

**States of Jersey  
Health and Safety Inspectorate**

**ANNUAL REPORT  
2017**

## Foreword



It gives me great pleasure to present the Annual Report for **2017**, which sets out the Inspectorate's performance and achievements during another busy year. Statistical data on workplace accidents and ill health obtained from the Social Security benefit system is also presented.

Despite total employment increasing by 2.2% over the year, the total number of work-related accident and ill health claims for short-term incapacity benefit remained static (1359 claims in 2017 versus 1356 in 2016), and 34% lower than the figure seen a decade ago. Whilst this is a positive trend, there is still a lot of work to be done to achieve further reductions, as the numbers of people injured or made ill as a result of their work remains far too high.

It was therefore pleasing to note that a reduction in workplace accidents and ill health is also seen as a priority for the Island as a whole, with a commitment to ensuring that islanders are safe and protected at work forming part of the key ambitions of 'Future Jersey' – the Island's first long-term community vision.

It is fair to say that **2017** was a particularly challenging year for the Inspectorate, largely due to a difficulty in recruitment following the resignation of a qualified Inspector in January. This resulted in the already small team being under resourced for most of the year, and had an impact on the ability of the Inspectorate to carry out some of its planned proactive activities. However, I am pleased to report that a qualified and experienced Inspector was appointed towards the latter end of the year and will take up his position in January 2018.

Looking to the future, the challenge will be to ensure that the legislative framework and approach to regulation of occupational health and safety remains effective and proportionate, taking into account changing employment patterns and the evolving economic landscape. The significant number of major capital projects in the pipeline will also provide challenges, as well as opportunities, for the construction industry as pressure on labour, skills shortages and other resources will increase. It is essential that health and safety remains the highest priority to ensure these factors do not result in an increased accident/ ill health rate within this high risk sector.

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

Tammy Fage  
Director of Health and Safety

## The Health and Safety Inspectorate

The Health and Safety Inspectorate is the independent regulator for work-related health and safety in the island. It is a small team that sits within the Social Security Department, and is responsible for administering and enforcing the Health and Safety at Work (Jersey) Law, 1989 and subordinate legislation.



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

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

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

Our **key priorities** are

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

Deputy Susie Pinel, Minister for Social Security, together with Deputy Graham Truscott, Assistant Minister, held political responsibility for all health and safety at work matters in 2017.

As a small Island it would be impossible for the Inspectorate to have the extensive range of specialist knowledge required to cover the wide variety of workplaces and working activities in Jersey. The Inspectorate therefore has a close working relationship with the UK Health and Safety Executive and the Health and Safety Executive in Guernsey, which provides access to specialist advice and support when required

## Who we regulate

The Jersey Labour Market report, published by the Statistics Unit every 6 months ([www.gov.je/statistics](http://www.gov.je/statistics)) provides detailed information of both public and private sector employment in Jersey. The report published in December 2017 identifies that at that time:

- the public sector employed approximately 13% of all workers (based on a headcount basis)
- there were 7,360 active undertakings in the private sector, approximately 90% had 10 or fewer employees and 55% were single-person undertakings
- there were approximately 60,000 people working in Jersey, an increase of 1,310 over December 2016
- the number of jobs in the construction industry has increased annually since June 2013 with the highest figure recorded to date in December 2017. This represents approximately 11% of the Island's workers on a headcount basis

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

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

In addition to administering and enforcing the Law, the work of the Inspectorate covers a wide and varied range of other activities from shaping and reviewing the health and safety at work legislation, producing guidance and working with a number of partners to help promote and improve the management of health and safety in the workplace. This report sets out how these matters are addressed

## Our key priorities for 2017

Ensuring the legal framework remains effective

Embedding the new Regulations for the construction industry



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

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

Throughout 2017 a significant amount of Inspectorate resource was given to supporting different sectors of the industry to understand and meet their legal obligations, further details of which will be provided throughout this report.

Revision of the **Freight Containers Safety Convention (Jersey) Regulations 1994**

These Regulations set out requirements designed to ensure safety of persons during the transport and handling of freight containers, as well as facilitating the international transport of containers by providing uniform safety standards. In 2017 a number of amendments were made to the 1994 Regulations to reflect changes to the international convention under which the Regulations were introduced.

Whilst the amendments were relatively minor and had no immediate impact on local industry it was vitally important that they were implemented into Jersey Law to ensure compliance with International Treaty obligations, and remove inconsistency with the standards adopted by other countries, which could be a potential source of legal or business uncertainty for owners and operators.



