

Health and Safety in the Workplace

A GENERAL GUIDE

States 
of Jersey

Acknowledgement

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Contents

	Page
Introduction	1
The Law	
● The Health and Safety at Work (Jersey) Law, 1989	2
● Regulations	4
● Codes of Practice	5
● Employers' Liability (Compulsory Insurance) (Jersey) Law, 1973	5
● Enforcement	5
● Complaints	6
Managing health and safety	
● Effective health and safety management	7
● Risk assessment and safe systems of work	8
● Selection and training	9
● Workers with particular requirements	10
Key issues in the workplace	
● The working environment	11
● Slips and trips	13
● Work at height	14
● Occupational ill health management	15
● Musculoskeletal Disorders (MSDs)	16
● Hand-arm vibration	17
● Asbestos	18
● Use of hazardous substances	19
● Noise	20
● Work-related stress	21
● Display screen equipment	22

Contents

● Workplace transport	23
● Lifting equipment	24
● Machinery	26
● Electricity	27
● Flammable liquids	28
● Gas safety	29
● Compressed gas cylinders	30
● Pressure equipment	31
● Legionella	32
● Contractors	33
● Managing health and safety in construction	34
● Personal protective equipment	35
● Accidents, emergencies and first-aid	36
Information sources	38

Introduction

Everyone at work is responsible for health and safety, including employers and employees

This General Guide is aimed at providing information about health and safety in the workplace to all those involved in working activities, including employers, employees and others.

The guide provides a brief explanation of the legal framework for health and safety in Jersey and goes on to provide advice on a range of health and safety topics, including references to further information where relevant.

The guidance will, therefore, help those with responsibility for managing health and safety at work, providing information on the legal requirements for health and safety and the measures which can be adopted to help ensure that risks in their workplace are properly controlled.

More specifically the General Guide:

- raises awareness of the Law and Regulations which are in place in Jersey;
- advises on the way in which health and safety can be effectively managed;
- offers advice on key issues in the workplace; and
- provides information on where to go for further information and help.

Health and safety is a costly business, with many people suffering from accidents and ill health every year in Jersey as a result of work. In addition to the impact on the individuals, the financial cost of accidents or ill health to a business and our society can be significant, not only in terms of direct costs but also in respect of other costs such as insurance and legal costs. The guidance set out in this booklet can therefore help to control these costs and provide safer and healthier workplaces in the Island.

Whilst this booklet includes advice on a range of subjects associated with work, it does not set out to provide guidance on all topics which may be encountered in all Jersey workplaces.

Where issues are identified which are not covered by this booklet, advice can be sought from the Health and Safety Inspectorate:

Telephone: **(01534) 447300**

E.mail: **hsi@gov.je**

Alternatively, you can visit the website at **www.gov.je/hsi**

The Law

In general, the law applies to all businesses, no matter how small

Some health and safety legislation is very specific about what you need to do, some, however, is very general and requires you to do what is 'reasonably practicable'.

Reasonable practicability is about weighing the risk against the sacrifice (whether in money, time or trouble) needed to further reduce the risk. The decision is weighted in favour of health and safety because the presumption is that the duty holder should take measures to reduce the risk. To avoid having to make this sacrifice, the duty holder must be able to show that it would be grossly disproportionate to the benefits to health and safety that would be achieved.

Following, is a brief introduction to the current laws, regulations and approved codes of practice.

The full text of the Law and Regulations is available online at the Jersey Legal Information Board website:
www.jerseylaw.je

The **Health and Safety at Work (Jersey) Law, 1989**, sets out the framework used by the States of Jersey, the Minister for Social Security and the Health and Safety Inspectorate, for dealing with health and safety issues at work.

Part 2 of the Law contains **Articles 3 to 8** which place general duties on various parties involved with working activities including employers, employees and the self-employed.

Article 3 sets out the duty of an employer to their employees and requires every employer to ensure, so far as is reasonably practicable, the health, safety and welfare of all the employer's employees.

Article 3(2) goes on to give examples of the extent of this duty which includes:

- The provision and maintenance of plant and systems of work that are, so far as is reasonably practicable, safe and without risks to health;
- The identification and assessment of risks to employees' health and safety;
- Arrangements for ensuring, so far as is reasonably practicable, safety and absence of risks to health in connection with the use, handling, storage and transport of articles and substances;
- The provision of such information, instruction, training and supervision as is necessary to ensure, so far as

The Law

is reasonably practicable, the health and safety at work of the employer's employees;

- So far as is reasonably practicable as regards any place of work under the employer's control, the maintenance of it in a condition that is safe and without risks to health and the provision and maintenance of access to and egress from it that are safe and without such risks;
- The provision and maintenance of a working environment for the employer's employees that is, so far as is reasonably practicable, safe, without risks to health, and adequate as regards facilities and arrangements for their welfare at work.

Article 3(3) requires all employers with 5 or more employees to prepare a written health and safety policy document and to bring this to the attention of their employees. The policy must be prepared in a language that the employees understand. The policy is required to include the organisation of responsibilities within the policy and the arrangements to implement the policy. In addition the policy should identify and assess the significant risks from the employer's undertaking and how they are to be addressed.

Article 4 requires employees to take reasonable care of themselves and other people who may be affected by the way they work. Employees must also co-operate with their employer and any other person upon whom any legal requirements are imposed, for example, adopting safe systems of work, wearing personal protective equipment provided etc.

Article 5 requires employers to take into account the effect their work may have on others, including the general public, contractors etc.

The self-employed must also take into consideration the manner in which they carry out their work and the effect it may have on both themselves and others.

Article 6 requires that persons in control of premises which are used as a place of work by individuals other than their employees, for example contractors, ensure that any areas which are under their control do not pose a risk to those persons using them.

Article 7 sets out the duties on designers, manufacturers, importers and suppliers of various items including articles which are used at work. They are required to ensure that health and safety issues are considered at the initial stages and continued through to the end user.

The Law

Article 8 requires that no person shall intentionally or recklessly interfere with, or misuse, anything provided in the interests of health, safety or welfare as required by law.

Regulations, which are made under **Article 9** of the Health and Safety at Work (Jersey) Law, 1989, set out the legal requirements relating to particular hazards or to specific industries where hazards are particularly high. There are a number of Regulations in force which were made prior to the introduction of the Law. The Regulations currently in force are:

Asbestos (Licensing) (Jersey) Regulations, 2008, which deal with the granting of licences to work with certain asbestos - containing materials.

