

HEALTH AND SAFETY INSPECTORATE ANNUAL REPORT

2020





FOREWORD

2020 proved to be an extremely challenging year as the Health and Safety Inspectorate found itself having to regulate the rapidly changing and increasingly complex legislation relating to Covid-19 mitigations in the workplace, whilst also making sure the more traditional but significant health and safety risks inherent in many workplaces continued to be controlled and enforced in an effective and proportionate manner.

The workload and breadth of working activities we had to deal with was unprecedented and came as we were having to rapidly develop and implement new ways of working and resilience. I cannot praise the small Inspectorate team highly enough for their continued professionalism and commitment to keeping people safe and healthy, and performing a critical role as part of the Island's hidden frontline workers.

This report, whilst significantly delayed and more succinct than previous years due to the impact of the pandemic on our operations, is intended to reflect the role and work of the Inspectorate, provide information on our performance and present statistical data on work-related accidents and ill health. I am proud of our achievements, and proud to lead such a dedicated team of professionals.

Tammy Fage
Director of Health and Safety



THE HEALTH AND SAFETY INSPECTORATE

Our **vision** is the prevention of death, injury and ill health to those at work and those directly affected by work activities.



Our strategic objectives

- Ensure the legislation remains effective and right for Jersey
- Secure compliance in a firm but fair and proportionate manner
- Reduce the incidence of work-related accidents and ill-health
- Lead and engage with others to improve workplace safety
- Ensure efficient and effective service delivery, seeking opportunities for integration and collaboration with our JHA partners

WHO WE ARE

We are a small team consisting of the Director, 4 Inspectors, a Health and Safety Regulatory Officer (post remained vacant throughout 2020 as part of the government’s efficiencies programme) and a part-time health and safety advisor.

WHAT WE DO

We are the Island’s sole independent regulator for workplace health and safety. Our primary function is to secure the health, safety and welfare of people at work and to protect others from risks arising from work activities by administering and enforcing the Health and Safety at Work (Jersey) Law 1989 (HSW Law).

GOVERNANCE

The Health and Safety Inspectorate (HSI) sits within Justice and Home Affairs (JHA) with the Director reporting directly to the Director General of JHA. To ensure transparency and independence of the HSI as the regulator for both the public and private sectors, the Director also has a reporting line to the Attorney General.

Our vision and strategic objectives (see left) are aligned and support the wider JHA vision for *‘Jersey to be a place to live, work and visit, where people are safe and feel safe, which is free from discrimination and where rights and differences are respected’*.

The Minister for Social Security, Deputy Judy Martin, holds political responsibility for occupational health and safety in the island, including the HSI.





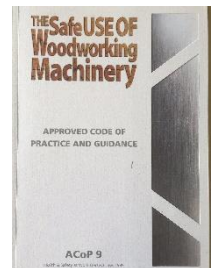
ENSURING AN EFFECTIVE LEGAL FRAMEWORK THAT IS RIGHT FOR JERSEY

APPROVED CODES OF PRACTICE

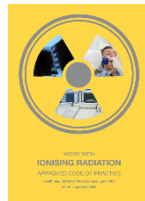
Approved Codes of Practice (ACoP) provide practical guidance on how to comply with the law. They hold a special legal status in that, although following the guidance in the ACoP is not compulsory, by doing so a duty holder would be doing enough to comply with the law in respect of those specific matters to which the ACoP refers.

In 2020 a number of ACoPs were updated to reflect changes to relevant UK legislation and/ or relevant European Standards, thereby maintaining the high standards of health and safety in local workplaces our workforce deserves.

The Safe Use of Woodworking Machinery ACoP was updated to reflect a reduction in the workplace exposure limit (WEL) for hardwood dust to align with an amendment to the Carcinogens and Mutagens Directive (2004/37/EC). Inhalation of wood dust causes serious health problems, including occupational asthma. Exposure to hardwood dust can also cause a rare form of sino-nasal cancer and is therefore particularly hazardous, hence the reduction in the WEL for this type of wood dust.



The Work with Ionising Radiation ACoP which sets out the principles for protecting people at work against the detrimental effects of exposure to ionizing radiation was updated to reflect a reduction in the dose limit for exposure to the lens of the eye, and bring the ACoP into line with current UK Regulations.



The Management of Exposure to Asbestos in Workplace Buildings and Structures ACoP was updated to provide additional guidance for licensed asbestos removal contractors and set out requirements relating to face fit testing of respiratory protective equipment.

ASBESTOS



Approved Code of Practice
The Management of Exposure to Asbestos
in Workplace Buildings and Structures
ACoP 8 Revised 2020

Public consultation started on a new **Safe Work with Gas Systems and appliances ACoP** following a number of serious gas related incidents in the island. The ACoP will address the recognised dangers from working with gas and ensure those doing so are competent.



REGULATION

We aim is to secure compliance in a firm but fair and proportionate manner



WHO WE REGULATE

The Health and Safety at Work (Jersey) Law 1989 (HSW Law) applies to all workplaces and working activities in the Island.

Jersey's Labour Market Report, published every 6 months by the Statistics Unit (www.gov.je/statistics), identifies that in Jersey at the end of December 2020 there were

- 60,000 jobs
 - 51,470 jobs in the private sector (86%)
 - 8,530 jobs in the public sector (14%)
- 7,790 active undertakings employing staff in the private sector:
 - 57% were single-person undertakings
 - 89% had less than 10 employees



PRINCIPLES OF REGULATION

With our small team we cannot inspect or engage with anything other than a small proportion of businesses. We therefore target those that have the highest risks or where there is evidence that health and safety is a significant concern and/ or risks are least well controlled.

The HSW Law is, by design, goal setting and risk-based and based on 2 enduring principles:

- those that create risks have the responsibility to manage them
- action taken to control risk should be proportionate to those risks that need to be managed



The HSI enforcement policy, available via www.gov.je/hsi, sets out the principles of good regulation that we follow, ie any action we take is targeted, proportionate, transparent and accountable, and is fair and consistent. This also ensures a level playing field for those who invest properly in the management of risk, and acts as a deterrent for those who place people at risk as a result of a failure to meet their legal obligations.