## Approved Codes of Practice

Approved Codes of Practice (ACoPs) provide practical guidance on good practice and give advice 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.

If a duty holder is prosecuted for a breach of the Law, and it is shown that the guidance set out in the ACoP had not been followed, the duty holder must be able to prove that they had complied with the Law in some other way or the Court will find them at fault.

### Development of a new **Approved Code of Practice for skip and hook loaders**

In 2014 a skip operator was sadly crushed to death when he became trapped between his vehicle and a granite wall whilst delivering a skip to a construction site. Following the fatal accident the inquest, held in 2017, heard that there were lessons that needed to be learnt to help avoid a similar tragedy occurring in the future.



The Coroner subsequently used his powers to recommend that steps be taken to ensure these issues were brought to the attention of the industry to help avoid future deaths. This has been addressed by the Minister for Social Security agreeing to develop an ACoP which will set out clear, practical guidance on how to comply with the Law.

The Inspectorate entered into a targeted consultation with all known skip operators in the island in August 2017 on a number of key areas where it was considered necessary to provide clarity and clear guidance on the standards of best practice within this high risk industry.

Following this targeted engagement, a draft ACoP was developed which will be made available for wider public consultation in 2018.

# Regulatory activities in 2017

## Enforcing the Law

Enforcing the Law primarily involves a mixture of:

**Reactive** activities: interventions which include investigation of accidents, injuries and ill health, as well as concerns or complaints raised by workers, the public and others, and

**Proactive** activities: which are primarily focused on encouraging and supporting duty holders to achieve improvements in health and safety to help prevent accidents and ill health occurring in the first place. These include unannounced and announced inspections of key industry sectors, workplaces and work activities.

Whilst in an ideal world there would be an equal balance of resource committed to reactive and proactive activities, in reality the demands of the reactive work in 2017 far outstripped the limited resource of the small Inspectorate team.

## Reactive work

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

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

The decision of which incidents to investigate will be dependent on a number of factors including:

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



The purpose of an investigation is to determine:

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

During 2017, the Inspectorate carried out 71 investigations into serious work-related accidents and incidents. Of these:

35 followed notification by the Emergency Services Control Room

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

4 were prompted by claims for Social Security benefit

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

These investigations reflected a cross section of industry sectors, including retail, healthcare, landscape gardening, education and agriculture, although 69% of all significant investigations involved the construction sector.



Although not all investigations necessarily involved actual physical harm (investigating near-misses can often highlight issues of non-compliance with the Law), the majority did involve people sustaining serious injuries including fractures, burns, serious head injuries and exposure to airborne asbestos fibres.

In addition, Inspectors followed up on 92 reports relating to defective work equipment, which, at the time of thorough examination by a competent engineer surveyor, presented a danger to persons. When such defects are identified during a statutory thorough examination, the examiner is required by Law to notify the Inspectorate.

## Asbestos licensing

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



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

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

During 2017 there was one locally based licence holder, and an average of 4 UK based contractors holding approval to work on their UK licence at any one time. An up to date list of licence holders is available on the Inspectorate website [www.gov.je/hsi](http://www.gov.je/hsi)

Licensed contractors are required to submit notification of any licensable work to the Inspectorate at least 14 days before work starts, together with a detailed Plan of Work setting out how the work is going to be carried out safely. In 2017, 88 Plans of Work were submitted to the Inspectorate, a 22% decrease over 2016.

## Remediation of legacy asbestos waste

2017 finally saw the remediation of the licensed asbestos waste which had been stored in freight containers at La Collette for many years. Whilst the original intention was for this to be a short term storage solution whilst deciding on the means of permanent disposal, asbestos waste continued to be accrued in this manner for over 25 years.

Concerns had been unceasingly raised over the last decade due to the deteriorating condition of the containers and their proximity to major hazard sites at La Collette. After years of extensive studies, propositions and debate the political decision was finally taken that the waste would be permanently buried in purpose designed and engineered pits at La Collette.

2017 finally saw this come to fruition with the contents of approximately 280 containers being transferred to the pits for permanent disposal. This was a complex and largely unique project, with many of the stacked containers in very poor condition and containing historic asbestos waste of unknown origin and condition. It is of great credit to the whole project team that the project went smoothly and without any significant incident.

## Complaints

Formal complaints about working conditions and working activities can be made to the Inspectorate by employees and others, including members of the public, when they are concerned about risks to health and safety.