Chains, Ropes and Lifting Gear (Jersey) Regulations, 1980, which govern the safe use of lifting gear such as chains, hooks etc.

Construction (Personal Protective Equipment) (Jersey) Regulations, 2002, which deal with the provision and wearing of personal protective equipment in the construction industry.

Cranes and Lifting Appliances (Jersey), Regulations, 1978, which deal with the safe use and maintenance of cranes and other lifting appliances such as fork-lift trucks.

Electricity at Work (Jersey) Regulations, 1983, which deal with the safe generation, distribution and use of electricity.

Freight Containers Safety Convention (Jersey) Regulations, 1994, which deal with the safety of freight containers.

Highly Flammable Liquids (Jersey) Regulations, 1979, which deal with the storage, manipulation and use of flammable liquids which have a flashpoint of less than 32° centigrade.

Lifts (Jersey) Regulations, 1990, which deal with the safety of passenger and goods lift installations.

Liquefied Petroleum Gas (Jersey) Regulations, 1984, which deal with the safe importation, storage and use of LPG.

Management in Construction (Jersey) Regulations, 2016, which introduce requirements to ensure health and safety is planned for, and managed, throughout the life of a construction project.

Workplace Experience (Jersey) Regulations, 2006, which define students undertaking work experience as employees for the purpose of health and safety at work legislation.

The Law

A **Code of Practice** offers practical guidance on good practice and gives advice on how to comply with the Law.

Article 10 of the Health and Safety at Work (Jersey) Law, 1989, enables the Minister for Social Security to make or approve Codes of Practice.

An Approved Code of Practice has a legal standing in that the guidance contained within the code is admissible in the Courts as evidence of best practice.

There are a number of Approved Codes of Practice:

- **Work with Ionising Radiation**
- **Safety of Pressure Systems and Transportable Gas Containers**
- **Display Screen Equipment at Work**
- **Safe Use of Rider-operated Lift Trucks**
- **Recreational Diving Projects**
- **Management of Exposure to Asbestos in Workplace Buildings and Structures**
- **Safe Use of Woodworking Machinery**
- **Safety in the Use of Machinery**
- **Safe Operation of Skip and Hook Loaders**

The **Employers' Liability (Compulsory Insurance)**

(Jersey) Law, 1973, places a duty on employers to take out and maintain approved insurance policies with authorised insurers. The insurance policy covers against liability for bodily injury or disease sustained by their employees in the course of their employment.

Enforcement

These legal requirements are enforced by the Health and Safety Inspectorate.

Inspectors spend a considerable amount of their time giving advice on the requirements. They have powers to visit premises at all reasonable times without prior notice and can issue legal notices requiring improvements to be made, or work to be stopped immediately.

There is a right of appeal against a notice although failure to comply with a legal requirement can result in prosecution. Unlimited fines and/or up to two years imprisonment for certain offences, may result from a conviction.

The Law

Further information on the manner in which the Inspectorate carries out the enforcement of the health and safety legislation is set out in the HSI enforcement policy.

The enforcement policy can be accessed online at www.gov.je/hsi

Complaints

Inspectors will respond to complaints about working conditions on a risk-based approach.

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 sufficiently 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.*

The response made by the Inspectorate to a complaint is determined by the seriousness of injury, number of persons

who may be injured and the likelihood of the risk. A decision matrix is used as an aid to provide consistency in our response; complaints are assigned one of three categories, category 1 being a “serious risk”, category 2 a “significant risk” and category 3 a “low risk”.

We give commitment to responding to serious risks within one working day and significant risks within five working days. Complaints which fall into the low risk category will not be followed up.

Further information on the Inspectorate’s complaints policy can be accessed online at www.gov.je/hsi

Effective health and safety management

Managing health and safety makes good business sense

Managing health and safety will often result in savings being made and a happier and safer workplace.

Whatever your industry, or the size or nature of your organisation, the core elements to effectively manage health and safety are:

- strong and active leadership from the top;
- a trained/skilled workforce engaged in the promotion of a healthy and safe working environment;
- effective assessment, management and review of risks.

A written health and safety policy will help to demonstrate an employer's commitment to managing health and safety and clearly identify who does what, when and how.

Employers with five or more employees are legally required to produce a written policy document. However, it is advised that all employers should have a health and safety policy.

The 'Plan, Do, Check, Act' approach to managing health and safety promoted by the UK Health and Safety Executive achieves a balance between the systems and behavioural aspects of management.

It also ensures health and safety management is treated as an integral part of good management generally, rather than a stand-alone regulatory burden.

The model identifies the key actions needed in each part of the cycle and relating them back, where appropriate, to leadership, management, worker involvement and competence.

A key part of effective health and safety management is managing risks in the workplace. This involves thinking about what might cause harm to people and deciding whether enough is being done to prevent that harm. This process is termed risk assessment.

Further information is available in the following guidance:

Health and Safety Executive publications

Managing for health and safety HSG65

The health and safety toolbox: how to control risks at work HSG268

Plan, Do, Check, Act: an introduction to managing for health and safety INDG275

Health and safety made simple: the basics for your business INDG449

Risk assessment and safe systems of work

All work activities need to be assessed and a safe system of work provided

Risk assessment is not about creating huge amounts of paperwork, but rather about identifying sensible measures to control the risk in your workplace.

The law does not expect you to remove all risks, but to protect people by putting measures in place to control those risks.

Guidance produced by the Inspectorate provides further advice on the risk assessment process at www.gov.je/hsi

Example risk assessments for a selection of different businesses can be found on the UK Health and Safety Executive web site www.hse.gov.uk/risk

Employers are legally required to provide and maintain safe systems of work.

The safe system of work should be developed as a result of the findings of the risk assessment which has been carried out. However, given that systems of work are not as effective as taking actions, such as altering the process to make it safer, providing guards etc., these actions must be implemented first, with the system of work being provided to control any remaining risks.

The assessment of the task should take into consideration all aspects including normal operations, maintenance activities and what could go wrong. The system

of work should set out the actions which the employee must take in each of these instances.

All persons who are required to follow the system of work must be given adequate information and training. Where the job is complex or the risks are high, instructions should be in writing and in some cases form part of a permit to work system.

Supervision should be provided and the manner in which the task is carried out should be reviewed to ensure that the system of work is being followed and that all the risks have been taken into account. If problems are identified, then these must be addressed immediately.

Employees should be involved in the development of systems of work. They have the 'hands on' experience and can often provide valuable information. They are also more likely to follow the system if they have been involved in making the decisions.