HOW WE WORK

We primarily seek to change behaviours through engagement, guidance and encouragement but we will hold those who fail to meet their legal obligations to account through formal enforcement action where necessary.

We have a broad range of regulatory tools available to us to help improve occupational health and safety and secure compliance with the law. This can range from verbal advice, formal written advice, the serving of legal enforcement Notices through to the preparation of a case file for consideration of prosecution by the Attorney General.

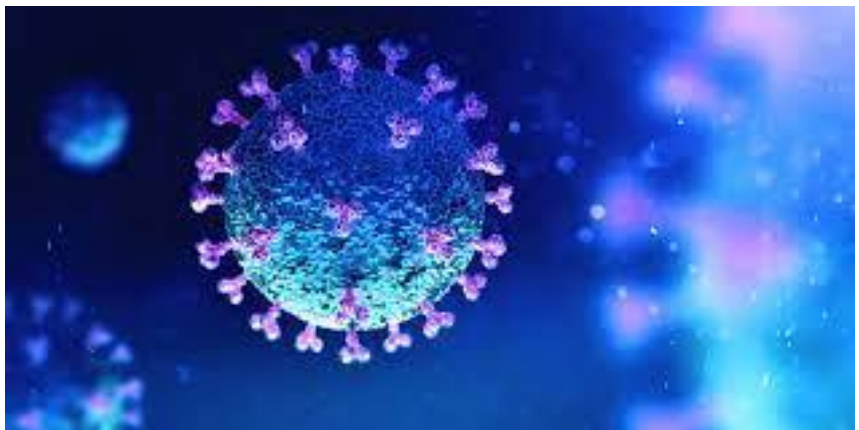
We try to maintain a balance between carrying out **preventative** work, where we inspect and assess how well significant health and safety risks are being managed and, where necessary, take the appropriate action to ensure improvements are made and our **reactive** work, when we investigate accidents, work-related ill health and complaints to identify causes, share lessons and, where appropriate, hold those failing to meet their legal obligations to account.

IMPACT OF COVID - 19

2020 saw Jersey having to face the biggest global health challenge of our generation after the island's first case of Covid-19 was confirmed on 10 March 2020. The HSI's role had to quickly broaden and grow to encompass public safety assurance on a wide range of issues and workplaces that fell outside of our typical priorities.

Our day-to-day work changed radically as we took on different and a significant amount of additional work due to Covid-19. The pace and scope of change was unprecedented but the HSI team played a largely hidden, but significant, role in supporting the government's Covid-19 strategy, ensuring the island's critical infrastructure continued to function safely.

A snapshot of some of the work undertaken during 2020 is included in this report but a fuller evaluation of the impact of Covid-19 on the work of the Inspectorate and wider workplace health and safety will be considered more fully in the 2021 Annual Report, as the challenges and risks posed by the virus continued at pace into the new year.





INVESTIGATIONS

It is not possible, nor necessary for the purposes of the law, for us to investigate all notified accidents, incidents or complaints. We concentrate our limited resources and efforts on the most serious incidents. The HSI enforcement policy, available via www.gov.je/hsi sets out the principles and approach we take in deciding when an investigation will be carried out.

During **2020** the Inspectorate carried out **59** investigations into serious work-related accidents and incidents. 54% of these were initiated following routine notification from the Emergency Services Combined Control room of an ambulance being dispatched to a workplace accident.

These investigations reflected a wide cross section of industry sectors including retail, health services, arboriculture, agriculture and hospitality but 60% involved construction activities.

The majority of the investigations also resulted from incidents that caused physical harm including serious head injuries, amputations, fractures and lacerations, as well as potential development of serious health conditions due to exposure to airborne asbestos fibre. However, a number of investigations involved 'near-misses', where it was little more than luck that a serious injury had not occurred. Examples include work in the vicinity of live electrical services and unsafe work at height.

DEFECTIVE WORK EQUIPMENT

The Inspectorate received **103** reports of defective work equipment. These reports are prepared by a competent engineer surveyor following a statutory thorough examination of an item of work equipment which identified that the equipment posed a danger to persons. When such defects are identified the engineer surveyor must, by law, notify the HSI.

The defect reports related to a range of work equipment including forklift trucks, passenger and goods lifts, pressure vessels and lifting gear. All such reports are reviewed by an Inspector to determine the appropriate action required which, in most cases, involves ensuring the equipment has been taken out of use until the necessary repairs have been carried out or the item safely disposed of.





ASBESTOS LICENSING

Work with certain types of asbestos-containing materials requires a high degree of regulatory control due to the significant risks associated with exposure to airborne asbestos fibre. Asbestos is classified as a Class 1 carcinogen, with work-related asbestos-related diseases causing around 5000 deaths every year in the UK.

Jersey operates a 'permissioning regime' that issues fixed term licences to carry out work subject to the Asbestos-Licensing (Jersey) Regulations 2008. Holding a licence incurs serious responsibilities, particularly at senior management level, and performance is regularly reviewed and assessed by Inspectors. An up-to-date list of licence holders is available on our website www.gov.je/hsi

In 2020 we received **82** notifications of licenced asbestos removal projects. Despite the pressures posed by covid-19 we carried out site-based inspections of 16%, slightly exceeding our business plan target of inspecting 15% of all notifications.



COMPLAINTS

The HSI has a published complaints policy which sets out our approach to complaints about working conditions or activities. The policy is available via www.gov.je/hsi Every complaint we receive, whether from an employee, other workers or a member of the public, is reviewed by an Inspector and categorised, based on a risk-based decision matrix, to determine the appropriate response.

Category 1 complaints, classified as **serious risk**, will be followed up within one working day

Category 2 complaints, classified as **significant risk**, will be followed up within 5 working days

Category 3 complaints, classified as **low risk**, are not followed up. This may be based on the risk profiling or because the matter falls outside the scope of health and safety at work legislation, but we would let the complainant know we would not be following the complaint up and why.