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

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

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

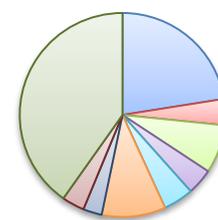
- Category 1: **Serious** risk – we will respond within one working day
- Category 2: **Significant** risk – we will respond within five working days
- Category 3: **Low** risk – we will not follow up the complaint

In 2017 the Inspectorate received a total of **171** formal complaints, covering a wide range of activities and levels of risk. Of these, **51** were classified as Category 1, **104** as Category 2 and **15** as Category 3.

When a complaint is categorised as Category 3 or 'low risk' and therefore not followed up, the Inspector will always be happy to explain why this is the case. This may be based on the risk profiling, or because the matter falls outside the scope of the health and safety at work legislation. Where any breaches of legislation are found as a result of a complaint, action is taken in accordance with the Inspectorate's enforcement policy.



Basis for complaint



- |                            |                                       |
|----------------------------|---------------------------------------|
| ■ Work at height           | ■ Falling materials                   |
| ■ Asbestos-related         | ■ Slips, trips and falls on the level |
| ■ Unsafe equipment         | ■ Scaffolding related                 |
| ■ Workplace traffic issues | ■ Tree work                           |
| ■ Other                    |                                       |

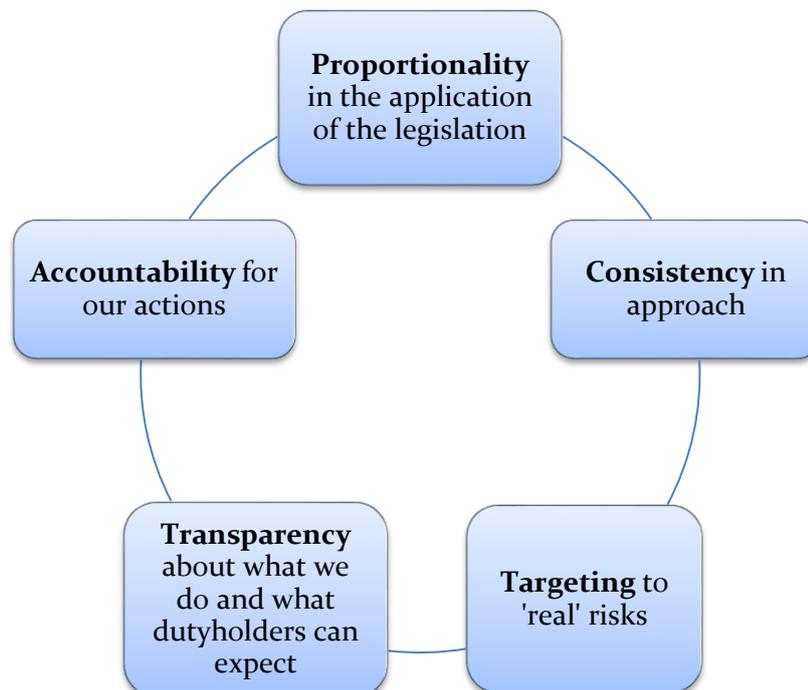
## Enforcement action

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

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

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

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



## Legal Notices

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

During 2017 **22** Prohibition Notices were served, including:



- 10 related to unsafe work at height
- 3 related to unsafe tree work
- 4 related to asbestos related matters

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

During 2017 **10** Improvement Notices were served:

- 5 relating to the failure to provide adequate training
  - 2 in respect of chainsaw use, 2 for asbestos awareness training and 1 in respect of the operation of construction plant
- 3 relating to management failures in respect of policy documentation and monitoring and supervision
- 1 relating to the failure to inspect a scaffold
- 1 relating to the failure to manage the risks of work-related violence and aggression

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

There is a right of independent appeal against Improvement and Prohibition Notices, through the Health and Safety Appeal Tribunal. No appeals were submitted in 2017.

## Prosecutions

The Attorney General is the ultimate authority in respect of all health and safety prosecutions in the island, and makes the decision of whether a prosecution is pursued for a breach of Law or not. The Inspectorate's enforcement policy sets out the deciding factors that result in an investigation report being referred to the Attorney General for his consideration on whether a prosecution should take place, which are:

- where the breach 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

The last of these factors relates to the recognised improvements in health and safety management and performance which can be achieved by alerting other duty holders to lessons that can be learnt from circumstances that resulted in a prosecution. The Inspectorate therefore publishes, on its website, details of prosecutions which have taken place, together with advice on the steps that employers and others with duties under the Law should take to ensure that they can be seen to be complying with the Law.