Further information is available in the following guidance for employers:

Health and Safety Inspectorate publication

Risk assessment: employer's guide

Selection and training

Careful selection and training can make your workplace safer

Part 2 of the Health and Safety at Work (Jersey) Law, 1989, requires employers to ensure that employees are provided with adequate instruction, information and training.

Some jobs place particular physical or mental demands on people and these should be considered as part of the recruitment process. The essential health and safety requirements should be identified and checked for at this stage, such as a colour-blindness check for people involved in work on wiring, or if in possession of the appropriate, current driving licence, etc.

Training needs should be identified, often as part of the risk assessment process, and adequate training should be provided. This should be well structured and include an actual introduction to the work, such as familiarisation with the procedures and time to practise.

Consideration must also be given to whether the training can be provided in-house or whether outside help is needed. The need for specific refresher training should also be addressed.

Reference should be made to the legal requirements and Approved Codes of Practice. Additionally, specific industry

guidance regarding types of training (basic, refresher etc.) should be referred to in order to ensure industry best practice is being achieved.

Some groups may need special consideration, such as young people, new and expectant mothers and those with a disability.

Further information is available in the following guidance:

Health and Safety Executive publication

Health and safety training: a brief guide
INDG345

Workers with particular requirements

Certain groups of workers need special consideration to ensure their health and safety

People who fall into this category include young persons, people with disabilities, non-English speaking persons, new and expectant mothers, home workers and lone and mobile workers.

Each of these groups is potentially at risk for very different reasons and employers must ensure that these are taken into account when planning the work which they are going to carry out. The special factors should be considered as part of the overall risk assessment of the work.

Further information on the management of health and safety in the workplace is available in the following guidance:

Health and Safety Inspectorate publications

Health and safety law, Poster

Risk assessment: employer's guide

Preparing a health and safety policy document, Guidance SP5

Health and Safety Executive publications

Health and safety made simple: the basics for your business INDG449

Managing for health and safety HSG65

Young people and work experience: a brief guide to health and safety for employers INDG364

Your health, your safety: a brief guide for workers INDG450

The working environment

A comfortable work environment means a healthier and happier workforce

Part 2 of the Health and Safety at Work (Jersey) Law, 1989, requires employers to provide and maintain a working environment which is safe, without risks to health, and has adequate facilities and arrangements to ensure the welfare of the employees.

Space requirements

Offices should have enough free space to allow people to move about with ease, taking into account the space occupied by furniture, machinery, equipment, etc. The volume of the room, divided by the number of people normally working in it, should be at least 11 cubic metres. All or part of a room over 3 metres high should be ignored for the purpose of this calculation. Eleven cubic metres per person is a minimum and may be insufficient depending on the layout, contents and the nature of the work.

Thermal comfort

An acceptable working environment is dependent on a number of variable factors including air temperature, relative humidity, air movement, mean radiant temperature, the nature of the work, the individual's metabolic rate and the type of clothing that is worn. All of these factors have to be taken into account when

determining what is acceptable.

There are no specific references to minimum or maximum temperatures set out in Jersey health and safety legislation. However, in general terms, temperatures should ensure reasonable comfort and be at least 16 degrees centigrade. If the work involves physical activity, it should be at least 13 degrees centigrade.

If the temperature is not reasonably comfortable throughout the workplace, local heating or cooling should be provided, or, as a last resort, protective clothing and rest facilities be provided.

Workplaces should be adequately ventilated so that stale, hot or humid air is replaced at a reasonable rate by fresh or purified air, and unpleasant smells are minimised. Windows or other openings normally provide sufficient ventilation, but where necessary mechanical ventilation systems should be installed and maintained.

Lighting

Lighting should be sufficient to enable people to work and move about safely. If necessary, local lighting should be provided at individual workstations and at areas of particular risk such as crossing

The working environment

points on traffic routes. Lighting and light fittings should not create any hazard.

Cleanliness

Every workplace and the furniture, furnishings and fittings should be kept clean. Suitable containers should be readily available for disposal of waste and refuse, and should be emptied as necessary.

Hygiene and welfare

The number of toilets required depends on the number of people expected to use them. One toilet is considered sufficient for up to five persons should the toilet be for mixed use (or women only). If the toilet is only for the use of men, as long as a urinal is provided, one toilet to every fifteen men is acceptable. Further facilities must be provided when these numbers are exceeded. Toilets should be kept clean, well lit, ventilated and in good working order.

Sufficient wash-basins with hot and cold running water, soap and towels (or an electric dryer) should be available. Washbasins should be provided on a similar scale to toilets. In workshops and other similar environments, this provision may have to be increased depending on the type of work and materials involved.

A clearly marked supply of drinking water should be provided.

Provision should be made for storage of work or personal clothing and, where possible, facilities for drying wet clothes. Changing facilities should also be provided for employees who have to change into special work clothing.

Smoking

It is an offence to smoke in the workplace. The 'Restriction on Smoking (Workplaces) (Jersey) Regulations, 2006', are administered by Environmental Health.

Further information on the working environment is available in the following guidance:

Health and Safety Executive publications

Welfare at work: guidance for employers on welfare provisions INDG293

Workplace health, safety and welfare: a short guide for managers INDG244

Ergonomics and human factors at work: a brief guide INDG90

Slips and trips

Simple measures will reduce the risk of slips and trips

Slips and trips account for a high proportion of reported accidents each year and they are also responsible for a number of injuries caused to the public. The injuries range from bruising to fractured limbs and can have very serious consequences for certain groups of people such as the elderly.

The main aim should be to reduce the factors that could result in a slip or trip.

To reduce the risk, ensure that floors and walkways are:

- well lit;
 - not obstructed in any way;
 - an even, non-slip surface;
 - kept in a state of good repair;
 - cleaned, preferably at times when access is not required. If this is not possible, then they should be dried immediately after cleaning
- Signage is not considered to be sufficient to prevent accidents;
- cleaned with appropriate substances as residues can accumulate;
 - cleaned as soon as possible if any accidental spillages occur.

Employers should ensure that they have adequate arrangements in place for controlling the risks.

Further information is available in the following guidance:

Health and Safety Inspectorate publication

Slips and trips, Information leaflet

Health and Safety Executive publications

Preventing slips and trips at work: a brief guide INDG225

Slips and Trips eLearning Package (STEP)

STEP is an eLearning package developed by the HSE, providing slips and trips guidance through interactive learning and can be accessed at

www.hse.gov.uk/slips/step/

Work at height

Falls from height often cause serious injury and on some occasions prove fatal

Work at height is carried out in many industries, not just construction. Steps must be taken to ensure that the system of work being used provides employees with adequate protection.

