

Management of Health & Safety at Work

APPROVED CODE OF PRACTICE

Health & Safety at Work (Jersey) Law, 1989

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Approved Code of Practice

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Approved Code of Practice

Foreword

This Approved Code of Practice (ACoP) is intended to provide practical guidance on how to use the framework of [Health and Safety at Work \(Jersey\) Law 1989](#) (HSW Law) to effectively manage health and safety risks in the workplace so that the working environment remains safe and without risk to health. It is based on authoritative guidance published by the States of Jersey Health & Safety Inspectorate and the GB Health & Safety Executive.

Who should read this ACoP?

This ACoP is aimed at everyone who has duties under HSW Law – employers, the self-employed, employees, those in control of workplaces, manufacturers, designers, importers, and suppliers. It applies to any size of business and will be of interest to all dutyholders, health & safety advisers and worker representatives. This ACoP is designed to help you prioritise and effectively manage your risks and encourage you to keep them under review to keep pace with industry developments and innovations to ensure continuous improvement.

Legal status of an ACoP

An ACoP has a special legal status. It gives practical guidance on how to comply with the general duties imposed by HSW Law. If you follow this guidance, you will be doing enough to comply with HSW Law in respect of those specific matters to which the ACoP refers.

Alternative methods to those set out in the ACoP may be used in order to comply with the requirements of HSW Law. However, if it is proved that you did not follow the relevant provisions of the ACoP, you will need to show that you have complied with the requirements of HSW Law in some other way, or a Court will find you at fault.

The Health and Safety at Work (Jersey) Law, 1989

[HSW Law](#) provides for securing the health, safety, and welfare of persons at work and for protecting others against risks to health or safety in connection with the activities of persons at work. Duties under HSW Law are absolute, subject only to the qualification of what ‘is reasonably practicable.’

HSW Law states, under Part 2, the general duties of all persons involved with work activities:

Article 3 General duties of employers to their employees. The general duties are extended to include in particular:

- The identification and assessment of risks to health & safety.
- the provision and maintenance of plant (machinery, equipment, or appliance) and systems of work that are safe and without risks to health.
- the arrangements for ensuring safety and the absence of risks to health in connection with the handling, storage and transport of articles and substances.
- the provision of information, instruction, training, and supervision as is necessary to ensure the health and safety at work of employees.
- the maintenance of any place of work in a condition that is safe and without risks to health and the provision and maintenance of access to and egress from it that are safe and without such risks.
- the provision and maintenance of a working environment for employees that are safe, without risks to health, and adequate as regards facilities and arrangements for their welfare at work.
- Duties for those employing 5 or more employees to prepare, and revise as appropriate, a written statement of general policy with respect to health & safety, the organisational arrangements, and the arrangements in force and measures to be taken to implement the policy; and to prepare, and revise as appropriate, a written statement of the risk assessment, the arrangements in force & measures to be taken to eliminate or reduce significant risks and to bring the statement to the attention of employees.

Article 4 General duties of employees at work.

Article 5 General duties of employers and self-employed to persons other than their employees.

Article 6 General duties of persons concerned with premises to persons other than their employees.

Article 7 General duties of manufacturers and others as regards articles for use at work, fairground equipment and substances. The duties include the following requirements:

For any article for use at work or fairground article:

- That it is designed and constructed to be safe & without risk to health when being set, used, cleaned, or maintained.
- to carry out such testing & examination as is necessary.
- to provide adequate information about its use, design, or testing, and to provide revised information as necessary.
- to take steps to revise information as necessary by reason of it being known that anything may give rise to risks to health & safety.

- that any person who erects or installs an article to ensure there is nothing that makes it unsafe or a risk to health.
- for designers or manufacturers to carry out or arrange to carry out any necessary research with a view to discovery and elimination or minimisation of any risk to health or safety to which the design or article may give rise.
- that any person who erects or installs a fairground article to ensure there is nothing that makes it unsafe or a risk to health.

For any person who manufactures, imports, or supplies any substance:

- That the substance will be safe & without risks to health at all times when being used, handled, processed, stored, or transported by a person at work.
- to carry out such testing & examination that may be necessary.
- to provide adequate information about risks to health or safety to which the inherent properties of the substance give rise & the results of any tests carried out & any conditions necessary to ensure the substance is safe & without risk to health at all times.
- to provide revisions of information as necessary.
- to carry out research with a view to discovery and the elimination or minimisation of any risk to health or safety to which the substance may give rise at any time.

Introduction



No one should be injured, made ill, or die because of work.

The [Health and Safety at Work \(Jersey\) Law 1989](#) (HSW Law) provides a framework for effective health and safety risk management. It provides the measures and practices you should have in place to prevent harm; to protect workers and the public; and to prevent accidents or injuries (to health or safety) resulting from your business activities.

HSW Law establishes two enduring principles.

1. That those that create the risks have the responsibility to manage them
2. Action taken to control the risk should be proportionate to the risk that needs to be managed.

