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# ANNUAL REPORT

HEALTH AND SAFETY AT WORK  
INSPECTORATE REPORT FOR 2011

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# CONTENTS

Section	Page
Introduction	3
The Health and Safety Inspectorate	4
Work of the Inspectorate in 2011	5
Investigations	6
Inspections	11
Advice and guidance	13
Complaints	14
Enforcement	17
Prosecutions	21
Working with others	25
Legal framework for health and safety	26
Statistics	27
Key points	31

# INTRODUCTION

'Health and safety' is a term which is often used to illustrate, amongst other issues, red tape and bureaucracy, the imposition of measures far in excess of what would seem to be needed and to impose unnecessary constraints on individuals carrying out their work or leisure activities.

It may be surprising to understand that I believe it is fair to say that these complaints about 'health and safety' are not without some justification! In my experience, and as is regularly brought to my attention, 'health and safety' is often misused in an effort to justify some requirement or action being taken.

So, what does 'Health and Safety' mean to me and other health and safety professionals? Well, in reality, it is about individuals and the need to protect them from being hurt or suffering ill health as a result of work, either through what they do as a job or as a result of work being carried out which affects them. And why should we have concerns about this? Well, again, in reality, the impact on an individual and their dependents, as a result of suffering an accident or ill health, can be very severe with, in addition to the suffering that the individual goes through, significant costs to both them and our society as a result of benefit payments and the cost of treatment.

If this is the focus of true 'health and safety', you may well ask how did we ever reach a situation where 'health and safety' has such a poor reputation? The answer may lie with the way in which requirements set out under health and safety legislation are couched in terms of 'so far as is reasonably practicable'. In essence, this requires the action taken in response to the health and safety issue involved to be proportionate to the risk of injury or ill health that is present. This process does require a decision to be made which may be open to challenge at a later date. Even though a properly thought through decision would be defensible, perhaps it is concerns over being challenged or a lack of understanding of the process which result in excessive measures being put in place. Of course, I may be completely on the wrong track with 'health and safety' simply being a convenient excuse, usually with an associated shrug of the shoulders!

The overall aim of this report is to redress the balance of 'health and safety' by advising of the work of the Inspectorate and providing statistical information on work related accidents and ill health in Jersey gathered through claims for Social Security Benefits. It seeks to place true 'health and safety' in the context of being seen as an important issue for all of us.

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

# THE HEALTH AND SAFETY INSPECTORATE

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

The political responsibility for health and safety at work rests with the Minister and Assistant Minister for Social Security. Towards the end of 2011, Senator Francis Le Gresley and Deputy Susie Pinel were appointed to the positions of Minister and Assistant Minister respectively, with the previous Minister for Social Security, Senator Ian Gorst, moving from Social Security to become Chief Minister.

2011 also saw changes in the staffing of the Inspectorate with a new Inspector replacing an experienced Inspector who had left in the last quarter of 2010. The new Inspector has joined us from the UK Health and Safety Executive, and, in particular, has brought with her knowledge and experience of working with Major Hazard sites in the United Kingdom.

As part of succession planning in the Inspectorate, a trainee Inspector was recruited in 2011. The training of an Inspector takes place over 4 years, with training provided from within the Inspectorate and through the UK Health and Safety Executive.

The introduction of the new members of the Inspectorate has brought new competencies and experiences, with the new Inspector being a Chemical Engineer and the new trainee a Mechanical Engineer, which has helped to build upon the extensive knowledge and experience that already exists within the Inspectorate. However, we do understand that we cannot possibly be experts on every workplace issue and, therefore, have established links with the UK Health and Safety Executive from whom we can seek assistance on specific specialist areas. We also maintain links with our counterparts in Guernsey and the Isle of Man.

As a small Inspectorate, we appreciate the reliance that is placed on individual members of the Inspectorate and, as such, have a memorandum of agreement in place with our colleagues in Guernsey to provide mutual aid and support. This memorandum reflects the collaboration that has existed with our colleagues in Guernsey for over the last 20 years.

# THE WORK OF THE INSPECTORATE

The work of the Inspectorate in 2011 was carried out in accordance with the Inspectorate's strategic plan for 2010 – 2014, which was published in 2010. The strategic plan sets out the priorities on which the Inspectorate focuses by carrying out the actions which are set out in the plan.

<p><b>States of Jersey Strategic Plan</b></p> <p><b>2009 -2014</b></p>	<p>Priority 8</p> <p>Increase social inclusion by encouraging and supporting people to help themselves</p> <ul style="list-style-type: none"> <li>• Ensure that employment and other legislation provides a safe working environment and encourages employment</li> </ul>
<p><b>Vision</b></p>	<p>The prevention of death, injury and ill health to those at work and those directly affected by work activities</p>
<p><b>Occupational Health and Safety Priorities (OHS)</b></p>	<p>Reduce the incidence /severity of risks in high risk workplaces</p> <p>Improve the understanding of duty holders and workers to effectively manage real OHS issues</p> <p>Provide assistance to those that seek help to meet their legal duties but taking action against those that have a blatant disregard for OHS</p> <p>Encourage States Departments to influence OHS outcomes</p>
<p><b>Actions</b></p>	<p>Investigate work-related accidents and ill health which have resulted in death, serious injury or ill health</p> <p>Carry out the inspection of high risk workplaces to gain compliance with OHS legislation</p> <p>Provide advice and guidance to enable those seeking help to meet their duties under OHS legislation</p> <p>Take action on complaints about working conditions and activities within our stated complaints policy</p> <p>Enforce OHS legislation within our stated enforcement policy</p> <p>Collating and publishing statistical information on work related accidents and ill health</p> <p>Carry out targeted action in specific areas to seek improvements in the understanding and management of OHS</p> <p>Support industry-led initiatives to improve OHS</p> <p>Develop the legal framework for OHS to support the improvement of the control of risks in the workplace</p>

# INVESTIGATIONS

In 2011, the Inspectorate carried out 119 investigations into work related accidents, ill health and reports of defective equipment. Of these 119 investigations, 36 involved construction work, with an additional 11 investigations involving asbestos and 5 investigations resulting from damage to electrical or gas services during construction work.