In 2020 the Inspectorate received 164 formal complaints about health and safety concerns associated with working activities. 61% of these related to construction activities

Of all complaints received:

- 24% were classified as Category 1, 100% of which were followed within one working day (target 100%)
- 63% were classified as Category 2, 100% of which were followed up within 5 working days (target 95%)
- 13% were classified as Category 3 and not actively followed up



In addition to the above, the Inspectorate followed up 227 formal complaints about lack of compliance with workplace Covid-19 legislation and/ or public health guidance between May and December 2020.

FORMAL ENFORCEMENT ACTION

ENFORCEMENT NOTICES

During 2020 a total of 62 Notices were served: 35 immediate Prohibition Notices and 27 Improvement Notices. An anonymised summary of all Notices served is published on the HSI website (www.gov.je/hsi) on a quarterly basis in an attempt to ensure lessons can be learnt by others



Prohibition Notices are served when there is, in the opinion of the Inspector, a risk of serious personal injury and work must be stopped until the appropriate steps have been taken to control the risks. Of the 35 Prohibition Notices served in 2020:

- 27 related to significant risks of falls from height
- 3 were for a failure to provide welfare facilities on a construction site
- 2 related to unsafe excavations
- 2 related to a failure to manage the risks of transmission of Covid-19 in a workplace
- 1 related to unguarded machinery



Improvement Notices are served when there is, in the opinion of the Inspector, a breach of the health and safety legislation which needs to be remedied within a certain time period. Of the 27 Improvement Notices served in 2020:

- 7 were for poor standards of welfare facilities on construction sites
- 4 were for a failure to have an adequate health and safety policy or written risk assessments



- 3 related to a lack of training or supervision
- 5 related to standards of machinery guarding
- 3 for poor housekeeping
- 3 for risk of exposure to hazardous substances
- 1 for a failure to manage the risks of transmission of Covid-19 in a workplace
- 1 for a failure to manage the risks posed by gas fittings

There is a right of appeal to an independent Health and Safety Appeal Tribunal if the duty holder disagrees with the Inspector's opinion about non-compliance with the law, or that the relevant working activities gave rise to a risk of serious personal injury.

1 appeal was submitted to the Appeal Tribunal In 2020 following the serving of an Improvement Notice. The appeal was dismissed on the basis that no grounds for the appeal were provided.

PROSECUTIONS

The decision on whether to pursue a prosecution for a breach of health and safety legislation rests with the Attorney General, not the Health and Safety Inspectorate.

The Attorney General and The Health and Safety Inspectorate both publish detailed guidance, on their respective gov.je websites, on the principles on which referral of a report to the Attorney General is based. The over-riding principles are

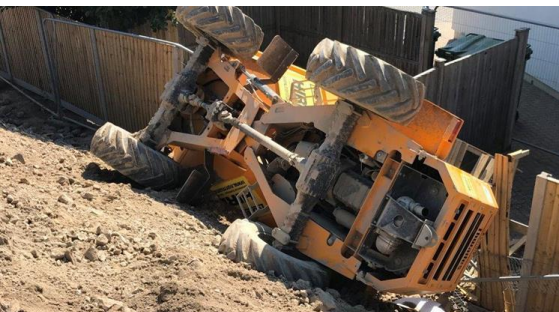
- where the breach of law was significant
- where the breach is seen to have been conscious and deliberate
- where the public interest makes it more important that there should be a prosecution
- where a breach was one of a series of small breaches which suggest a persistent lack of conformity with the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

In 2020 **3** cases were sentenced by the Royal Court

BRB Site Excavation and Groundworks Limited

BRB Site Excavations and Groundworks Limited was fined £35,000 and ordered to pay £5,000 costs by the Royal Court on 10 January 2020.

The company had previously pleaded guilty to a breach of Regulation 13 of the 'Management in Construction (Jersey) Regulations, 2016' after an employee was injured when the dumper truck he was operating on a construction site overturned when he lost control of the vehicle.



The investigation into the accident, which occurred on 6 July 2019, identified that the employee had only started working for the company 3 days earlier and had no formal training or qualifications to operate the 6 ton dumper.

Henry Robertson Ronald Brown t/a Ronnie Brown Window Cleaning

Henry Robertson Brown was fined £10,000 on each of 2 charges under the HSW Law, applied concurrently, plus a contribution towards costs of £1,000 by the Royal Court on 14 February 2020.

The prosecution arose from a complaint from a member of the public who expressed concerns over the safety of workers cleaning the windows of a hair salon. A copy of a photo was provided (see right). It was reported that this practice had been observed on several occasions previously.



The investigation identified that the salon owner had provided Mr Brown with a key to the salon to enable the windows, which were of a modern tilt and turn design, to be cleaned from within the salon in complete safety, but he had elected not to adopt this system. He had also been subject to a formal intervention from the HSI in the past for similar unsafe working practices, which were seen as aggravating factors by the Court.

States Employment Board



The States Employment Board (SEB) was fined £50,000 and ordered to pay costs of £5,000 by the Royal Court on 22 May 2020. The SEB had previously pleaded guilty to a breach of the HSW Law after a 7 year old pupil severed a finger in a school gate.

The investigation identified that the gate, installed in 2016, failed to meet the recognised standards for gate safety in schools and children's play areas in respect of foreseeable finger or hand traps and shear points.

Further details of all prosecutions, including lessons that should be learnt by others, are published on the HSI website www.gov.je/hsi

PROACTIVE WORK

Our proactive activities are a critical part of achieving our objective to help lead others to improve health and safety in the workplace, and reduce the incidence of work-related accidents and ill-health. In 2020 we:

- carried out **374** unannounced proactive inspections of workplaces. Of these:
 - **238** inspections focused on reviewing control of Covid-19
 - **71%** of all proactive visits involved the construction and engineering sectors
 - **13** immediate Prohibition Notices were served during proactive visits, legally stopping work due to the risks of serious personal injury observed
 - **8** Improvement Notices were served during a proactive visit to secure compliance with the law

TARGETED INITIATIVES

Experience shows that carrying out specific, targeted initiatives of high-risk workplaces or working activities provides the most effective way for the small HSI team to enable standards to be set and acknowledged, promote good behaviors and deliver improved health and safety outcomes.