Ideally, work at height should be avoided. However, this is often not possible so a safe means of access must be provided. To help choose the most appropriate means of access, an assessment of the work should be carried out. This should take into account specific factors such as the height at which the work is being carried out, the nature of the task, the duration and frequency of the work, the condition of the surface a person is likely to fall on, the position of the workers in relation to an edge and the general working environment (including exposure to weather).

The decision making process should follow a hierarchy of control measures when selecting what equipment should be used. Where possible avoid work at height, e.g. by using extendable tools from ground level. If this is not possible falls should be prevented, e.g. by using a scaffold or Mobile Elevating Work Platform. Only when it is not reasonably practicable to eliminate the risk of a fall should work equipment which minimises the distance and consequences of a fall

be used. Collective measures that protect all of those at risk, e.g. nets and air bags, should be selected before personal protective measures which only protect the individual, e.g. fall arrest systems.

Ladders are at the bottom of the hierarchy because they do not prevent or mitigate a fall. However, they can be used for low risk, short duration work (generally less than 30 minutes) if it can be shown that it is not reasonably practicable to use a safer form of fall protection.

In addition to ensuring that work at height is carried out safely, employers must also ensure that any openings or unguarded edges in the workplace, such as loading bays on mezzanine floors, are covered or secured with guard rails to prevent falls.

Further information is available in the following guidance:

Health and Safety Inspectorate publication

Guidance on the management in construction (Jersey) regulations, 2016

Health and Safety Executive publications

Safe use of ladders and step ladders: a brief guide INDG 455

Work at height: access equipment information toolkit

Occupational ill health management

Exposure to hazards at work can cause work related ill health

Work-related ill health, also known as occupational ill health, describes any illness an employee suffers because of the hazards to their health they have been exposed to at work.

The main causes of work-related ill-health are:

- musculoskeletal disorders;
- stress;
- lung diseases such as asthma;
- hearing loss.

The individual is usually affected as a result of being exposed over a period of time to hazards such as lifting of excessive loads or repetitive tasks, lung irritants, such as concrete dust and isocyanates in spray paint, high levels of noise, or excessive pressure at work which can be caused by high workload or, on occasion, bullying.

Employers must ensure that all significant risks to health in the workplace are identified and that there are sufficient control measures in place.

Employees should be encouraged to report symptoms as early as possible but this should not be relied upon as a means of identifying where there may be problems.

The purpose of this early reporting is to enable the employer to remove the affected individual from the hazard at an early stage. It also provides valuable feedback on the effectiveness of existing control measures which may need to be reassessed.

For certain health issues such as noise induced hearing loss and lung diseases, health surveillance may be appropriate. This involves employees undergoing specific medical examinations at appropriate intervals to check that they are not being affected by their work.

Steps which employers can take to manage the risks to their employees and further information on specific health hazards, is available from the Health and Safety Inspectorate and the HSE website.

Further information is available in the following guidance:

Health and Safety Inspectorate publication

Risk assessment: employer's guide

Health and Safety Executive publication

Managing for Health and Safety HSG65

Musculoskeletal Disorders (MSDs)

Manual handling and repetitive tasks result in a significant number of injuries in the workplace

Manual handling is not just about lifting but includes all actions, such as pushing and pulling, twisting and turning, which cause loads to be moved or supported by hand or by bodily force.

The majority of manual handling and repetitive task injuries build up over a period, rather than being caused by a single handling incident, and usually result in an injury to the back, although shoulders, arms and hands are also vulnerable.

Employers should assess the risks to their employees from manual handling and repetitive tasks and take appropriate steps to reduce these risks to an acceptable level.

Measures which should be considered include:

- avoidance of manual handling and repetitive tasks, where possible;
- use of mechanical handling aids such as sack trucks, trolleys, hoists etc;
- provision of safe systems of work; for example, avoid repetition, modify the load or working position;
- provision of training where appropriate;

- improve the working environment;
- reduce the duration of tasks by rotating employees and giving shorter, more regular breaks.

Employees should also be encouraged to report symptoms as early as possible as this may indicate that the control measures need to be reviewed.

Further information is available in the following guidance:

Health and Safety Executive publications

Manual handling at work: a brief guide INDG143

Manual handling assessment charts: (the MAC tool) INDG383

Assessment of repetitive tasks of the upper limbs (the ART tool): guidance for employers INDG438

Hand-arm vibration

The effects of exposure to hand-arm vibration can be extremely debilitating and are irreversible

Many employees are exposed to hand-arm vibration in the workplace as a result of the tools they use, such as strimmers, chainsaws and breakers.

Persons affected can experience a wide range of symptoms including numbness and tingling in the fingers, blanching of the fingers due to affects on circulation, reduction in sense of touch and loss of dexterity.

There are a number of steps which employers should take to reduce the risk of persons being exposed to excessive levels of vibration which include:

- identify hazardous machines and tools;
- use a system of work which does not involve high-vibration tools;
- introduce a low-vibration (buy smooth) purchasing policy;
- ensure that tools are adequately maintained to reduce vibration;
- assess the exposure levels and limit the time employees spend using vibrating tools.

Employees should be provided with information on the risks and the signs which they should look for. They must also be encouraged to report any symptoms early on so that they can be immediately removed from the particular working activity to prevent further damage. The working practice should then be reassessed.

Further information is available in the following guidance:

Health and Safety Executive publications

Hand-arm vibration at work: a brief guide
INDG175

Hand-arm vibration: a guide for employees
INDG296

Asbestos

Exposure to asbestos can kill

Significant amounts of asbestos - containing materials, once used in the construction of buildings in Jersey, remain in place.

Asbestos fibres were used in the manufacture of many construction products which are commonly found in ceiling and wall boards, lagging to pipes and external roofs.

Asbestos - containing materials which are in good condition do not necessarily need to be removed – but they do need to be managed.

Persons in control of any premises, or part of any premises used as a workplace, must take steps to identify the presence of asbestos - containing materials and decide upon the best form of action to take, such as removal, encapsulation or simply leaving in place and monitoring. An asbestos register for the building should then be prepared and the information made available to the necessary persons, for example maintenance workers.

When a building temporarily becomes a workplace, such as a private house where work is being carried out, steps must be taken by the contractor to identify the whereabouts of any asbestos - containing materials prior to commencing works

which could disturb those materials.