In 2017 3 cases were heard in the Royal court.

### Columbia Design and Build (CI) Limited

Columbia Design and Build Ltd was fined a total of £41,000 plus £5,000 costs by the Royal Court on 12 May 2017 after pleading guilty to 5 offences under the HSW Law and Construction Regulations.

The failure to comply with a Prohibition Notice was recognised as a particularly serious offence, attracting a fine of £15,000; double that imposed for each of the other 4 offences.

The prosecution arose from a persistent pattern of poor performance and repeated failures of the company to manage health and safety effectively during the construction and development of buildings bordering New St James Place and Don Road, St Helier, between February and November 2015.

Despite no injuries being reported as a result of the failures, the Court gave a clear message that this was simply down to chance and sentenced the company on the basis that they had potentially very serious, if not fatal, consequences.



## Sommerville Limited

Sommerville Limited, a local joinery and cabinet making company, was fined £15,000 with £5,000 costs by the Royal Court on 9 June 2017.

This case resulted from an employee of the company sustaining serious injuries, including a fractured hip and lacerations to his ear, eye and both shins, when a number of heavy boards fell and hit him on 7 September 2015. The boards had been stored by leaning them against the side of a storage rack, but toppled over as a board was being retrieved from the middle of the stack.



The investigation identified an unstructured approach to health and safety in the workshop, which placed significant reliance on employees adopting a 'common sense' approach. There was no systematic approach to assessing and controlling risks associated with the storage and retrieval of board materials – a well recognised hazard in the woodworking industry.

In its judgement the Court reinforced the message given in several health and safety prosecutions that employers cannot rely on experienced employees to look after their own health and safety, or that previous industry experience be a substitute for formal health and safety training.

## States Employment Board



The States Employment Board, the legal entity which employs most of the staff working for the States of Jersey, including those working within Health and Social Services, was fined £50,000 with £10,000 costs by the Royal Court on 18 August 2017.

The prosecution arose from an incident on 2 March 2016 involving an 83 year old patient who was suffering from dementia and being cared for on Oak ward, Rosewood House, St Saviour. The patient fell from a bath hoist and sustained catastrophic head injuries which sadly resulted in her death 4 days later.

In its conclusions, the Court stated that 'this case represented a wholly avoidable and unnecessary loss of life resulting from inadequate training, poor procedures and a failure at all levels of management over a long period of time'.

## Proactive work

### Proactive inspections

75 proactive inspections of workplaces were carried out during the year. This represents a 35% decrease over the previous year, and reflects the challenges the Inspectorate faced as a result of being an Inspector short for the majority of the year (33% of Inspector resource).

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

In accordance with our aim to focus the limited Inspector resource to those workplaces where the risks are highest, and where we can have the greatest impact, all proactive inspections in 2017 were construction-related or connected to the removal of licensed asbestos-containing materials.

### Targeted initiative

In addition to the above proactive inspections, in 2017 a targeted initiative was carried out of a cross section of property managing agents to raise awareness of their legal obligations, as a commercial client, under the Management in Construction Regulations 2016.

This initiative was specifically undertaken in response to evidence that there was confusion within this industry sector over the application and requirements of the legal requirements.

A client has a major influence over the way construction work, which includes repair and maintenance, is procured and managed through the appointment of competent contractors and determining that adequate finances, time and other resource are available. It is therefore important that clients understand and discharge their duties accordingly.

The initiative identified that whilst most managing agents visited appreciated their role as a client, there was often a lack of understanding of how to discharge their duties in practice, particularly in respect of the assessment of competence of contractors and the provision of pre-construction information. Appropriate advice and guidance was provided as part of the face to face meetings.

Following the initiative a circular letter was sent to all known property managing agents advising of the initiative and the findings. An article was also published on the Inspectorate website, providing links to further guidance.

## Advice and guidance

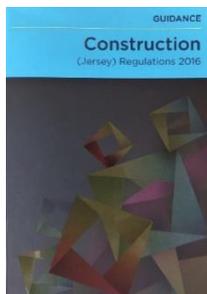
The Inspectorate is always happy to provide targeted advice, information and guidance to help duty holders comply with health and safety legislation in a sensible and proportionate manner.

During 2017, the Inspectorate dealt with over **4,100 telephone requests** and provided over **3,700 email and written responses** to queries on health and safety. Inspectors also had **346 face to face contacts** in response to direct requests for advice.