The majority of the targeted initiatives in 2020 were carried out to support the Island's Covid-19 strategy to minimise transmission of the virus and contain the spread of disease. These were designed to help support businesses understand and comply with the law and relevant public health guidance, as well as providing feedback on the level of compliance with the various measures to the Scientific and Technical Advisory Cell (STAC) and Competent Authority of Ministers (CAM) to help inform their discussions. Examples of initiatives included:

Dental practices

A review of the standard of respiratory protection equipment (RPE) used by dentists, dental nurses and hygienists to control the risk of Covid-19 was undertaken after it became apparent that a substantial number of face masks being sold in the island as meeting the appropriate standard for use as RPE in healthcare were poor



quality products, accompanied by fake or fraudulent paperwork. This resulted in the masks providing an inadequate level of protection. Further information on the initiative and its findings were published on the HSI website [Dentists: targeted initiative and management of COVID-19 infection \(gov.je\)](https://www.gov.je/Dentists-targeted-initiative-and-management-of-COVID-19-infection)

Construction



Targeted unannounced visits to construction sites continued throughout the year to review the arrangements for control of Covid-19. Welfare standards on construction projects have been a concern for the HSI for many years, but the importance of workers being provided with a high standard of welfare and handwashing facilities is particularly critical to help minimize transmission of the virus. Robust enforcement action was taken when standards fell far short of the minimum standards set out in the

Construction Regulations, with 10 enforcement Notices being served for poor welfare. Further information is available on the HSI website updates page www.gov.je/hsi

Hospitality

Following a request from the Scientific and Technical Advisory Group (STAC) a high-profile targeted initiative was undertaken in early August to review compliance with public health guidance to record customer details for the purposes of contact tracing. This initiative was supported by a high-profile media campaign, and involved visits being made to 120 different establishments (primarily licensed premises). The findings indicated that the level of compliance was generally low. The requirement to collect customer details, a key component of the government's strategy to contain community spread of the virus, was subsequently enshrined into law.



Others

A number of other targeted initiatives to review and secure compliance with Covid-19 legislation and public health guidance were undertaken. In most cases these interventions were designed to raise awareness and provide guidance to help support businesses to stay open. Examples include:

Betting shops

Garden Centres

Central market

Gyms and boxing studios

Soft play facilities

Close contact services

Control of welding fume

Following the issuing of a Safety Bulletin by the UK Health and Safety Executive, which highlighted new scientific evidence that exposure to all welding fume, including mild steel, can cause lung cancer, a targeted initiative of businesses undertaking welding began at the start of March. Although temporarily suspended due to Covid-19, they recommenced in July and August

The photograph below was taken during a visit and graphically illustrates how the welder is exposed to the hazardous fume in the absence of suitable engineering controls such as Local Exhaust Ventilation (LEV).

In total 20 businesses were visited. More than half were required to provide LEV and almost half required to improve guarding of dangerous machinery.

Further information on the initiative and its findings are available via the updates page of the HSI website www.gov.je/hsi



ADVICE AND GUIDANCE

The Inspectorate is always happy to provide advice, guidance and legal interpretation to help duty holders understand what they need to do to comply with the legislation in a sensible and proportionate manner.

During 2020 the Inspectorate dealt with over 3000 telephone enquiries, provided over 3700 written responses by email or letter and engaged with over 1200 people in person to discuss health and safety matters.

In addition we also provided extensive advice and guidance on matters relating to Covid-19 by phone and email.

Publications and authoritative guidance

The Inspectorate publishes a wide range of guidance and information in both hard copy and electronic format to ensure duty holders can understand what they need to do to comply with the HSW Law.

As well as the core publications the HSI prides itself on being able to produce tailored guidance in response to requests from industry for clarification or areas of concern, through publishing articles and information sheets on our website. This ensures the limited Inspectorate resource is focused on providing timely and targeted advice to those requiring it. It also encourages industry sectors to engage with the HSI in a positive and collaborative manner.

Examples of such guidance published during 2020 included:

- Guidance for organisers of public events
- Safety advice for operators of bouncy castles and inflatables
- Guidance on the control of welding fume
- Welfare standards in construction, including consideration of Covid-19
- Advice on controlling legionella

During 2020 we also assisted in the development of government/ Public Health Covid-19 guidance for businesses, focusing on the practical measures needed to work safely during the pandemic. A dedicated section on our website was set up to provide additional tailored Covid-19 guidance for workplaces in conjunction with the central public health team.

The HSI website www.gov.je/hsi

The website is now an established focal point for people seeking advice and guidance on health and safety matters, including the work of the Inspectorate.



Working in partnership

The HSI continued to work closely with a number of partners to help encourage improved work-related health and safety. Whilst not exhaustive this included:

The **Jersey Safety Council**, a body set up by the States of Jersey to promote occupational health and safety and facilitate health and safety training which would otherwise not be readily available locally. The Council is funded through the HSI budget with the Director of Health and Safety sitting as an ex-officio member. The achievements and work of the Council is recorded in its Annual Report which, together with the annual accounts, are presented to the States Assembly each year.

Despite the challenges posed by the pandemic which caused the postponement of some training in the latter half of the year, a particularly significant achievement was the development of a behavioral safety leadership programme for the construction sector, which is seen by the HSI as a major step forward for this high-risk industry.

The HSI engages regularly with the **Jersey Construction Council**, a representative body of the construction industry. The Director of Health and Safety sits as an ex-officio member of the council's health and safety sub-committee, which allows for two-way engagement on matters of health and safety.

The HSI sits as a member of the [Bailiff's entertainment panel](#), alongside representatives from other statutory bodies including the States of Jersey Police, Ambulance, Fire and Rescue and Environmental Health. The purpose of the panel is to review and provide advice to the Bailiff in respect of the arrangements for public safety at public entertainment events. During 2020 this required consideration of the risks posed by Covid-19.

