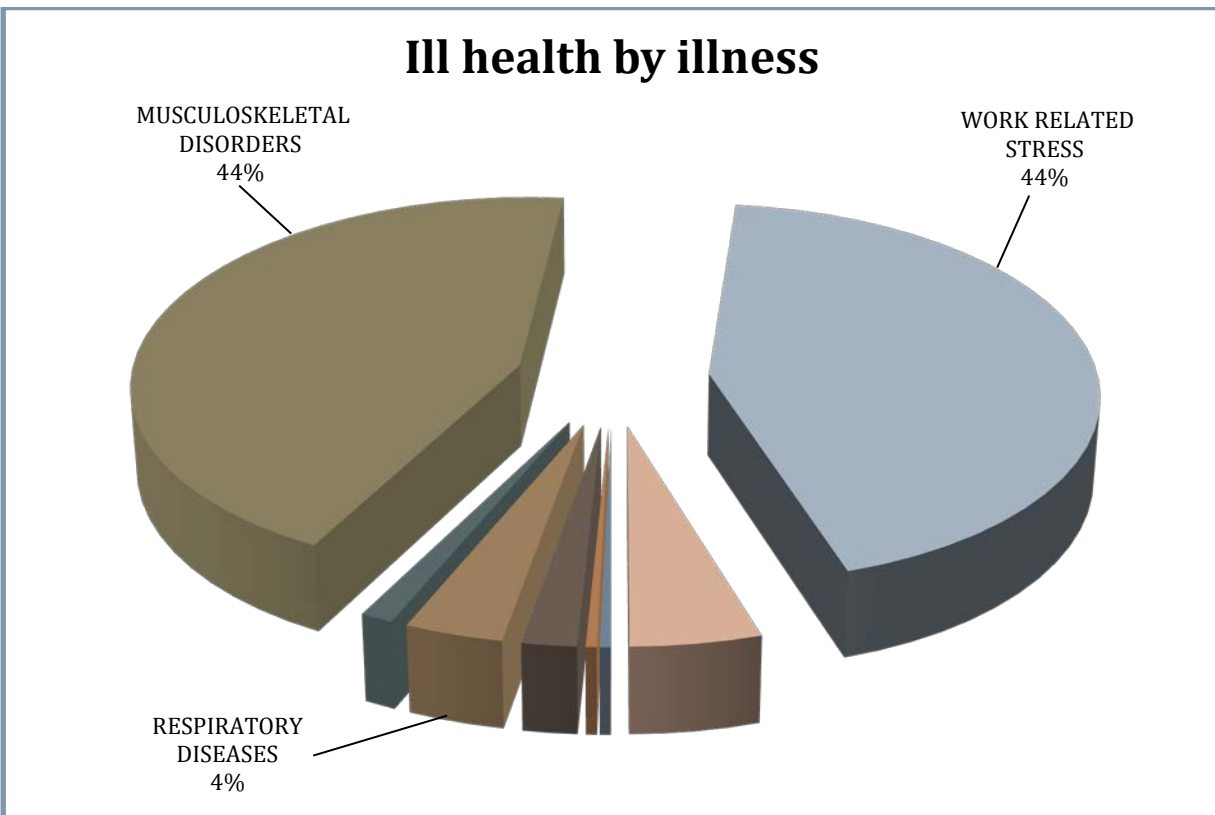
The construction industry remains the industry sector from which the highest number of claims arises, with 29% of claims made by construction workers.

# STATISTICS

Whilst the number of claims due to work related accidents and ill health were less than the previous year, the number of recorded working days lost increased by 1087 to a total of 19,932 with £526,453 being paid out in 2012 as a result of these claims.

Further information is requested from claimants on the causes of the work related accident or ill health. In 2012, 546 responses were received with analysis of this information indicating that, similar to 2011, the major cause of accidents was 'falls, from height/into depths or on the same level', followed by 'overexertion and strenuous movements' and 'stepping on, striking against or struck by objects'.





Of the 232 forms returned by claimants who had reported that their claim was due to work related ill health, 44% stated that their claim was as a result of 'work related stress.' A further 44% stated that their claim was due to injuries due to 'musculoskeletal disorders', a term which covers any injury, damage or disorder of the joints or other tissues in the upper/lower limbs or the back.

#### **Use of statistical information**

It is acknowledged that the statistics gained from claims for benefit do not provide a full picture of work related accidents and ill health in Jersey. For example, accidents which result in injury, or ill health, where persons are off work for less than 2 days are not taken into account as claims for benefit are only paid for 2 days or more off work.

However, it is possible to draw some conclusions from this information, particularly in respect of those persons who may be at highest risk and where the focus on preventing accidents and ill health should be.

# STATISTICS

The construction industry continues, unsurprisingly perhaps, to head the table of workplaces where employees are most likely to suffer accidents and ill health, necessitating considerable efforts by duty holders to put in place preventative measures.

Falls remain the highest cause of accidents, either from heights, which include falls from working places which are not provided with suitable edge protection, or ladders which are used in an unsafe manner. This indicates a need to put in place appropriate measures which includes those jobs which take 'just a minute'.

Falls on the level, which make up the second part of the overall falls figure, reflect the area of 'slips, trips and falls' which are caused by such issues as slipping on a wet floor, uneven or damaged floor surface and changes in floor level which are not adequately identified. Prompt action to repair damaged floor surfaces, warning signs put in place to warn of the cleaning of floors and clear identification of changes in floor levels will help to reduce the risk of these types of accident.

The factors which result in the major cause of work related ill health do not appear to be always appreciated. This may be due to the causes of such ill health not being immediately apparent or simply the lack of knowledge of what steps should be taken. However, the duty placed on employers under the Health and Safety at Work (Jersey) Law, 1989, requires all employers to identify the risks that employees are subject to, with controls put in place to reduce the risks to an acceptable level. Advice and guidance on the preventative action that can be taken to address both stress and musculoskeletal disorders is also easily accessible by referencing the Health and Safety Executive website [www.hse.gov.uk](http://www.hse.gov.uk)

## KEY POINTS

- **7 cases were heard in the Royal Court resulting in the prosecution of 9 employers for health and safety offences.**
- **778 claims for Social Security benefit were made as a result of work related accidents and ill health, 98 less than in 2011.**
- **The total payments in benefits (Short Term Incapacity Allowance) as a result of work related accidents and ill health amounted to £526,453.**
- **Benefit claims (Short Term Incapacity Allowance) for work related accidents and ill health represented a total of 19,932 lost working days, an increase of 1087 over 2011.**
- **The Inspectorate carried out 102 investigations into work related accidents and ill health.**
- **26 investigations were carried out into reports of defective equipment notified by competent persons carrying out inspections of work equipment.**
- **185 proactive inspections were made of high risk workplaces with 91 of these inspections being made to construction sites.**
- **Requests for advice on health and safety to the Inspectorate resulted in over 2500 telephone calls.**
- **139 complaints were received about working conditions and activities. The Inspectorate met the response time to complaints set out in its complaints policy.**
- **A total of 22 enforcement notices were issued by Inspectors, with 5 Prohibition Notices stopping work and 17 Improvement Notices being served.**