The reports of accidents and ill health were either identified via claims made for Social Security benefit, complaints, or notification from the emergency services who responded to an incident and identified that it fell within the remit of health and safety at work. The arrangements in place between the Inspectorate and the emergency services enable Inspectors to attend the scene of an accident and commence an investigation before any changes are made to the area; this has real benefits when determining precisely what has occurred.

The way in which claims are processed by the Social Security Department for benefit, which is paid out for medically certificated accidents or ill health for 2 days or more off work, means the need for additional reporting regulations is not required in Jersey. The claims process also results in the capture of a fairly accurate picture of accidents and ill health to individuals who are able to claim benefits in Jersey. The alternative reporting arrangements, such as those in place in other jurisdictions, which requires employers to self report accidents and ill health to employees, is widely recognised to result in a high percentage of under reporting.

The decision on whether an investigation is carried out by the Inspectorate is reliant on the information provided by the claimant on their initial medical certificate and subsequent request for information, which is sent to the individual following receipt of the certificate by the Department.

Examples of matters which were the subject of investigations by the Inspectorate includes failure of lifting equipment, accidents involving vehicles not on the public highway, and injuries arising from handling and lifting of goods.

## ***Construction worker impaled on steel bar***

As a result of slipping from a narrow concrete ledge, a steel fixer impaled his left arm on an unprotected steel reinforcing bar, when working on a construction site.

Vertical reinforcing rods should be protected by a “mushroom” cap or similar cover.



# INVESTIGATIONS

## ***Driver trapped beneath wheel of tractor***

An agriculture engineer/driver was trapped by his arm and shoulder as he attempted to climb into the cab of a runaway tractor and tanker.

The employee had parked the tractor and tanker to commence the discharge of waste, and then went to talk to another operative. He suddenly noticed the tractor and tanker rolling down a slope and immediately ran over to the tractor in order to climb back into the cab. As he was doing so, he stumbled and fell to the ground. Fortunately, the tractor and tanker came to a stop as it collided with a parked van, but not before the rear wheel of the tractor pinned the driver to the ground by his arm and shoulder.



It is important to ensure that handbrakes are correctly applied before leaving any vehicle.



## ***Mechanic suffers fractures after falling through fragile roof***

A mechanic suffered fractures to his ribs and hand when he fell through a roof light onto the concrete floor of a workshop below.

The mechanic had raised the rear of a refuse truck on which he was working which resulted in it striking and damaging the underside of the roof to the workshop. In attempting to assess the damage he climbed onto the roof and fell through the roof light.

It is important that only trained and competent individuals, who are provided with appropriate access equipment, climb onto fragile roofs.

# INVESTIGATIONS

## ***Collapse of steel structure***

A lifting jib, used as part of a lifting operation to erect steelwork for an internal mezzanine floor, fell over during the erection of the steelwork. An operative involved in the lift was fortunate to escape with minor cuts and bruises.



Although a lifting plan had been developed for this lifting operation, it failed to consider the possibility of the weight distribution placed on the lifting jib causing it to fall over.

Steps must be taken to ensure that lifting equipment is stable with, if necessary, lifting equipment being temporarily secured in position.



## ***Disruption of 11,000 volt electrical cable***

An 11,000 volt electrical cable was struck by a mechanical excavator being used to widen a track to a reservoir. On this occasion, although the driver of the excavator was aware that he had made contact with a cable, he did not believe that the contact had resulted in the cable being disrupted and so therefore did not report the incident. The damage only came to light when consumers in the area reported to the JEC that they had no electricity.

There is risk of electric shock, explosion and fire as a result of striking a live electricity distribution cable with the risks increasing as a result of striking a high voltage, 11,000 volt cable. It is, therefore, vitally important to ensure that appropriate arrangements are made to obtain information on the location of underground electricity cables, from the JEC, and that steps are taken to identify the location of cables prior to carrying out excavations or ground works. Should a cable be struck, it is important to contact the JEC directly. It is not appropriate to rely on there being no evidence of damage that none has actually occurred.



# INVESTIGATIONS



## ***Fall of 2 employees from a tower scaffold***

2 Office cleaners were carrying out the cleaning of the internal light fittings, windows in the roof area and signs to a shopping arcade. In order to carry out this work, the men were working from an aluminum scaffold tower which had been erected within the arcade.

One of the cleaners decided to move the scaffold forward by pulling on the timbers forming part of the roof structure, resulting in the scaffold overturning and throwing both men to the floor. One of the men was fortunate to escape with bruising to an arm and leg, but his colleague sustained fractures to his right foot and dislocated his shoulder.

Tower scaffolds should never be moved, even a short distance, with persons still on the platform of the scaffold, because of the risk of the scaffold overturning.

## ***Investigation into standards of clinical governance at the Hospital***

On occasion, investigations, and matters leading from the investigation, can take place over an extended period of time. Such was the case with an investigation undertaken by the Inspectorate into the management of clinical governance at the General Hospital. Professor Aitkenhead was commissioned by the Health and Safety Inspectorate to carry out a review of the management of clinical governance at the General Hospital following the investigation into the death of a patient, Mr Joseph Vasse, which occurred at the General Hospital on the 12th December 2008. The investigation, which was carried out in conjunction with the States of Jersey Police, raised a number of issues which identified the need for a comparison to be made between arrangements for the management of clinical governance at the General Hospital with those in place in NHS Trusts in the United Kingdom.