In addition, the Inspectorate supported numerous events organised by industry bodies throughout the year, with the Director presenting at 2 events organised by the Jersey Construction Council, as well as others organised by the Jersey Association of Scaffolding Contractors, licensed asbestos contractors and the Independent Association of Lift Engineers.

## Publications and authoritative guidance

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



The priority this year was to support the construction industry in understanding and implementing the 'Management in Construction Regulations', which came into force on 1 October 2016.

Whilst the comprehensive guidance publication published in 2016 was very well received, it was anticipated that there may be specific areas and requirements where additional guidance would be welcomed by the industry as the Regulations became embedded.

A clear message was therefore given to the industry that tailored guidance could be produced based on feedback or requests where it was felt that this would be useful to clarify issues of common concern or queries. This has developed into a useful partnership which ensures that the limited Inspector resource is directed to providing targeted and timely advice and guidance to those requiring it, as well as encouraging the industry to engage with the Inspectorate in a more positive and collaborative manner than in the past.

Examples of guidance notes and information sheets produced as a direct result of this collaborative means of working in 2017 include guidance:

- for insurers on their role and responsibilities under the Regulations
- for property managing agents on their role and responsibilities under the Regulations

- to explain what the Health and Safety Project Coordinator does and doesn't do
- on recognised scaffold training and assessment schemes
- on the assessment of the inside gap of a scaffold

The shift to producing guidance notes and information sheets, which are initially published on the Inspectorate's updates page, has encouraged a greater awareness and monitoring of the website.

It is clear, however, that whilst all publications and guidance sheets are made available to download through the Inspectorate website, it is clear from customer feedback that hard copies of the key publications are still very much valued.

In the present economic climate and need to ensure that the limited Inspectorate budget is used in the most effective manner, the cost of providing hard copies is kept under regular review. Certain specialised or low volume publications will only be available on-line moving forwards, but it is still the intention to continue to offer key publications free of charge, to ensure duty holders have access to the guidance in their preferred format.

## Updated guidance

### Health and Safety poster



During 2017 the 'Health and Safety Law' poster was updated and reprinted. Whilst, unlike in the UK, it is not compulsory to display this poster in a workplace, it is a useful way of highlighting the requirements of the Law to employees.

Copies are freely available from the Inspectorate.

### Revised guidance on the storage of liquefied petroleum gas in cylinders

Liquefied Petroleum Gas (LPG) can be potentially hazardous if not stored or used in accordance with recognised industry best practice.

This publication, revised in 2017, provides guidance on the outdoor storage and display of full and nominally empty cylinders; the guidance applies where the total amount of LPG kept is less than 400 kg.



## The Inspectorate website [www.gov.je/hsi](http://www.gov.je/hsi)

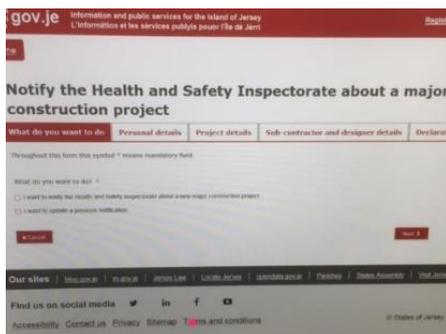
The website is increasingly being seen as a valuable forum for providing timely information and guidance about the Inspectorate and the legal requirements imposed by the Law.

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



During 2017 a number of **web based articles** and **information sheets** were published as a direct result of specific queries being received by the Inspectorate or where there was evidence of a common misunderstanding amongst duty holders. This ranged, for example, from a range of guidance for the construction industry, details of Enforcement Notices served, stress in the workplace to raising awareness of the launch of the new 'Jersey Safety Awareness Test' developed in partnership with the Jersey Safety Council.

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



Electronic notification of major construction projects, as required by Regulation 9 of the Construction Regulations, is also achieved through this section of the website. Whilst a significant amount of work and effort was put in to ensure the electronic on-line form was available for the 1 October 2016, it was recognised at the time that the form required further development in order to provide a better customer experience, particularly in respect of updating an existing notification.

Unfortunately progress with this has been far slower than anticipated, primarily due to resourcing issues and competing priorities for the IT team. This remains a high priority for the Inspectorate, and must be progressed in early 2018 in order to ensure duty holders are able to meet their statutory duties.