Other [Regulatory Authorities](#). We continued to have a close working relationship with the UK Health and Safety Executive (HSE), which is formalised through a formal Letter of Understanding. This provides access to specialized advice and support and technical and legal training for the Inspectorate team as well as ensuring we each maintain an up-to-date awareness of developments in regulatory standards and approach to regulation. We also assist the HSE by providing relevant intelligence about matters they may be dealing with in the UK. During 2020, Brexit, Covid-19 and poor quality face masks were key topics of discussion between us.

We also have a long-standing relationship with the [Guernsey Health and Safety Executive](#), which provides much valued and beneficial engagement. A memorandum of understanding is in place providing for mutual support between the Islands. Whilst we would typically meet face-to-face once or twice a year in addition to the regular telephone and email interactions, this proved impossible during 2020 due to the travel restrictions imposed by the pandemic. It is hoped that this will be reinstated in 2021.

We regularly engage and liaise with [other government departments](#) including Driver and Vehicle Standards, Environmental Health, Planning and Environment. 2020 saw us particularly strengthen our relationship with our colleagues across Justice and Home Affairs, with a high level of collaboration in terms of mutual operational support, including the secondment of a serving Police Officer to the HSI in December to help with the significant demands imposed by Covid-19. Two Health and Safety Inspectors were also seconded to the Ambulance Service for 3 months at the end of March 2020 to assist with their planning and operational pressures imposed by the pandemic.



ENSURING EFFICIENT AND EFFECTIVE SERVICE DELIVERY

Looking to the future it is important to put in place plans to maintain the Inspectorate's position as a high performing and effective regulator. 2020, more than most, has shown the need to be able to adapt to the rapidly changing world in which we operate.

Quite rightly there is a high level of scrutiny to ensure we provide an efficient and effective service, particularly in the climate of reducing public sector expenditure within the current government efficiencies plan. This report is intended to go some way to help illustrate how we achieve this, but we recognise that it is important to continue to seek new opportunities, particularly in respect of integration and collaboration with our colleagues across Justice and Home Affairs, where these may provide efficiencies or improvements to service delivery.

Value for money

The HSI, like all government departments, continues to face significant budgetary pressure to reduce costs to support the government efficiencies plan to deliver £100 million of efficiencies between 2020 and 2023.

This had a significant impact in 2020 as recruitment to a vacant post created following a retirement was deferred to 2021. This became increasingly challenging during a year when our team and operational activities were subject to unprecedented demands due to the pandemic, but did help enable the HSI to achieve a reduction in expenditure, albeit not in a sustainable manner.

The total budget set for 2020 was **£565,841**, almost 87% of which is made up of staff salaries. The annual budget for the Jersey Safety Council, paid out of the HSI budget, was £18,000 (representing a reduction of 32% over the 2019 grant), leaving the total available budget for non-staff costs of £54,582.

In addition to the delay in recruitment, the pandemic resulted in the suspension of a formal HSE training programme being followed by an Inspector, leading to an unexpected saving from reduced travel costs. Whilst these expenses will be incurred as soon as the programme is reinstated in 2021, these savings did allow a one-off year end saving of 13% of the total budget, with total expenditure of **£489,431**

Our staff

Our people are at the heart of what we do and the critical influence over our ability to achieve our vision of ensuring safe and healthy working conditions for all. To maintain the strong regulatory, policy, leadership and technical capabilities that have been at the core of the Inspectorate's success over the last 65 years, we must continue to invest in the development of the Inspectorate team.

The HSI team is a small, but highly specialised, team of people. They must maintain an up-to-date knowledge and understanding of occupational health and safety legislation and its application in order to be able to properly regulate all workplaces and working activities across the island.

All Inspectors must undergo CPD, which would typically involve a mixture of in-house and external, on and off-island legal and/ or technical training on a diverse range of topics. 2020 saw a significant shift towards web-based and on-line training due to the travel and other restrictions imposed by Covid-19. Whilst this has proved that such training can be effectively delivered there is still a need for some off-island training to take place as soon as this is practicable to maintain certain specialist competencies. I would, however, anticipate greater use of technology and on-line tools moving forwards which should help reduce costs.

Succession planning is currently one of the highest risks for the HSI, with half the team moving towards retirement. Particular attention of how we will plan to address this issue remains one of my highest priorities for 2021.

Integration and collaboration with JHA colleagues

The vision and strategic objectives of the HSI are directly linked to, and support, the wider Justice and Home Affairs departmental vision for *'Jersey to be a place to live, work and visit, where people are safe and feel safe, which is free from discrimination and where rights and differences are respected'*.

Since joining JHA in 2018, there has been a commitment from all senior leaders to increase collaborative working and provision of cross service support amongst the various services. 2020 saw the significant benefits from this approach including 2 HSI Inspectors being seconded, at the end of March, for 3 months to the Ambulance service to help support that service in a time of huge uncertainty and operational pressures posed by Covid-19.

The HSI benefited from a similar arrangement when a serving Police Officer was seconded to us at the end of the year to help alleviate some of the additional and significant operational pressures imposed through regulation of Covid-19 legislation. This also forged a closer working relationship between the HSI and SoJ Police, involving joint inspections, investigations and increased sharing of intelligence.

The HSI was represented on a number of JHA-wide working parties set up to consider further opportunities of collaborative working including provision of training, business support and well-being.