Professor Aitkenhead first visited Jersey on the 4th and 5th May 2011, following which he produced his initial report, dated 21st July 2011. The Professor returned to the Island on the 14th December 2011 to review progress on the matters identified as a result of his initial visit, and subsequently produced a supplementary report, dated 29th March 2012. The outcome of the reports was discussed with Health and Social Services.

In view of the legal constraints placed on the publication of reports prepared, or commissioned by the Inspectorate, they are not made public. However, as a result of the interest that ensued in

# INVESTIGATIONS

the reports prepared by Professor Aitkenhead, following them being read out at the inquest into the death of Mr Vasse, permission was provided by the relevant employing organisations for both reports to be published in 2012.

The reports can be found on the Inspectorate section of the States of Jersey website at:

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

of in the States reports section of the States of Jersey website at:

<http://www.gov.je/Government/Pages/StatesReports.aspx?ReportID=727>

# INSPECTIONS

In 2011, Inspectors carried out 129 proactive inspections of workplaces. In keeping with our stated priority to focus on high risk workplaces, 63 of those inspections were made to construction sites.

When undertaking a visit to premises, Inspectors will focus on a number of key, high risk issues seeking improvements, where necessary, in the manner in which the issue is managed. So, for example, a visit to a construction site may focus on the way in which scaffolding is being checked, with the scaffold being inspected to ensure that it is good order. Inspections have also focused on such issues as asbestos work, the preparation of method statements for demolition work, the competency of crane operators and the training and instruction given to users of portable electric abrasive wheels.

Other high risk activities which were visited in 2011 included quarries, arboriculture and major hazard sites.

## ***Major hazard sites***

The Inspectorate is the lead regulator for the Jersey Gas LPG (Liquefied Petroleum Gas) site at La Collette. Although comparable legislation to the UK Control of Major Hazard Regulations (COMAH) has not been introduced in Jersey, Jersey Gas has voluntarily agreed to meet the standard required of the COMAH Regulations, submitting a safety report setting out the operation of its La Collette site to the Inspectorate. Using the arrangements that exist between the Inspectorate and the UK Health and Safety Executive (HSE), the safety report was reviewed by a specialist team of Inspectors from the Hazardous Installation Division of HSE, including 2 visits being made to the site by multi-disciplinary teams in 2011. The review of the COMAH safety report was part of the ongoing commitment to the inspection of the Jersey Gas site at La Collette and, it is planned, will be repeated in 5 years in keeping with the requirements of the COMAH Regulations.

Jersey Gas funded the costs of the review of the COMAH safety report.

## ***Asbestos***

The management of asbestos in the workplace continued to be a matter which was focused on by the Inspectorate in 2011.

# INSPECTIONS

Whilst the insulation properties of asbestos resulted in it being widely used in the construction of buildings and for many other uses in Jersey, exposure to asbestos fibres is recognised as causing a range of serious and often fatal diseases to individuals.

Work with higher risk asbestos insulation materials, those which readily release fibres when they are disturbed or degraded, is subject to strict controls under health and safety legislation. Contractors carrying out work with these higher risk materials must hold a licence issued by the Minister for Social Security, or the authorities in the UK or Northern Ireland. The Inspectorate carries out checks of every asbestos removal job that the law requires to be notified. In 2011, Inspectors assessed 77 method statements for notified work and carried out 39 visits to assess work with asbestos. These visits included spot checks on work being undertaken in enclosures erected for removal of asbestos by an Inspector who has been specifically trained to carry out such work.

Despite this focus on asbestos, the Inspectorate remains concerned at the approach taken by those in the construction industry who seem oblivious or complacent to the dangers posed by asbestos containing materials.

## ***Targeted initiatives***

Inspectors also carry out targeted inspections aimed at improving performance in an area which has come to the attention of the Inspectorate. In 2011, 2 targeted initiatives were carried out to vehicle workshops and also premises where café boiler sets were being operated. 13 visits were made to vehicle workshops, focusing on the arrangements for maintaining and examining lifting equipment, electrical equipment and air receivers. 4 of these visits resulted in examinations of lifting equipment required to be urgently carried out. The outcome of the visits in connection with café boiler sets is reported in the enforcement section of this report.

Articles setting out the aims and findings of the initiatives were published on the Inspectorate section of the States of Jersey web site at:

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

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

## ADVICE AND GUIDANCE

In addition to investigation and inspections, the Inspectorate provides advice and guidance on health and safety at work issues. In 2011, the Inspectorate responded to over 1200 telephone calls. Whilst the majority of queries can be answered in a telephone call, there are occasions when Inspectors decide that a site visit is required and, in 2011, Inspectors visited 85 premises in order to provide advice on the application of the law to specific situations.

The Inspectorate is committed to providing advice on the application and interpretation of health and safety at work legislation, but does not carry out the role of a health and safety consultant, of whom there are a number working in the Island. Consultants can be contacted by employers who feel that they need detailed support and advice on the management of health and safety at work within their own organisation.

The Inspectorate also provides updates on recent health and safety at work issues via the Inspectorate section of the States of Jersey website at: [www.gov.je/hsi](http://www.gov.je/hsi)

# COMPLAINTS

The Inspectorate responds to complaints about working conditions and activities in line with its complaints policy which can be accessed on the Inspectorate section of the States of Jersey website at:

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

Complaints are categorised into 1 of 3 categories, dependent on the possible injury or health risk, the potential number of persons who could be injured and the likelihood of injury occurring. So, for example, should a complaint be received about a person working on the edge of a four storey building with no edge protection or other safeguards, the complaint would be categorised as a category 1 complaint with an Inspector responding as soon as possible, but at least within one working day.

Category 2 complaints, where the risk of serious injury is lower, less people may be affected or there is less likelihood of an incident occurring, will be responded to within 5 days. An example of a category 2 complaint would be an individual complaining about lack of manual handling training.