## Working in Partnership

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

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

Whilst the achievements and work of the Council are set out in its Annual Report, the Council completed an extensive piece of work which started in 2016 to develop a basic health and safety awareness test, for the construction industry. This replaced the old 'Passport to Safety' scheme, which was withdrawn when the new Construction Regulations were introduced as the scheme no longer reflected the legal requirements. The new scheme, the Jersey Safety Awareness Test (JSAT), was launched in October 2017 and is an excellent example of a collaborative approach involving the Council, the Inspectorate and other industry bodies to improving standards in a high risk industry. Initial take up of JSAT was very positive and will undoubtedly increase quickly over the following months.

The Council, in conjunction with the Inspectorate, committed to updating the 'Essential Health and Safety Toolkit' to reflect the new Regulations. This pocket sized toolkit covers the hazards commonly found on construction sites and will assist smaller contractors with the preparation of a construction phase plan. It is hoped that the final publication will be available, free of charge, early in 2018.

The Council also facilitated accredited training for those with duties under the new Construction Regulations to assist with raising awareness and competence in compliance with the legal obligations. This included accredited and assessed training for 'Health and Safety Project Co-ordinators' and clients.

The **Jersey Construction Council** (JeCC) is a representative body of the construction industry, with a wide breadth and depth of membership across the different sectors of the industry, including contractors, consultants, supplier/ service providers and clients. The Director of Health and Safety sits as an ex-officio member of the JeCC health and safety committee, which allows for two way engagement on matters of health and safety within this high risk industry.

The **Jersey Association of Scaffolding Contractors** was formally constituted in 2016. Members of the Association were subject to their first independent audit in 2017, in accordance with the terms of membership. Whilst this, quite rightly, is completely independent of the Inspectorate, it is seen as a very positive indication of the industry itself taking proactive steps to drive forward improvements within this high risk industry sector. The Association also facilitated



accredited training for its members, which must remain a high priority as the requirement for scaffolding increases as construction continues to grow.

The Director of Health and Safety sits on a number of multi-agency Groups including the **Emergency Planning Board** which ensures the Island properly plans for, and is in a position to respond to, any major emergency or disaster in, or affecting, Jersey, and the **La Collette Operational Group** (formally the Hazardous Review Group), which includes representatives of a number of Regulators, States Departments and duty holders, who meet quarterly to monitor and review the safety of the major hazard installations and off-site arrangements at La Collette.

### **Bailiff's entertainment panel**

The Inspectorate is represented on the Bailiff's entertainment panel, which is made up of a number of statutory bodies, including the Inspectorate, States of Jersey Police, the Fire and Rescue Service, Ambulance Service and Public Health. The purpose of the panel is to review and provide advice to the Bailiff in respect of the arrangements for public safety relating to applications for public entertainment events.

### **Other States Departments**

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

### **Other Regulatory Authorities**

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

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

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

## Investing in the future

### Value for money

#### The Inspectorate budget

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

The Inspectorate total annual expenditure for 2017 was £409,000.



Following the success of introducing 'Jack' the bicycle to the team in 2015, we added big sister 'Jessica' in 2017. As well as being eco-friendly and cheap to run, using the bicycles to get around St Helier and the surrounding areas instead of using the office car has proved to be an efficient means of getting around, particularly where it may be difficult to park.

As well as helping to manage competing demands on the office car, which is shared between all the Inspectors, using a bike often results in a quicker response to Category 1 complaints where an Inspector would previously have walked.

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

#### Investing in the team

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

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

2017 saw an Inspector, recruited in early 2014, successfully complete the final year of bespoke Advanced Technical Training administered by the UK HSE, which all UK HSE Inspectors have to undergo. This represented the culmination of a very demanding and exacting programme of training, which Jersey is fortunate enough to be able to access through its Letter of Understanding with the HSE. As well as providing the individual with comprehensive legal and technical training in regulatory health and safety, the Inspectorate is also able to benchmark and compare its approach and standards to that adopted by the HSE to ensure we continue to offer an appropriate and effective regulatory function.