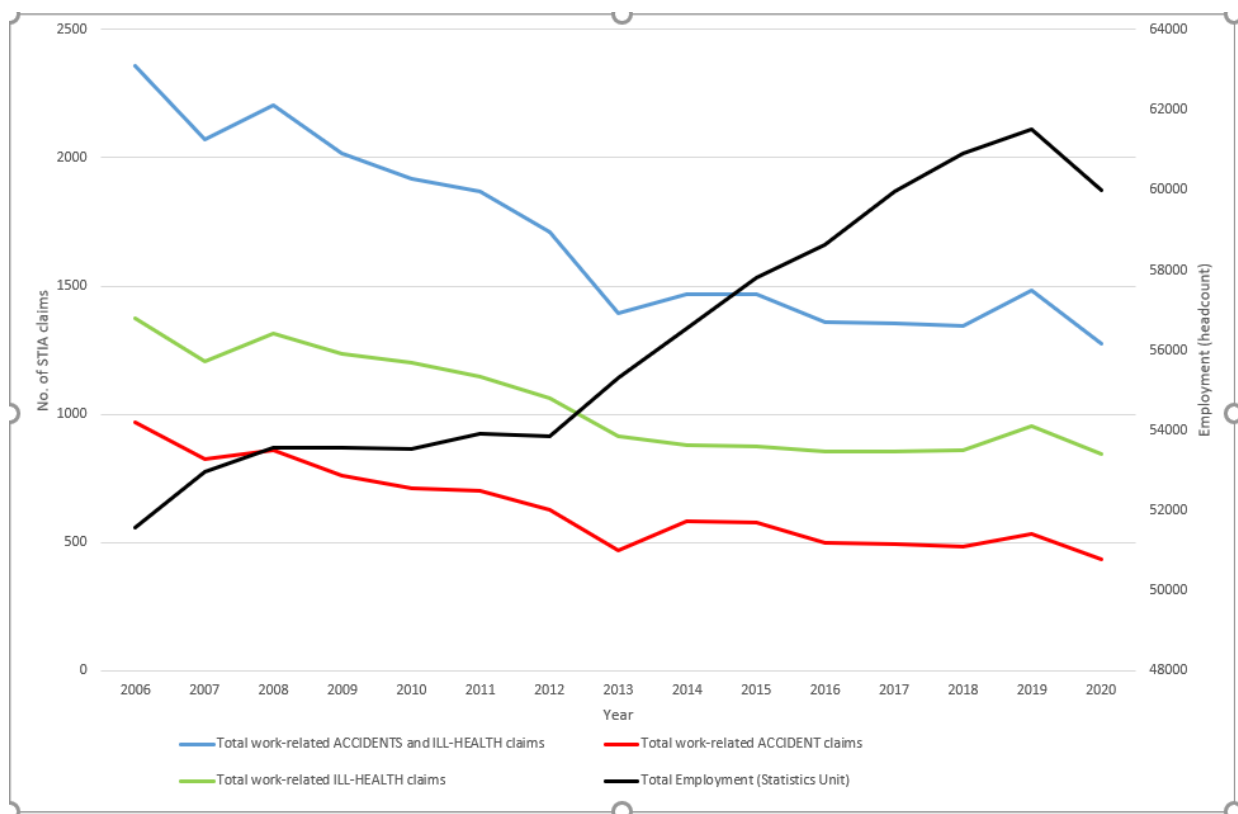
STATISTICAL DATA

In Jersey, statistical data on work-related accidents and ill-health is collated through individual claims made for Social Security sickness benefit (short term incapacity allowance (STIA)). It is recognized that this system has limitations, for example, medical certificates are only issued for 2 or more days off work and injuries caused to members of the public by working activities are not captured, so a proportion of all incidents will not be included in the reported figures.

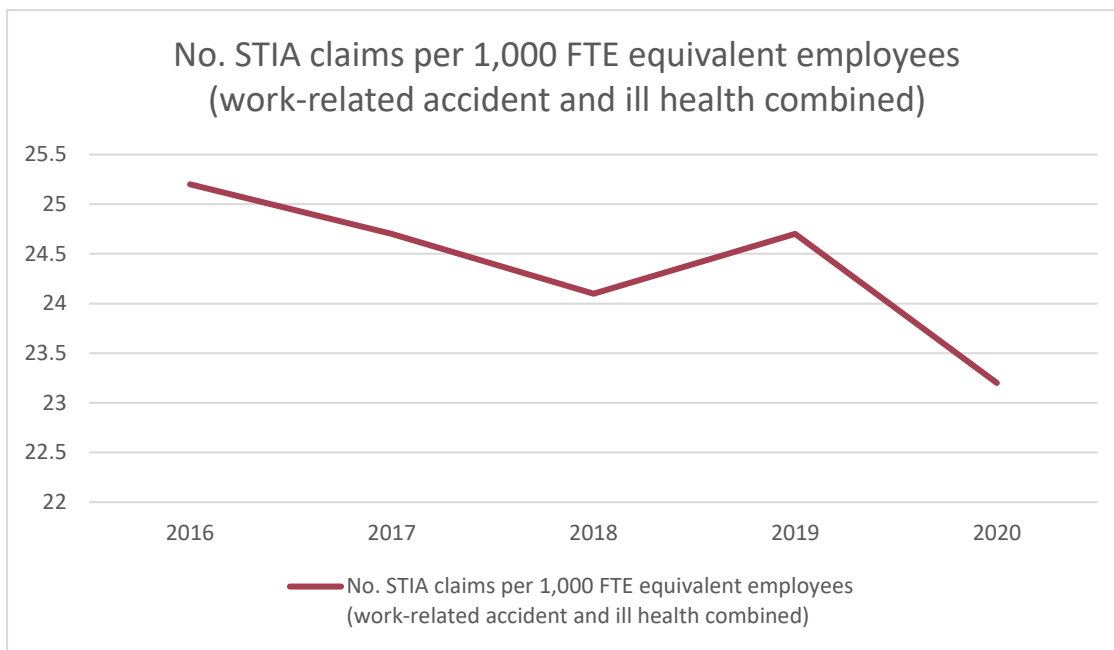
However, the manner in which the data has been captured and presented has remained consistent for many years which allows for the true monitoring of trends.

In 2020 **1275** STIA claims were submitted due to a work-related accident or ill health condition, a 14% reduction in the number reported in 2019 and 5% less than 2018. It is considered that the enforced closure of many businesses and a significant increase in home working due to the pandemic are likely to be contributory factors to the reduction in claims, but it may be a few years before we are able to establish the full picture.

The Jersey Labour Market report showed that the total number of jobs in December 2020 was 60,000, an annual decrease of 2% and the largest December decrease in over 20 years. At sectoral level, the public sector grew by almost 5% whilst, overall, the private sector shrunk by 3%. Only 2 sectors saw a moderate increase in the number of jobs; construction and quarrying (3%) and agriculture and fishing (9%), both high risk industries.