Where the issue could only result in no, or minor, injury and involve few people, it would be classified as being a category 3 complaint which would not be acted upon. An example of a category 3 complaint would be concerns over a house being burgled as a result of a ladder being left by a painter and decorator working on the building. If possible, in cases where complaints are categorised as being category 3, the complainant would be directed to a more appropriate authority.

The Inspectorate aims to address 95% of complaints within the time scales set out in the complaints policy. In 2011 we achieved this target with 98% of complaints responded to in accordance with the complaints policy.

In 2011, the Inspectorate received 128 complaints, 46 complaints being assessed as category 1, 64 as category 2, and 18 as category 3.

## COMPLAINTS



The Inspectorate contacted the scaffold contractor who had erected this scaffold, following concerns made about the manner in which it had been supported on a chimney stack.

Whilst scaffolding had been provided to the edge of two sides of this roof, it had not been extended to the areas at the rear of the roof where scaffolding was also required.



Work being carried out on the roof of a property in St Helier resulted in a complaint being made over material falling into the roadway. In addition to this concern, the scaffold contractor was advised about the need to improve protection for the public during the erection of an uncompleted section of the scaffold.

## COMPLAINTS



Work on the removal of freight containers, which had been used for an exhibition, was stopped until arrangements had been made to protect the public walking through the area.

Following a report of a person using a chainsaw to cut down branches from this tree whilst standing on a ladder, an Inspector visited the property. Advice was provided on the training and equipment required to carry out such work.





# ENFORCEMENT

In keeping with the stated aim of seeking to provide assistance to those that seek help to meet their legal duties, and taking action against those that have a blatant disregard for occupational health and safety, Inspectors have a range of actions available to them when seeking to improve health and safety standards: verbal advice, providing advice in writing, serving legal notices, termed Improvement Notices and Prohibition Notices, and sending a report to the Attorney General for his consideration on whether a prosecution for a health and safety offences should take place.

The approach taken to enforcement of health and safety legislation by Inspectors is set out in the Inspectorate's enforcement policy, which has been agreed with the Attorney General. The enforcement policy sets out the principles which have been adopted by the Inspectorate. The enforcement policy can be found at:

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

In 2011, Inspectors served 11 Prohibition Notices stopping work until arrangements had been provided to make the work safe. In addition, 17 Improvement Notices were also served requiring improvements to be made in order to comply with legal requirements in a stated time period.



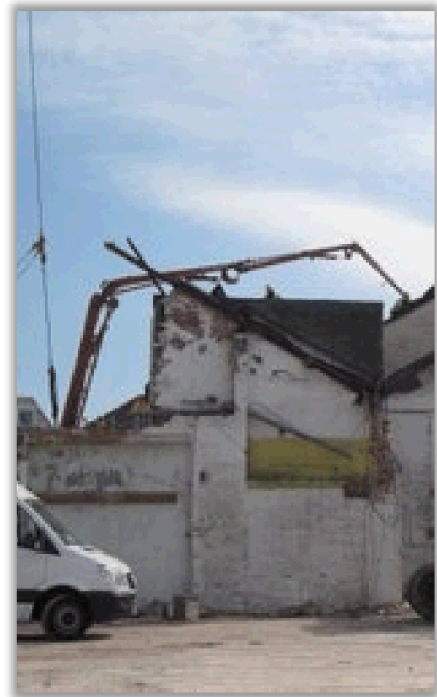
Work was stopped on this roof until scaffolding had been erected to prevent persons falling from the edges of the roof.

## ENFORCEMENT



As a result of no edge protection being provided to the roof of this building which was being re-roofed, work was stopped.

Demolition of the roof of this property was stopped until improvements were made to the edge protection. It is particularly important when carrying out the demolition of a building for contractors to plan the manner in which the work is to be carried out.



## ENFORCEMENT



The use of this area for spraying vehicles, using highly flammable liquids, was stopped because there was unprotected electrical equipment in the vicinity of where spraying was taking place.

No shoring was provided to the sides of this deep excavation where employees were required to work. Employees were instructed to get out of the excavation and the work was stopped.



## ENFORCEMENT



Improvements were required to the manner in which the management of risks, associated with the storage of an inert gas within a factory premises, was carried out.

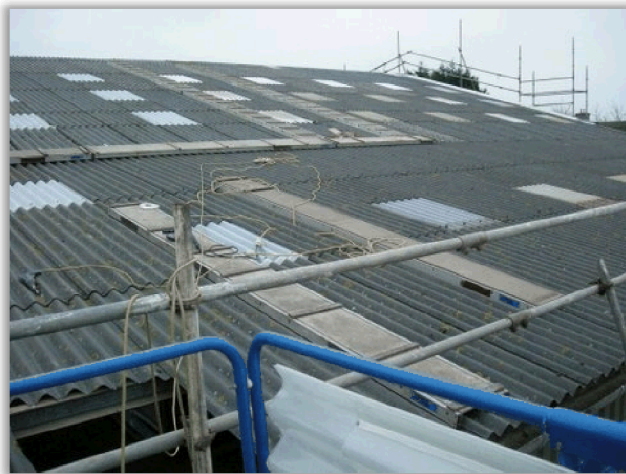
Targeted inspections of the management of the safety of pressure systems, forming part of café boiler sets, were undertaken during the year following concerns that this type of equipment was not being thoroughly examined. Failure to carry out regular examinations can result in the pressure vessel failing with the potential for it to explode. Visits to premises resulted in the serving of 12 Improvement Notices requiring a Written Scheme of Examination to be drawn up. All of the Improvement Notices were complied with.

# PROSECUTIONS

The Inspectorate's enforcement policy sets out the circumstances which result in an investigation report being forwarded to the Attorney General for his consideration on whether a prosecution for a health and safety offence should take place.