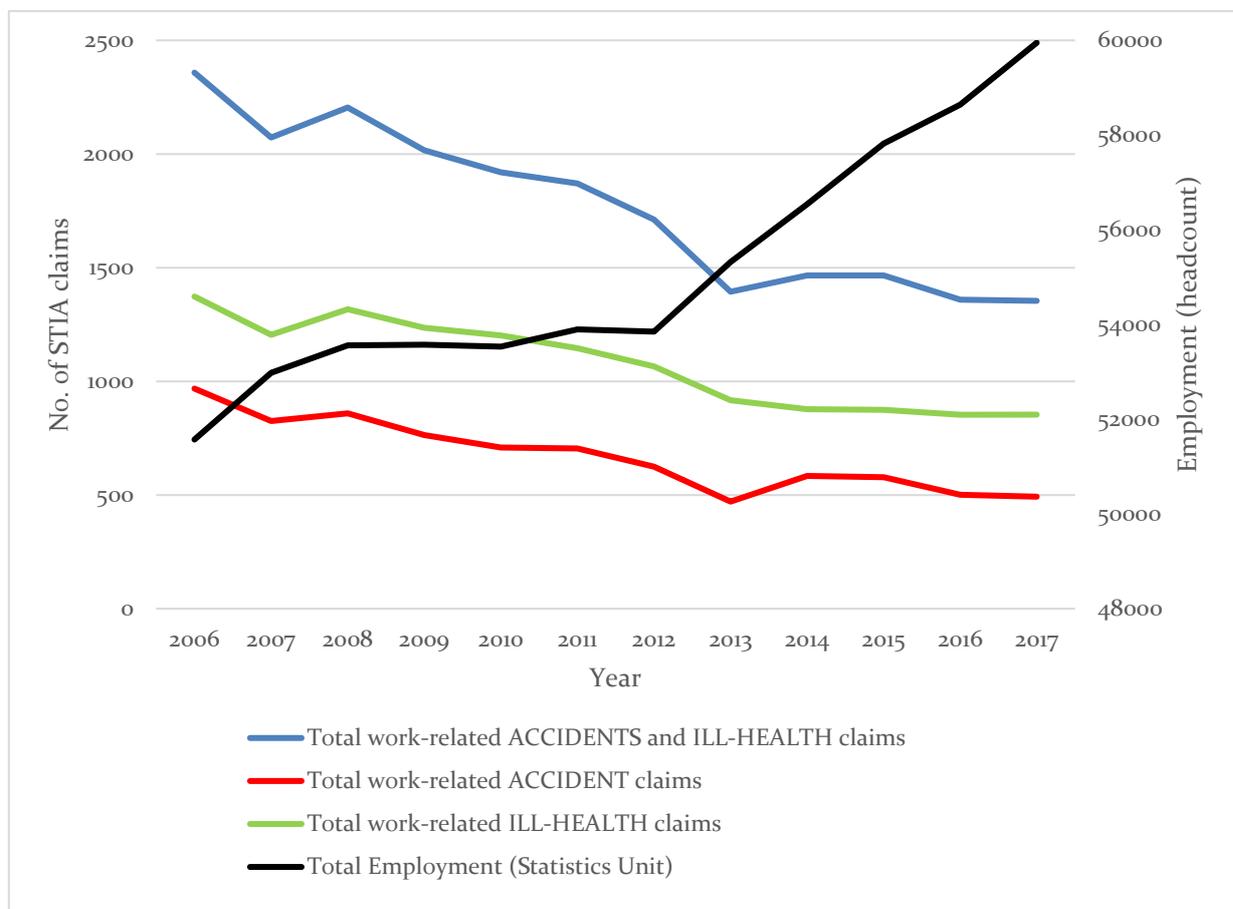
Other training and updates provided to the team during 2017 covered a diverse range of subjects including legal updates, both in respect of investigatory and enforcement processes and evidence management as well as developments in relevant health and safety case law; specialist refresher training, including asbestos-related activities and electrical safety; IT and web-based training; Safeguarding and data protection.

## Statistical data on occupational accidents and ill health

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

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

The manner in which the data has been collected has remained consistent for many years, which enables trends to be monitored.



In 2017 there were **1359 claims** submitted for STIA for work-related accidents and ill health. Of these **497 (37%)** related to a **work-related accident** and **862 (63%)** to **work-related ill health**.

Although very consistent with the total numbers reported in 2016, in real terms this represents the lowest rate of combined accident and ill health claims per head of working population since 2006, when the first records are available.