Work with asbestos - containing materials is restricted by the Asbestos - Licensing (Jersey) Regulations, 2008, which prohibit work with certain asbestos - containing materials unless a licence has been obtained under the Regulations.

Further information is available in the following guidance:

Health and Safety Inspectorate publications

Guidance on the health and safety at work asbestos - licensing (Jersey) regulations, 2008 S.W.7

Approved code of practice, Management of exposure to asbestos in workplace buildings and structures ACoP 8 revised

Health and Safety Executive publication

Asbestos essentials: a task manual for building, maintenance and allied trades of non-licensed asbestos work HSG210 2017

Use of hazardous substances

Hazardous substances can cause both short and long term effects

Hazardous substances exist in many forms including liquids, aerosols, dusts and fumes. They are widely used in the workplace and can affect many workers including car sprayers, woodworkers, metalworkers, bakers, cleaners and hairdressers.

Short term effects may be experienced such as stinging eyes, dizziness or nausea. However, exposure to some substances can cause long term effects such as asthma, dermatitis and in some cases cancer.

Employers must ensure that all hazardous substances are identified and that an assessment of their use is carried out. Reference should be made to both the labels on the containers and the health and safety data sheets which the supplier is legally obliged to provide with the product.

Consideration must be given to the storage, handling, use and where applicable, disposal of the hazardous substance.

Where possible, substances should be substituted with a less harmful one. If this is not feasible, then control measures such as enclosed processes, or local exhaust ventilation, must be considered

and implemented where reasonably practicable. The use of personal protective equipment should only be used as a last resort once the other options have been considered.

Persons using hazardous substances should be advised of the risks and be trained in the precautions that are required to prevent injury.

Further information is available in the following guidance:

Health and Safety Executive publications

Working with substances hazardous to health: a brief guide to COSHH INDG136

Breathe Freely: a workers' information card on occupational asthma INDG172

COSHH Essentials, is available from the HSE website and sets out basic advice on how to control exposure to hazardous substances in the workplace. It takes the form of straightforward advice in two types of 'control guidance sheets': industry specific and general generic guidance.

In addition, the COSHH e-tool assists in assessing substances and their use:

www.hse.gov.uk/coshh/essentials/index.htm

Noise

The effects of exposure to excessive noise levels are permanent

Exposure to noise over a period of time will lead to gradual loss of hearing which is likely to go unnoticed by the individual. However, it will become apparent as the individual's behaviour during everyday activities will change, such as listening to the television and radio at a higher volume and having difficulty communicating on the telephone.

If it is believed that there may be a problem with noise levels in a particular area or associated with a particular activity, then the first step which employers should take is to arrange for an assessment of the noise levels (a noise survey) to be undertaken. This should be carried out by a competent person who will be able to advise on the findings and the steps which need to be taken to control any risks identified. The level of risk will depend not only on the noise level but also how long people are exposed.

As a rough guide, if the background noise is such that persons have to shout to be heard when they are two metres apart, there is probably a noise problem.

The effects of exposure to excessive noise levels are permanent and must not be ignored.

Further information is available in the following guidance:

Health and Safety Executive publications

Noise at work: a brief guide to controlling the risks INDG362

Noise, Don't lose your hearing INDG363

Work-related stress

Work-related stress can lead to physical and mental ill health

Stress is a significant cause of work-related ill health reported through the Social Security benefit system.

The UK Health and Safety Executive (HSE) has defined work-related stress as ‘the adverse reaction people have to excessive pressure or other types of demand placed on them’.

This definition recognises the distinction between pressure and stress. Pressure is part of everyday working life but when individuals experience too much pressure without the opportunity to recover, they can start to experience stress.

The HSE has developed a Management Standards approach on six areas of work which have been identified as giving rise to work-related stress if not properly managed:

Change - how organisational change (large or small) is managed and communicated in the organisation;

Control - how much say a person has in the way they do their work;

Support - includes the encouragement, sponsorship and resources provided by the organisation, line management and colleagues;

Demands - includes issues like workload, work patterns, and the work environment;

Relationships - includes promoting positive working to avoid conflict and dealing with unacceptable behaviour;

Role - whether people understand their role within the organisation and whether the organisation ensures that the person does not have conflicting roles.

The HSE has produced guidance for employers on how they can assess and measure their own performance in these six key areas, with practical guidance on steps that can be taken, where necessary, to improve performance.

Further information is available in the following guidance:

Health and Safety Executive publications

Tackling work-related stress using the Management Standards approach: a step by step workbook

How to tackle work-related stress: a guide for employers on making the management standards work INDG430

Working together to reduce stress at work: a guide for employees INDG424

Display screen equipment

Use of DSE can cause a wide range of musculoskeletal disorders if not properly managed

In the workplace, the most widely used piece of display screen equipment is a computer, the use of which is covered by the 'Display Screen Equipment at Work' Approved Code of Practice.

If steps are not taken to control the risks, then the users of this equipment are at risk of developing a variety of disorders which can affect the back, neck, shoulders, wrists etc.

The actions which employers should take to reduce the risks associated with the use of this type of equipment include the following:

- ensure that the workstation meets the minimum requirements;
- ensure that an individual assessment of each user and their workstation is carried out by a competent person;
- provide any additional equipment such as wrist rests, document holders etc., which are identified as being necessary as a result of the assessment;
- ensure that employees are provided with adequate information on the risks associated with display screen equipment;

- provide an appropriate eye and eyesight test upon request from DSE users.

Where it is identified that an employee requires glasses specifically for working with DSE, the employer must pay for the cost of a basic pair of frames and lenses. Where users require glasses for a number of purposes including the use of DSE, employers need only contribute towards the costs attributable to the requirements of the display screen equipment involved.

Employers must also ensure that these steps are taken for both home workers and persons who use portable computers; for example, laptops.

Further information is available in the following guidance:

Health and Safety Inspectorate publications

Approved code of practice, Display screen equipment at work ACoP 4

Provision of eye and eyesight tests, Guidance

Health and Safety Executive publication

Working with display screen equipment (DSE): a brief guide INDG36

Workplace transport

Aim to keep vehicles and pedestrians apart

Vehicles are used in many workplaces and unfortunately are responsible for a number of injuries each year, which can often be serious.

The most effective means of preventing injury is to keep vehicles and pedestrians apart as much as possible.

There are, however, other measures which can be taken to reduce the risks.