During 2011, 4 prosecutions were carried out for health and safety offences.

## **W. M. Staite Limited**



The prosecution of W. M. Staite Limited followed the investigation into an accident to a Director of the company who fell approximately 4.15 metres onto a concrete floor on the 11th January 2010, whilst gaining access to a roof of an agricultural shed on which the company was carrying out repairs and refurbishment work.

The investigation found that the company had made inadequate arrangements for protecting employees who had been carrying out work on the roof, resulting in them being exposed to significant risk of serious injury. As such, the work being carried out was inherently unsafe and did not meet the requirements of the Construction (Safety Provision)(Jersey) Regulations, 1970, which require adequate crawling boards, edge protection and fall arrest/prevention systems.

The company appeared in the Royal Court on the 4th February 2011 where they were fined a total of £20,000, with £2,500 costs, for breaches of Regulation 82 of the Construction (Safety Provisions)(Jersey) Regulations, 1970.

# PROSECUTIONS

## **Mr Timothy James Bidmead**

On the 25th February 2011, Mr Timothy James Bidmead appeared in the Magistrates Court, and pleaded guilty to a charge under Article 4 of the Health and Safety at Work (Jersey) Law, 1989. He was fined £500.

The prosecution arose from an accident that occurred on the 30th November 2009, to an employee of Houzé Construction Limited who was struck by the bucket of a mini-digger. The employee sustained a compression fracture to his pelvis as a result of the accident.

At the time of the accident, the employee was under the direction of Mr Bidmead, the site foreman, who was driving the mini-digger. Mr Bidmead was intending to lean out of the open door of the mini-digger in order to speak to the employee, when the arm of the machine suddenly slewed around striking the employee and crushing him between the bucket of the machine and a wall. No fault was subsequently found on the machine and it was therefore considered that Mr Bidmead had inadvertently touched the controls of the machine as he was reaching for the isolation lever.

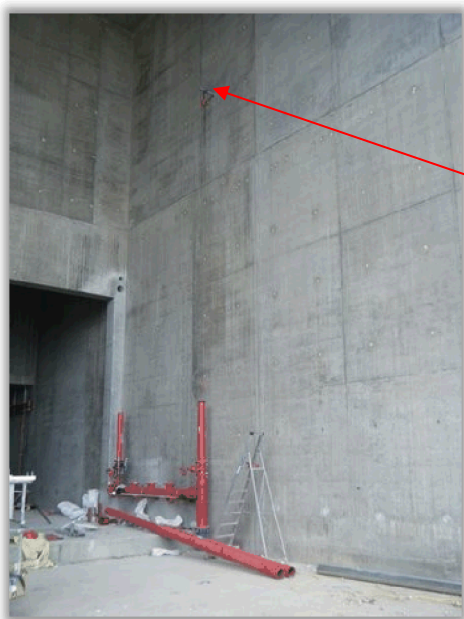
Enquiries into the accident found that Mr Bidmead was not an authorised operator of the machine and had been specifically instructed by his employer not to operate the mini-digger. In his defence, Mr Bidmead stated that he felt under pressure to progress the work and was unable, despite a number of enquiries to contractors used by Houzé Construction Ltd., to obtain a trained mini-digger driver. Mr Bidmead also considered that he was competent to operate the mini-digger, having driven similar machines in the past. He therefore took it upon himself, in this instance, to operate the machine in contravention of his employer's instructions. Unfortunately, another employee suffered serious injuries as a result.

# PROSECUTIONS

## **R & M Sprinkler Installations Limited and SFS Fire Services Limited t/a Hall and Kay Fire Engineering**

Two UK-based companies, R&M Sprinkler Installations Limited and SFS Fire Services Limited t/a Hall and Kay Fire Engineering (Hall and Kay), appeared in the Royal Court on Friday 15th July 2011 after pleading guilty to offences under the Health and Safety at Work (Jersey) Law 1989. Each company was fined £10,000 and ordered to pay costs of £2,500.

The prosecution arose as a result of an employee of R&M Sprinkler Installations Limited sustaining serious leg injuries when he was struck by a section of pipe, 6.4 metres in length and weighing 130kg, which fell during a failed lifting operation on the 18 May 2010.



Bracket supporting the chain block

The investigation identified that the means by which the pipe had been slung (i.e. attached) to a chain block being used to carry out the lifting of the pipe was inappropriate. As the pipe was lifted the sling slipped off the pipe causing it to fall to the ground. As the employee tried to run clear he tripped over a change in floor level and fell. The pipe landed on his leg before it came to rest on the ground.

It was concluded that both companies had failed to properly plan, manage and administer the work on site which led to an unsafe system being used to lift the pipe.

# PROSECUTIONS

Investigations into serious accidents and incidents which occurred during 2011 and were the subject of ongoing enquiries, or reached the stage where reports have been referred to the Attorney General, are unable to be referred to in this report.

At the end of 2011, the Inspectorate was engaged in the investigation of 10 serious investigations, including 3 which had been referred to the Attorney General.



## WORKING WITH OTHERS

The Inspectorate also carries out considerable work with other organisations in relation to health and safety at work matters.

In 2011, the Inspectorate took part in seminars on the topic of risk assessment, which were organised by the Jersey Safety Council. The response received by the Council in response to the seminar being advertised resulted in a second seminar on the same subject being organised.

Far from being red tape and bureaucracy, speakers at the seminar explained that risk assessment was simply the manner in which significant risks in the workplace could be addressed as part of ensuring that the work was carried out in an efficient and effective manner.

The Jersey Safety Council is a body set up by the States to promote occupational health and safety.