The number of working days lost in 2017 totalled **34,848** and the total amount paid out in STIA was just over **£1 million** (£1,021,967)

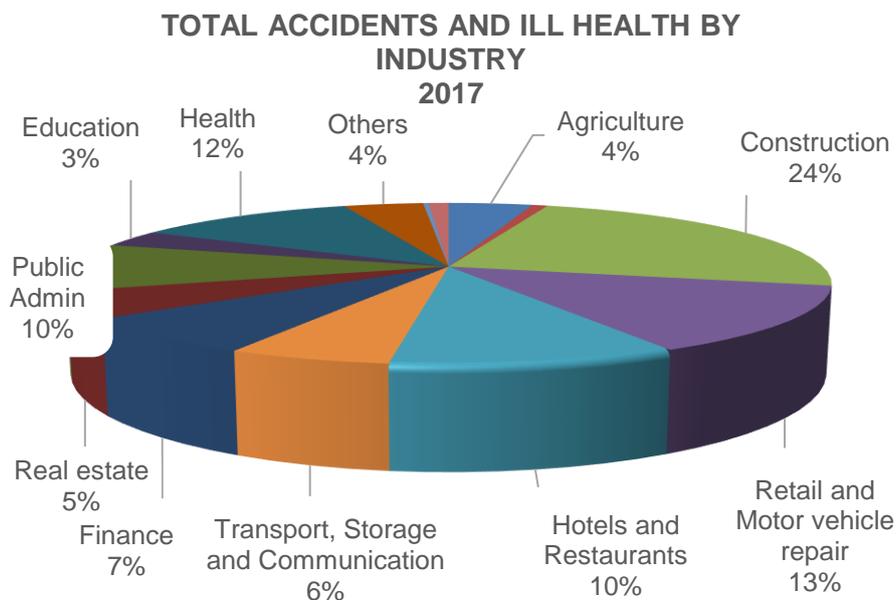
## Collation of accident and ill health data

To collect more detailed information on workplace accidents and ill health, every claimant submitting a medical certificate for benefit which indicates that the injury or ill health is work related is automatically sent a questionnaire asking for further details to be provided. Whilst this relies on the individual concerned to voluntarily return the questionnaire, those that are returned provide useful information which is used to inform and influence the planning of the Inspectorate's proactive work programme.

## Accidents and ill health by industry

Continuing the trend of the last decade, in 2017 the **construction industry** remained the industry where employees were most likely to suffer an accident or ill health at work.

**24%** of all claims for benefit came from this industry sector, despite only making up approximately 11% of the Island's total workforce.



## Accident data

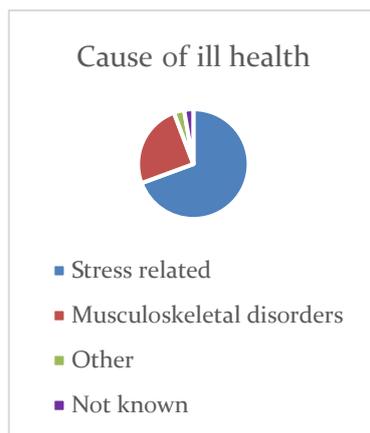
Of the 497 claimants sent a questionnaire requesting further details about their accident 49% returned a completed form. Analysis of this data showed that, as has been the case for several years, the top 3 causes of accidents where further information was provided were:

- falls from height and on the level (28%)
- stepping on or being struck by objects (28%)
- overexertion (27%)

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

- sprains and strains (45%)
- fractures (14%)
- lacerations and open wounds (14%)
- concussion and other internal injuries (18%)

## Ill health data



Of the 862 claimants sent a questionnaire requesting further details about their ill health only 34% returned a completed form.

Analysis of this data showed that, following the pattern over the last decade, where further information was provided by the claimant, stress and musculoskeletal disorders formed the very significant proportion (94%) of all work-related ill health .

This reflects a broadly similar position to Great Britain where, in 2016/17, work-related musculoskeletal disorders and stress accounted for the majority (79%) of all reported work-related ill health.

In Jersey, work-related stress was, by far, the most common cause of claims in 2017 (69%), and significantly higher than musculoskeletal disorders (25%).

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

## Key points from 2017

- The Inspectorate carried out **71** investigations into serious workplace accidents and incidents
- **32** Legal enforcement notices were served: **22** immediate Prohibition Notices and **10** Improvement Notices
- **3** prosecutions for health and safety offences were heard in the Royal Court
- **88** Plans of Work relating to licensed asbestos removal work were processed
- Inspectors followed up on **171** complaints about working activities
- **75** proactive inspections of high risk workplaces were carried out
- The Inspectorate responded to more than **4,100** telephone calls and provided more than **3,700** written responses
- **1359** claims for Social Security short term incapacity allowance were made as a result of a work related accident or ill health
- Work related accidents and ill health resulted in a total of just over **£1 million** being paid out in benefit and just under **35,000** working days lost
- The total number of claims for work-related accidents and ill health combined represented the lowest rate per head of working population since 2006, the first year for when such data is available