Ensure:

Safe Site (design and activity)

- roadways and walkways are clearly marked;
- vehicle movements are controlled by introducing one way systems, arrangements for reversing etc;
- transport operations are monitored and vehicle manoeuvres are properly supervised.

Safe Vehicle

- vehicles are regularly checked and maintained in accordance with the manufacturer's manual;
- audible warning devices are fitted to vehicles, where necessary.

Safe Driver

- drivers are properly trained and competent to operate their vehicles.

Accidents also occur during the transporting of loads, where persons are struck or crushed by the load, or it falls from the vehicle. Segregation or safe systems of work should be introduced to manage these risks.

People have also been injured when getting on or off vehicles or even when working on top of or in the back of the vehicle. A safe means of access should be provided, and work on top of or in the vehicle should be avoided, where possible.

Further information is available in the following guidance:

Health and Safety Inspectorate publication

Approved code of practice, The safe use of rider-operated lift trucks ACoP 6

Health and Safety Executive publication

Workplace transport safety: a brief guide INDG199

Lifting equipment

Lifting equipment includes all equipment used for lifting and lowering loads

Cranes and defined lifting equipment such as excavators, fork-lift trucks, mechanical grabs, mechanical shovel and piling machines are covered by the Cranes and Lifting Appliances (Jersey) Regulations, 1978, with other lifting equipment, for example vehicle lifts, subject to the general duties under the Law. Specific requirements for passenger and service lifts are set out in the Lifts (Jersey) Regulations, 1990.

All cranes and lifting equipment must be suitable for the purpose for which it is being used and be properly maintained.

All cranes and lifting equipment must undergo a thorough examination by a competent person before it is put into use for the first time or after it has undergone any alterations or repair that are likely to affect its strength or stability. Cranes must be thoroughly examined at least every 12 months with lifting equipment examined at regular intervals: at least every six months for lifting equipment and accessories used to lift people, e.g. MEWPS and tail lifts; and at least every 12 months for other lifting equipment.

Vehicle lifts should be examined every six months due to the risk of the vehicle lift failing and falling onto the person working beneath.

The term “competent person” is not defined in the Law but is usually described as the combination of training, skills, experience and knowledge that a person has, and their ability to apply them to perform a task safely. Generally, the competent person carrying out the examination of lifting equipment is an independent engineer or organisation. The competent person who carries out the thorough examination should not be the same person who has completed any maintenance and repair work on the lifting equipment.

The competent person must provide a written report on the outcome of the thorough examination. If the thorough examination identifies a defect that means the equipment cannot be continued to be used safely, the competent person should inform the owner that the equipment be taken out of use immediately and not reinstated until suitably repaired. The competent person must also send a copy of the report to the Health and Safety Inspectorate.

Lifting equipment

Further information is available in the following guidance:

Health and Safety Inspectorate publications

Guidance on the cranes and lifting appliances (Jersey) regulations, 1978
S.W.4

Guidance on the lifts (Jersey) regulations, 1990

Health and Safety Executive publication

Thorough examination of lifting equipment: a simple guide for employers
INDG422

Machinery

All dangerous parts of machinery must be guarded

Machines are used across a wide range of industries and vary greatly in the degree of risk posed to the operator.

The Approved Code of Practice, Safety in the Use of Machinery, provides practical guidance and advice on the safe use of machinery in the workplace, with the exception of woodworking machinery. The Approved Code of Practice, The Safe Use of Woodworking Machinery, provides practical guidance on the standards of guarding required for woodworking machines.

Injuries are usually caused by moving parts and can result in a person being crushed, becoming entangled, suffering cuts or stab wounds, being exposed to a risk of friction or abrasion injury etc. In addition, persons can also be injured by ejected material or emissions, such as steam or dust.

The most effective way of preventing injury during the operation of machinery is to ensure that all dangerous parts are adequately guarded; this is a strict legal requirement. The law also requires regular checks to be made to ensure that guards are in place, and kept in good working order.

Machinery should be constructed so that the risks are reduced. This includes ensuring that controls are adequately designed and marked to prevent inadvertent operation and that emergency stop buttons are clearly identified and are easily accessible.

Employees and others must not be allowed to use machines unless they have been instructed and trained in their safe use.

Employees should, where necessary, be provided with appropriate personal protective equipment, such as goggles, ear defenders and such like.

Further information is available in the following guidance:

Health and Safety Inspectorate publications

Approved code of practice, The safe use of woodworking machinery ACoP 9

Approved code of practice, Safety in the use of machinery ACoP 10

Health and Safety Executive publication

Providing and using work equipment safely: a brief guide INDG291

Electricity

Incidents involving electricity can lead to fires, explosions and burns as well as electric shocks

The use of electricity in the workplace is covered by the Electricity at Work (Jersey) Regulations, 1983.

Electricity is used in most workplaces; it ranges from low risk, for example offices, to high risk such as on construction sites.

Although the risks vary, the principles for managing them are the same. Some of the actions which should be considered are detailed below:

- ensure that all installations are safe by providing enough socket outlets, fitting circuit breakers, providing emergency switches where necessary, etc;
- all fixed electrical installations should be inspected and tested periodically by a competent person;
- all portable electrical equipment should be subject to periodic inspections and testing by a competent person and records should be kept;
- any repairs to electrical equipment must be carried out by someone with proper training and experience;

- low voltage electrical equipment should be used where possible, particularly in high risk premises such as construction sites.

Where work is to be carried out near to underground or overhead electrical cables, reference should be made to the Jersey Safety Council guidance booklet 'Working Safely and Avoiding Danger from Underground Services and other Utility Apparatus'.

Further information is available in the following guidance:

[Health and Safety Inspectorate publication](#)

Guidance on the electricity at work (Jersey) regulations, 1983 revised 2016

[Health and Safety Executive publications](#)

Electrical safety and you INDG231

Maintaining portable electric equipment in low-risk environments INDG236

Flammable liquids

Highly flammable liquids (HFLs) have special requirements for storage and use

The use and storage of HFLs is covered by the Highly Flammable Liquids (Jersey) Regulations, 1979.

As well as being a potential fire risk, some flammable liquids are also corrosive or toxic and may pose a risk to health.

Generally, in order to control the risks associated with HFLs, employers should ensure:

- HFLs are stored in a safe location. On workplace premises, quantities of HFLs between 5 and 50 litres should be stored in a half hour fire resistant cupboard or bin, and quantities over 50 litres stored in a one hour fire resistant store;
- there are no ignition sources in the area where HFLs are being stored or used;
- only the amount of product required for the work is removed from the safe storage area at any one time;
- adequate natural or mechanical ventilation is provided to any areas where HFLs are dispensed or used;
- all spillages are mopped up and the waste disposed of in sealed containers;

- suitable fire extinguishers are available;
- reference is made to the health and safety data sheets.