The Council consists of a Chairman and 4 members, all of whom who have been selected in view of their interest in health and safety at work. The Council is assisted by a part-time secretary, the only paid employee of the Council, the Chairman and members serving in an honorary capacity. The Director of Health and Safety sits on the Council as an ex-officio member.

The Council carry out training, promotions and other health and safety initiatives aimed at improving health and safety at work.

Further information on the Council can be found on their website at:

<http://www.jerseysafetycouncil.co.uk/>

The Inspectorate is also represented on the Bailiff's Entertainment Panel, which carries out the review of proposals for major events requiring a Bailiffs Permit. In 2011, the Inspectorate were involved in advising on public safety for over 50 major events including the Battle Flowers, Jersey Live and the Grassroots Music Festival.

The Inspectorate continues to be a member of the Hazardous Review Group (HRG) for La Collette. The HRG, which includes representatives of regulators, States' departments, dutyholders and other stake holders, meets regularly to monitor and review the safety of the major hazard installations and off site arrangements at La Collette.

# LEGAL FRAMEWORK FOR HEALTH AND SAFETY

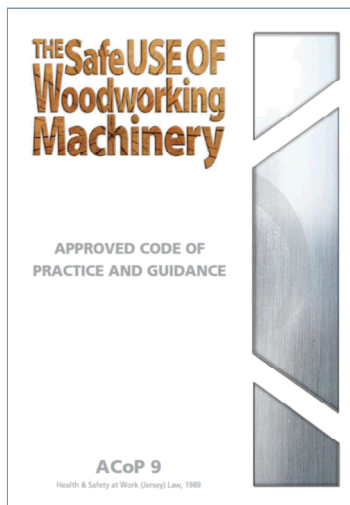
## Construction Regulations

The development of new health and safety regulations for the construction industry, which were intended to incorporate requirements similar to those set out under the UK Construction Design and Management Regulations 2007, were placed on hold during 2011.

Unfortunately, the development of the proposals succumbed to the economic climate with a failure to obtain the necessary resources required to both develop and administer the proposed legislation. This position will be reviewed in 2013.

Part 2 of the Health & Safety at Work (Jersey) Law, 1989, sets out general duties on all those involved with working activities, with more detailed requirements set out in existing construction legislation. The view should not, therefore, be taken that the delay in bringing new proposals forward reduces the protection that is required to be provided for individuals by the current law.

## Approved Code of Practice for the use of Woodworking Machinery

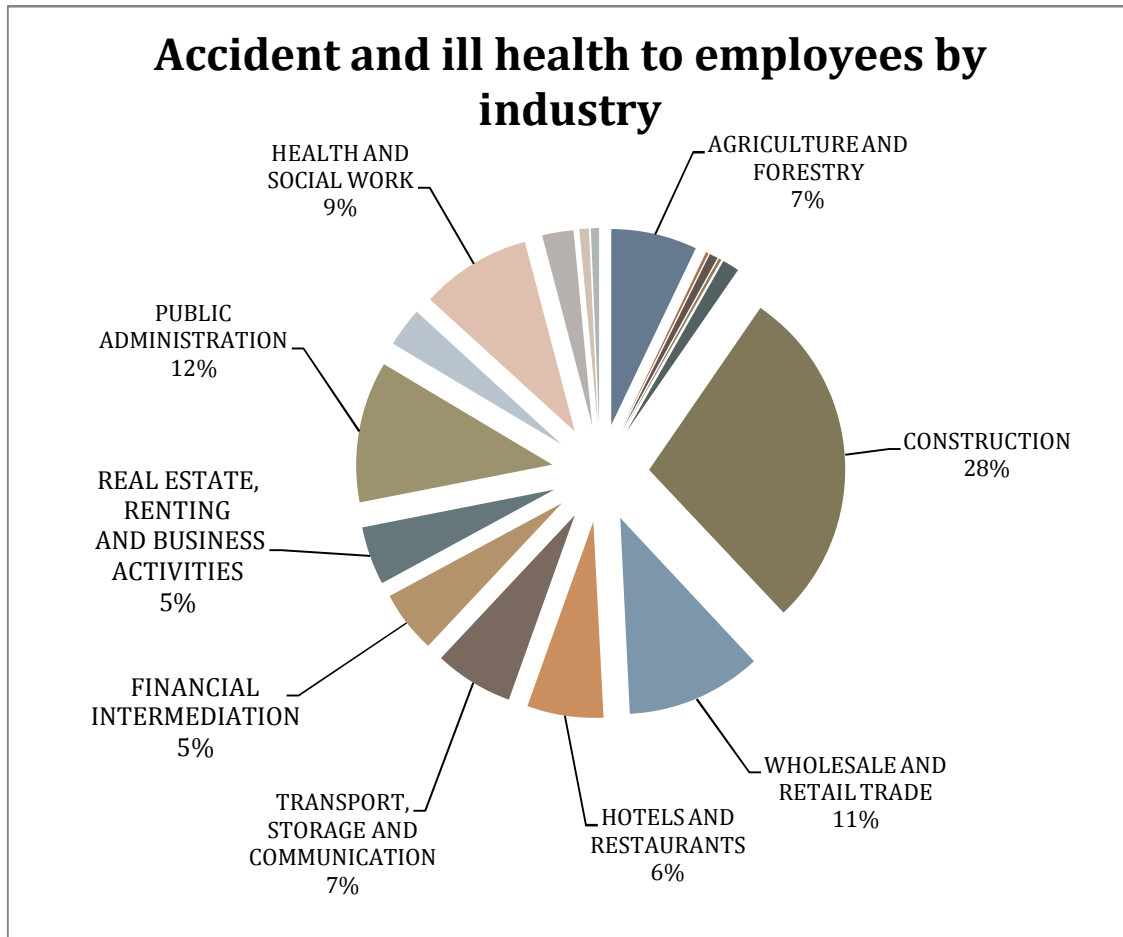


A new Approved Code of Practice, 'The Safe Use of Woodworking Machinery' (ACoP) was introduced on the 1st July 2011. The ACoP applies to all woodworking machinery, other than hand held machines, used in workplaces, including carpentry and joinery workshops and on construction sites.