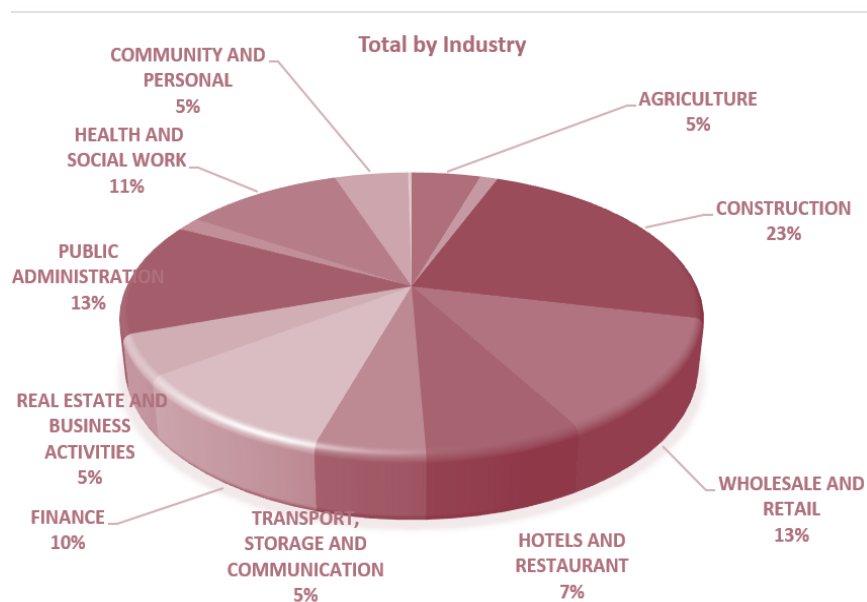


The following graph, which shows the number of STIA claims for work-related accidents and ill-health combined per 1,000 equivalent employees (data supplied by Statistics Jersey), provides a striking reduction in the incidence rate. Evaluation of the contribution of Covid-19 restrictions to this decrease will require further consideration as we move through the pandemic, but represents a pleasing trend.



SECTORAL STATISTICS

The construction sector made up approximately 10% of the total number of jobs in Jersey in 2020 but accounted for 23% of all STIA claims made during the year. Whilst perhaps reflecting the high-risk nature of the working environment, this ratio has remained relatively unchanged for more than a decade and the industry must make a concerted effort to reduce the numbers of those being injured through their work.



Accident and ill health data

Every claimant submitting a claim for STIA for a work-related disorder is automatically sent a questionnaire asking for further details of their injury or ill health. This information is used to help us identify common areas of concern and inform and influence our proactive work programme.

It was pleasing to see an increase in the return rate of the questionnaire over previous years but recognise there is still work to do to improve this figure further.

One common concern that has been expressed relates to a mistaken belief that returning the questionnaire may somehow impact on the payment of sickness benefit. This is absolutely not the case, with the information being solely reviewed by the HSI to identify patterns of injury and ill-health and used to inform and help target our work to those areas of highest risk and concern.

Health and Safety Inspectorate
 P.O. Box 50, La Motte Street
 St. Helier, Jersey, JE4 8PS
 Tel: +44 (0)1534 44700

Form: 16 July 2018
Accident Number:
Claim Number:
Social Security Number:

Your medical certificate, recently submitted to the Department, identified that you suffered an accident or illness caused by a work activity.

To help us compile statistics on accidents and illnesses caused by working activities please take a moment to fill in the form on the reverse of this page and then return it to us in the enclosed prepaid envelope.

The information that you provide to us may also result in further enquiries being made by the Health and Safety Inspectorate.

IF THIS INFORMATION IS INCORRECT AND YOUR INCAPACITY WAS NOT AS A RESULT OF AN ACCIDENT OR ILLNESS CAUSED BY A WORK ACTIVITY PLEASE TICK THE BOX BELOW AND RETURN THIS LETTER TO US. DO NOT COMPLETE THE QUESTIONS ON THE REVERSE OF THIS PAGE.

This information is incorrect, my incapacity was not as a result of a work activity.

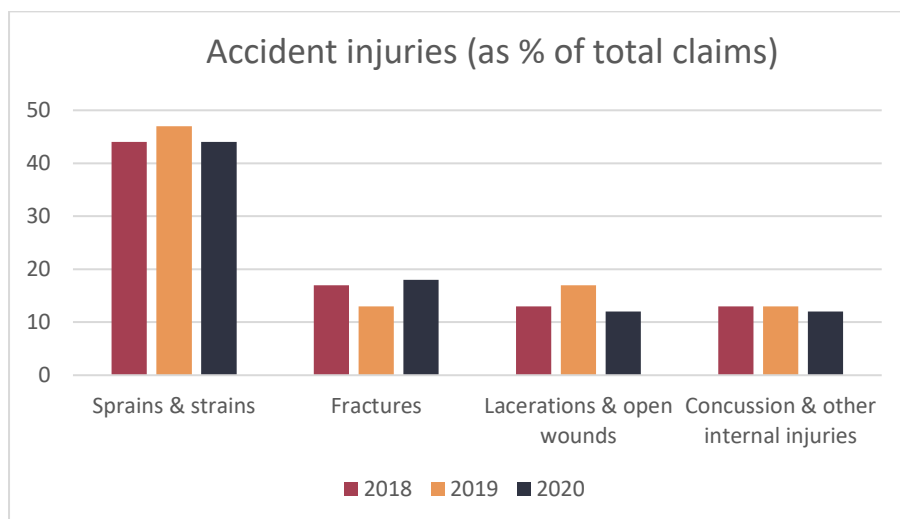
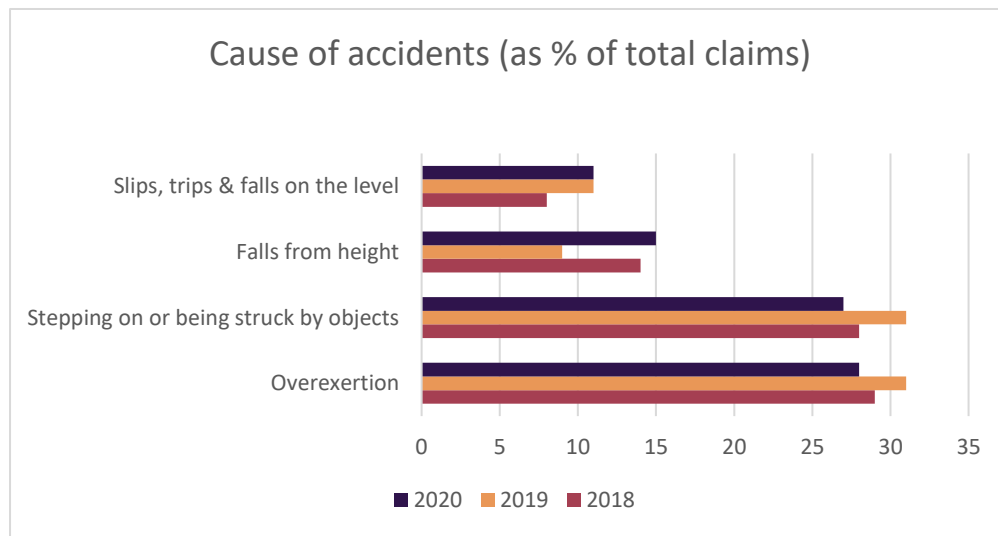
Should you have any queries concerning this request for information, or require assistance with the completion of this form, please contact the Inspectorate on telephone number 447000.