It should be noted that additional control measures are required where HFLs are used in activities which involve spraying, for example motor vehicle repair (MVR).

Further information is available in the following guidance:

Health and Safety Inspectorate publications

HFLs in MVR, Information sheets:

Construction of spray booth

Construction of mixing room

Storage of HFLs inside a building

Health and Safety Executive publication

Safe use and handling of flammable liquids HSG140

Gas safety

Gas equipment is required to be correctly installed and regularly maintained

If gas appliances such as ovens, cookers and boilers are not properly installed and maintained there is a danger of fire, explosion, gas leaks and carbon monoxide (CO) poisoning.

Employers can ensure the safety of their workers and the public by:

- ensuring that gas appliances, flues, pipe work and safety devices are installed, maintained and serviced by a competent gas engineer;
- arranging for gas installations to be inspected by a competent person. Periods between inspections may vary depending on the equipment but as a general rule should be at least once a year;
- making sure that their employees are fully trained in the use of the equipment;
- checking that all rooms with gas appliances have adequate ventilation.

Equipment should not be used in poorly ventilated spaces. Sufficient ventilation, either through natural or mechanical means, must be provided.

Equipment should be designed, operated and maintained to ensure dangerous levels of carbon monoxide (CO) are not produced.

If a gas leak is suspected turn off the supply and immediately call Jersey Gas (gas emergencies only) on 755555.

Further information is available in the following guidance:

Health and Safety Executive publications

Ventilation of kitchens in catering establishments
Information sheet CAIS 10

Gas safety in catering and hospitality
Information sheet CAIS 23

Preventing exposure to carbon monoxide from use of solid fuel appliances in commercial kitchens
Information sheet CAIS 26

Compressed gas cylinders

Compressed gas cylinders must be handled with care

Cylinders containing compressed gas are under incredible pressure and must be stored and handled appropriately to reduce the risk of incidents, which can have catastrophic results.

The storage and use of Liquefied Petroleum Gas cylinders is covered by the Liquefied Petroleum Gas (Jersey) Regulations, 1984.

The Safety of Pressure Systems and Transportable Gas Containers Approved Code of Practice, provides practical guidance on the use of transportable gas cylinders.

In general, the following storage and handling practices should be adopted:

- full and empty cylinders should be stored separately in a secure compound, preferably outside;
- cylinders must be placed with the valves uppermost, particularly where they contain acetylene;
- cylinders should not be stored below ground level or near drains or basements as many gases are heavier than air;
- cylinders should be protected from damage by using trolleys to move them, ensuring they are chained to prevent them from falling over;

- ensure that the correct hoses, clamps, couplers and regulators for the particular gas and appliance are used, and regularly inspected and maintained;
- change cylinders away from sources of ignition, in a well ventilated area;
- adopt safe work practices for start up and shut down; for example, in cutting and welding practices;
- provide additional safety features such as 'flame arrestors' and 'non-return valves' when using gases in activities such as cutting or welding.

Ensure that persons involved in the storage or handling of compressed gas cylinders are familiar with the properties of the gas and are adequately trained to ensure their safe use.

Further information is available in the following guidance:

Health and Safety Inspectorate publications

Approved code of practice, Safety of pressure systems and transportable gas containers ACoP 3

LPG, Guidance on the storage of liquefied petroleum gas in cylinders

Pressure equipment

Pressurised systems should be kept well maintained and regularly inspected

The Approved Code of Practice (ACoP) for the Safety of Pressure Systems and Transportable Gas Containers, sets out requirements which employers must undertake to ensure the safety of the equipment which they operate to carry out their business. Exactly what a pressure system consists of is defined within the ACoP.

Pressure systems to which the ACoP would apply come in various sizes ranging from a small cafe boiler, for example a cappuccino maker, to industrial sized boilers.

Each pressure system requires a written scheme of examination (WSE) that is determined by a competent person. The WSE sets out tests which must be carried out to ensure the safety of the equipment; it will also identify the frequency of the examinations.

All pressure systems need to have a thorough examination undertaken before they are used for the first time.

Further information is available in the following guidance:

[Health and Safety Inspectorate publication](#)

Approved code of practice, Safety of pressure systems and transportable gas containers ACoP 3

[Health and Safety Executive publication](#)

Pressure systems: a brief guide to safety INDG261

Legionella

Legionnaires' disease is a potentially fatal form of pneumonia caused by legionella bacteria

Legionnaires' disease is the most well-known of the group of diseases known as legionellosis. Infection is caused by breathing in small droplets of water contaminated by the bacteria; the disease, however, cannot be passed from one person to the other. Everyone is potentially susceptible to infection although some people are at a higher risk, for example, those over 45 years of age, smokers and heavy drinkers, those suffering from chronic respiratory or kidney disease, and people whose immune system is impaired.

The bacteria thrive at temperatures between 20°C - 45°C if the environmental conditions are right; in particular, if a supply of nutrients is present such as rust, sludge, scale, algae and other bacteria. The bacteria can survive low temperatures but are killed by higher temperatures.

A reasonably foreseeable risk of exposure to legionella bacteria exists in:

- water systems incorporating a cooling tower;
- water systems incorporating an evaporative condenser;
- hot and cold water systems;

- other plant and systems containing water which is likely to exceed 20°C and which may release a spray or aerosol (i.e. a cloud of droplets and/or droplet nuclei) during operation or when being maintained.

The principal actions that are required to be taken include:

- identification and assessment of sources of risk;
- preparation of a scheme (or course of action) for preventing or controlling the risk;
- implementation and management of the scheme; appoint a person to be managerially responsible, sometimes referred to as the 'responsible person';
- keeping of records and checking that what has been done is effective;
- provision of training for persons with delegated responsibilities.

Further information is available in the following guidance:

Health and Safety Executive publication

Legionnaires' disease: a brief guide for dutyholders INDG458

Contractors

A contractor is anybody you ask to do work for you who is not an employee

Employers and contractors have responsibilities under health and safety law which cannot be passed from one party to another by contract.

It is important that both parties work together to ensure that neither the contractors, employees nor members of the public are put at risk as a result of the works being carried out.