This new ACoP was introduced in response to a number of accidents involving woodworking machines where operators have sustained serious injuries to their hands. In addition to providing guidance on guarding standards for machines, the ACoP provides advice on the training, supervision and medical standards for operators of woodworking machinery and the control of health hazards arising from use of the machines.

ACoPs have a special legal status in that, although they do not have the status of regulations, they can be used by employers to show that they have complied with their general duties under the Health and Safety at Work (Jersey) Law, 1989.

In seeking to assist employers whose employees use woodworking machinery, the Inspectorate also worked with Highlands College to provide arrangements for training and assessment of existing operators, and with the Jersey Safety Council, who arranged seminars to launch the ACoP.



In 2011, 876 claims for benefits were made by individuals as a result of work related accidents and ill health. This represented an increase of 16 over the total number of claims received in 2010. Of these claims, 575 were stated as being due to an accident and 301 due to ill health.

The construction industry remains the sector from which the highest number of claims arises, with 28% of claims made by construction workers.

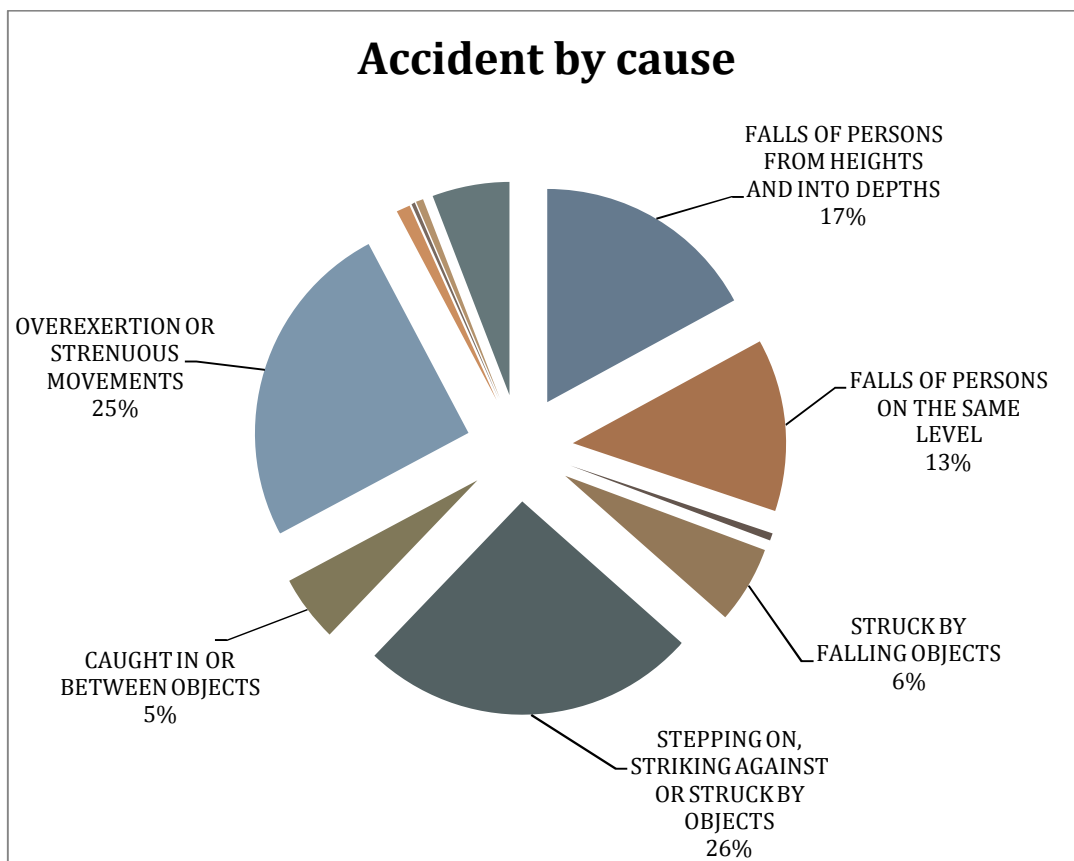
Comparison of the claims information against employment figures produced by the States of Jersey statistics unit, indicates there is a 1 in 21 risk of an individual suffering an accident or from ill health if they work in the construction sector against a 1 in 286 risk if you work in the finance sector. This is perhaps not really surprising, but does illustrate the need for the construction sector to ensure that health and safety is managed effectively.

# STATISTICS

Claims will only be paid on receipt of a medical certificate for 2 days or more off work.

These 876 claims represented a total number of 18,845 working days lost as a result of work related accidents and ill health, an increase of 461 working days lost over the previous year. A total of £486,908 was paid out in 2011 as a result of these claims.

These figures do not however reflect the true cost of health and safety at work in Jersey. Work related accidents and ill health also result in costs to both individuals and employers such as lost income, insurance costs, lost production costs and administrative and legal costs.