Health and Safety Inspectorate

Enc.
 Pre-paid Envelope

Work-related accidents

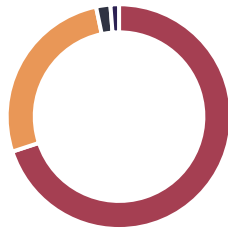
61% of all claimants following a work-related accident returned their questionnaire. These show that the 4 main causes remain the same year on year, although the increase in falls from height in 2020 is a concern and will be monitored during 2021.



Work-related ill health

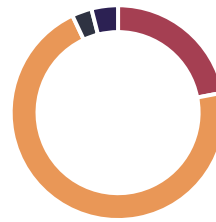
42% of all claimants with a work-related ill health disorder returned their questionnaire. Not surprisingly stress and musculoskeletal disorders accounted for the vast majority of all work-related ill health claims, making up 94% of the total claims submitted. This remains largely unchanged from year to year and reflects the typical local business profile, with very few heavy engineering or manufacturing industries which carry a high burden of occupational lung disease in the UK.

Ill health (% of total claims)



■ Stress ■ Musculoskeletal ■ Respiratory ■ Other

Ill health claims construction (%)



■ Stress ■ Musculoskeletal ■ Respiratory ■ Other

Targeting work-related ill-health will remain a priority for the HSI in 2021. The full impact of Covid-19 on the workplace and workers will undoubtedly become more apparent over time but the significant changes to the way people live and work as a consequence of the pandemic should not be underestimated. For example, the widespread evidence of increased home or hybrid working, which can be associated with increased risks from musculoskeletal disorders, lone working and mental health disorders, must be carefully assessed and controlled by businesses adopting this model.

The HSW Law applies equally to those employees who work from home as those in the office. Likewise, the HSI's commitment to ensuring the health and safety of all workers, wherever they work, remains the same.

HSI PERFORMANCE AT A GLANCE

Ensuring efficient and effective service delivery		
£565,841 2020 budget	£489,431 total expenditure	Staff costs £434,848 Grant to Jersey Safety Council £18,000 Residual non-staff costs £36,582
6.4 members of staff (FTE) with one post remaining vacant during 2020 as part of the government's efficiencies savings plan		Sickness absence 3.3 days per full-time equivalent against government average of 5.2 days
A serving Police Officer started a 2 month secondment with the HSI on 11 December 2020 to assist with Covid-19 workload and enable effective collaboration between the 2 services on areas of dual regulation relating to Covid-19		
Ensuring the legislation remains effective and right for Jersey		
3 Approved Codes of Practice (ACoP) updated to reflect changes in UK / European Standards of best practice: <ol style="list-style-type: none"> 1. The Safe Use of Woodworking Machinery ACoP 2. The Work with Ionising Radiation ACoP 3. The Management of Exposure to Asbestos in Workplace Buildings and Structures ACoP 		
Public Consultation on a new ACoP addressing Safe Work with Gas Systems and Appliances ACoP commenced		
Securing compliance in a firm but fair and proportionate manner		
3 Health and Safety prosecutions completed in Royal Court	62 Enforcement Notices served <ul style="list-style-type: none"> • 35 Prohibition Notices • 27 Improvement Notices 	
Carried out 59 investigations of serious workplace accidents and ill health	16% of notified licensed asbestos removal projects inspected against our target of 15%	
We responded to 164 complaints about workplaces and working activities: <ul style="list-style-type: none"> • 39 Category 1 (serious risk): 100% followed up within 1 working day (against a target of 100%) • 103 Category 2 (significant risk): 100% followed up within 5 working days (against a target of 95%) • 22 Category 3 (low risk): None actively followed up, as set out in our complaints policy 		
Leading and engaging with others to improve workplace safety		
We dealt with over 3000 telephone enquiries, provided over 3700 written responses by email or letter and held over 1200 face to face meetings to discuss health and safety at work matters		
We carried out 374 unannounced inspections of workplaces <ul style="list-style-type: none"> • Covid-19 compliance: 238 inspections • Construction sector: 247 inspections (includes health and safety and Covid-19 compliance checks) 		
71% of all proactive health and safety inspections were to the construction and engineering sectors		
Reducing the incidence of work-related accidents and ill-health		
1275 claims were made for short term incapacity benefit following a work-related accident or ill-health		
The number of STIA claims per 1000 FTE equivalent employees (work-related accident and ill-health claims combined) reduced by 14% compared to 2019 (albeit the impact of Covid-19 on these figures remains to be fully evaluated)		