Employers must ensure that the manner in which contractors carry out the work on their behalf does not place either the contractors or other persons at risk. In addition, they must ensure that the contractors are aware of any hazards which may be present on the premises.

When appointing a contractor, the following points should be considered and discussed with potential candidates:

- their competence (experience, qualifications and skills) in relation to the work to be undertaken – ask for references;
- the steps that the contractor takes to select subcontractors;
- provision of risk assessments for high risk activities;
- whether they are members of a relevant trade or professional body;
- provision of health and safety information and training to employees;
- the method statement and systems of work; these should be agreed between the parties before the work commences. Checks on their health and safety performance on site should be made.

If the work is construction or building work, clients have duties under the Management in Construction (Jersey) Regulations, 2016.

Further information is available in the following guidance:

Health and Safety Inspectorate publication

Guidance on the management in construction (Jersey) regulations, 2016

Health and Safety Executive publication

Using contractors: a brief guide INDG368

Managing health and safety in construction

All parties involved in a construction project need to take responsibility for health and safety

The construction industry continues to be the industry where employees are most likely to suffer an accident or ill health at work in Jersey.

It is recognised that an essential aspect of achieving improvements in the management of risks posed by construction work is by integrating health and safety into all stages of the project, from initial conception, design, planning and construction work to future maintenance and use of the building, including demolition.

The Management in Construction (Jersey) Regulations, 2016, set out the legal requirements to ensure the appropriate arrangements for managing health and safety are in place on all construction projects. The complexity of the arrangements should be proportionate to the size of the project and risks involved.

For minor projects, where 2 or more contractors are engaged, clients must appoint a principal contractor to plan and manage health and safety for the project, and prepare a written construction phase plan.

For major projects (i.e. those involving more than 30 working days or 500 person days of construction work) there are

additional requirements placed on clients. This includes a requirement to appoint a Health and Safety Project Co-ordinator to assist them in carrying out their duties, co-ordinate health and safety aspects of the design work and prepare a health and safety file.

The HSPC must also notify the Healthy and Safety Inspectorate of the construction project.

Further information is available in the following guidance:

Health and Safety Inspectorate publication

Guidance on the management in construction (Jersey) regulations, 2016

Personal protective equipment

Personal protective equipment is the last line of defence against health and safety hazards

Whilst personal protective equipment (PPE) is useful in some circumstances, there are many reasons why it can be ineffective, including the failure of persons to use it.

The risks to health and safety should be addressed primarily by introducing engineering controls and safe systems of work. Only once these are in place, should PPE be relied upon to control any residual risk.

PPE is available to protect a number of parts of the body including the lungs, eyes, head, ears and limbs. Equipment should be provided to all those who may be affected, not just the actual operator.

Careful consideration needs to be given to the type of PPE which should be used, taking into account factors such as:

- the type of hazard;
- the level of exposure;
- effectiveness when combined with other PPE;
- all PPE provided should conform to a recognised standard, such as European Standards.

The wearer of the PPE should be informed as to why it is needed and given instruction on its use, storage and maintenance to ensure that it remains effective.

Employees are legally required to wear equipment provided to them by their employer.

The use of PPE in the construction industry is specifically covered by the Construction (Personal Protective Equipment) (Jersey) Regulations, 2002.

Further information is available in the following guidance:

Health and Safety Inspectorate publication

Guidance on the construction (personal protective equipment) (Jersey) regulations, 2002

Health and Safety Executive publication

Personal protective equipment (PPE) at work: a brief guide INDG174

Accidents, emergencies and first-aid

There is no legal requirement to report accidents at work

Recording

It is strongly recommended that a record of accidents and dangerous occurrences be kept in an 'accident record book', copies of which are available free of charge from the Health and Safety Inspectorate or the Jersey Safety Council.

Recording of accidents and dangerous occurrences (or near misses) can assist organisations in identifying possible trends or prove helpful in the event of a civil claim arising, which can be up to three years from the date of the incident.

Procedures

When planning for accidents and emergencies, consideration should be given to what can go wrong in your business and procedures for dealing with them put in place.

An emergency plan should be drawn up if a major incident at a workplace could involve risks to the public, the need to rescue employees or co-ordination with the emergency services.

People involved should be well trained and have taken part in regular and realistic practice. The actions and responsibilities must be agreed and clearly recorded.

Following an accident, companies should take steps to identify the cause and introduce measures to reduce the risk of a reoccurrence.

First-aid

There is no prescriptive legal requirement to provide first-aid in a workplace, other than for construction sites, but it is recommended that first-aid be provided in all workplaces. The degree of first-aid equipment required, together with the need for training of first-aiders, should be determined by the level of risk and the number of employees.

In some instances, a trained first-aider will be required but the minimum standard is at least one appointed person. The appointed person is responsible for taking charge when someone is injured or falls ill, and for ensuring that the first-aid box is maintained. An appointed person should be available at all times so it may be appropriate to appoint more than one.

A first-aid box should be available and well stocked.

All employees should be informed of the first-aid arrangements and, where necessary, appropriate signage erected to aid contact in an emergency.

Accidents, emergencies and first-aid

Further information is available in the following guidance:

Health and Safety Executive publication

First aid at work: your questions answered INDG214

INFORMATION SOURCES

Information sources

Health and Safety Inspectorate. Guidance documents, accident record books and a wide variety of literature dealing with health and safety issues in the workplace, are available at no cost. Please contact the Health and Safety Inspectorate to arrange collection.

Telephone: (01534) 447300

E.mail: hsi@gov.je

Website: www.gov.je/hsi

Jersey Safety Council. The Council organises training courses and holds seminars to raise awareness of safety and health issues in the work place.

E.mail: admin@jsc.je

Website: www.jsc.je

Health and Safety Executive (HSE). The HSE provides information and guidance on all aspects of work-related health and safety. HSE publishes a wide variety of publications offering advice and guidance for workers, managers and the general public.

Please note that the legislation mentioned in HSE publications does not apply in Jersey; reference to the HSE publications in this booklet is intended to provide useful advice and guidance.

Website: www.hse.gov.uk and www.books.hse.gov.uk

Important note

This booklet is not an authoritative interpretation of the Law and is issued for general guidance only. Whilst every care has been taken in the preparation of this publication, the Health and Safety Inspectorate cannot accept any responsibility in law for the content as any interpretation of the legislation will ultimately be a matter for the Courts.

Jersey Health and Safety Legislation is available on the official website of the Jersey Legal Information Board: www.jerseylaw.je

IMPORTANT NOTE