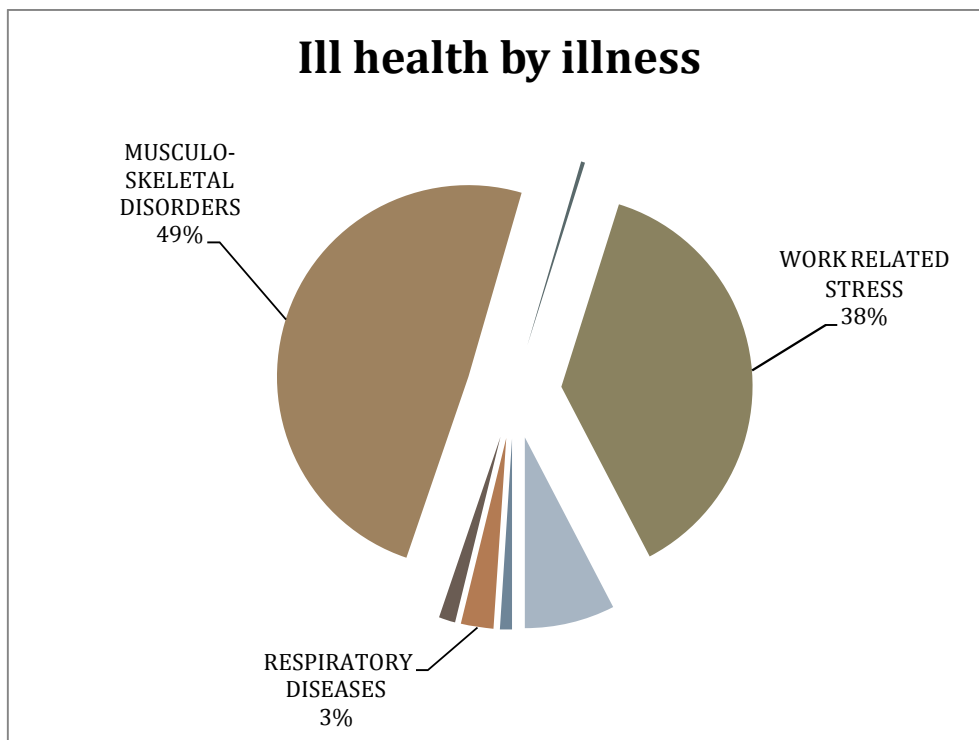


In response to a request for further information arising from the benefit claim, the Inspectorate received information from 663 claimants. Analysis of this further information indicated that the major cause of accidents was falls, from height/into depths or on the same level, followed by overexertion and strenuous movements.

## STATISTICS

Whilst this information is limited to the responses made by individuals, it does suggest that greater attention needs to be given to both manual handling and the prevention of falls. Assistance on these topics is available from a number of authoritative sources such as the UK Health and Safety Executive (HSE) website: <http://www.hse.gov.uk/msd/manualhandling.htm> with training courses run by local health and safety consultants. Details of courses that are available can be found on the Jersey Safety Council website at:

<http://www.jerseysafetycouncil.co.uk/a-z-of-training-courses/>



The lack of attention to correct manual handling techniques or work positioning can result in longer term problems with, in 2011, musculo-skeletal disorders (MSDs) reported as being the cause of 49% of claims for work related ill health. MSD's result in individuals suffering pain in the upper limbs, neck, shoulders and arms (Upper Limbs), back, hips, knees and ankles and feet (Lower Limbs). The risks of suffering MSDs are present in every workplace, for example from inappropriate work station set up for those using computers in offices, and the repetitive movement of small loads in warehouses and offices.

# STATISTICS

The risks of MSDs can be minimised or prevented, but if individuals do develop any symptoms it is essential that action is taken by early treatment and review of the working arrangements. Further information on MSD's can be found on the HSE website at: <http://www.hse.gov.uk/msd/msds.htm>

Work related stress is also an issue that needs to be effectively managed, with the focus being on understanding what gives rise to stress in the workplace and the early identification of preventative measures.

The UK Health and Safety Executive has carried out research into the causes of work related stress which has identified the six primary sources of stress in the work place. These are:

**Demands** – this includes issues such as workload, work patterns and the work environment

**Control** – how much say the person has in the way they do their work

**Support** – this includes the encouragement, sponsorship and resources provided by the organisation, line management and colleagues

**Relationships** – this includes promoting positive working to avoid conflict and dealing with unacceptable behaviour

**Role** – whether people understand their role within the organisation and whether the organisation ensures that they do not have conflicting roles

**Change** – how organizational change (large or small) is managed and communicated in the organisation

The HSE has developed a series of management standards which demonstrate good practice in addressing the management of work related stress. Information and resources to assist employers and employees in dealing with work related stress can be found on the HSE website at: <http://www.hse.gov.uk/stress/furtheradvice/wrs.htm>

## Use of statistical information

Whilst it is acknowledged that the additional information that is provided by claimants does not necessarily provide a comprehensive picture of the causes of work related accidents and ill health in Jersey, it does provide an indication of the major contributory factors which, if acted upon, will help to prevent unnecessary suffering to individuals and the associated costs. Employers and employees are therefore strongly urged to reflect on the information collated and determine what can be done to ensure that risks in their workplace are adequately assessed and addressed.

## KEY POINTS

- The Inspectorate carried out 119 investigations into work related accidents and ill health of which 11 investigations resulted from disturbance of asbestos.
- 129 proactive inspections were made of high risk workplaces with 63 inspections of these being made to construction sites.
- 85 visits were made to premises following requests for advice.
- The Inspectorate received 128 complaints about working conditions and activities. The Inspectorate met the response time to complaints set out in its complaints policy.
- A total of 28 enforcement notices were issued by Inspectors, with 11 Prohibition Notices stopping work and 17 Improvement Notices being served.
- 3 companies were prosecuted in the Royal Court and 1 individual prosecuted in the Magistrates Court for health and safety offences.
- Work on the replacement of the existing health and safety regulations for construction was put on hold due to resources not being available.
- A new Approved Code of Practice, 'The Safe Use of Woodworking Machinery', was introduced on the 1st July.
- 876 claims for Social Security benefit were made as a result of work related accidents and ill health, 16 more than in 2010.
- The total payments in benefits as a result of work related accidents and ill health amounted to £486,908.
- Construction workers had a 1 in 21 risk of suffering a work related accident or from work related ill health.