HSW Law places duties on employers, the self-employed, employees, manufacturers, designers, importers suppliers, event organisers, etc. to do what is reasonably practicable to ensure the health, safety and welfare of employees and that of others who may be affected by what you do or do not do at work. Those with duties under HSW Law are referred to as '[dutyholders](#).'

In placing duties on all parties at work HSW Law provides for a system of self-regulation where everyone with duties has a part to play within a framework of active risk management and mitigation that is proportionate to the risk.

Risk management

The focus on risk management that HSW Law requires is proactive.

It means finding & identifying, understanding & assessing, mitigating, and controlling health and safety risks.

It requires an understanding that risk management is a cycle of interlinked duties covering the planning, implementation, monitoring, and review of risk control measures.

In support of the general duties under HSW Law there are more detailed, specific regulations, Approved Codes of Practice (ACoPs), as well as industry standards and guidance that set out specific details on what should be done to manage risks. Compliance with such specified standards should be seen as a subset of proactive risk management not the entirety.

This ACoP along with relevant Regulations, other ACoPs, industry standards and guidance provide what is reasonably practicable for dutyholders to implement in order to effectively manage their risks as HSW Law requires.

So far as is reasonably practicable.

The phrase '**so far as is reasonably practicable**' means balancing the level of risk against the measures needed to control it in terms of money, time, or trouble. If the risk is very low and you need to spend a large proportion of money and time to eliminate the risk, that would be disproportional, and you would not be reasonably expected to put those control measures in place to eliminate the risk. However, that does not mean you do not need to do anything; there could be other control measures that would be easier to put in place to minimise the risk and where those measures are proportionate, they would be considered reasonably practicable to implement.

Management processes and systems

Businesses will have in place management processes or arrangements to deal with payroll, personnel issues, finance, quality control etc. Managing health and safety is no different and the Health & Safety Inspectorate encourage a common sense and practical approach to managing health and safety as part of the everyday process of running a business.

You are not required by HSW Law to implement a management system meeting a formal standard, but they can help provide a structured framework for ensuring a safe and healthy workplace.

Examples of formal systems or frameworks that can help you manage health and safety include national and international standards such as:

- ISO 45001 Occupational health and safety management systems
- BS EN ISO 9001 Quality management systems

If your business is small or low risk, you will be able to demonstrate effective risk management without implementing a formal standard. A simple approach within the key actions of Plan, Do, Check, Act contained within this ACoP will suffice.

The consequences of failing to manage your risks.

Failing to manage your health and safety risks at work in accordance with your legal responsibilities can result in someone getting ill or hurt. On its own this can cost money and damage reputations, but it can also result in enforcement action and/or criminal prosecution with unlimited fines as well as potential civil claims for compensation.

The iceberg below illustrates the visible and invisible costs of an accident or incident, with the direct, visible costs being only a small fraction of the total.



Focusing solely on the visible, direct costs of an accident can mean an underestimation of the true financial impact. Failing to manage your risks can result in far-reaching consequences that extend well beyond the initial incident.

1: Managing health and safety - the Plan, Do, Check, Act model

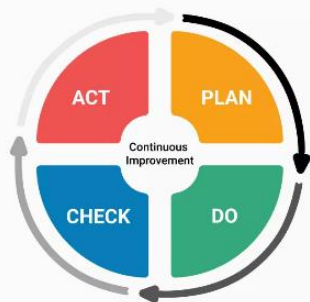


Health and safety risk management is an ongoing process, not a one-off task.

It should be proactive, which means finding & identifying, understanding & assessing, mitigating, and controlling health and safety risks.

It is a cycle of interlinked duties covering the planning, implementation, monitoring, and review of risk control measures.

1. Dutyholders under Health and Safety at Work (Jersey) Law 1989 are responsible for managing health and safety risks and taking practical steps to protect workers and others from harm. Arrangements should be in place to:
 - make the right plans.
 - implement those plans.
 - check they are working.
 - act if they are not.
2. By doing this, you should be able to ensure:
 - your risks stay controlled.
 - you provide a safe working environment for workers and others.
3. By following the **Plan, Do, Check, Act** approach you can effectively manage health and safety in your workplace.



PLAN what you need to do.

DO the right things to implement your plan.

CHECK your control measures.

ACT if your measures are not working.

4. Following this approach will help you to:
 - find out where you need to make improvements in the management of health and safety risks.
 - act quickly to keep your workers and others safe.
 - repeat the process to continually review your arrangements.

PLAN

5. To plan successfully, you should work out:
 - where you are now, where you need to be and what you should do to get there.
 - how you will prioritise the improvements you need to make.
 - who will be responsible for health and safety tasks, and what their duties will be – you may need to appoint **a competent person** or people to help you do this
 - how you will co-operate with anyone who shares your workplace.
 - how to prepare for emergencies like serious injuries, explosion, flood, electrocution, fire, and chemical spills.
6. Your health and safety policy should describe how you will manage health and safety in your business and plan to make it happen in practice.

DO

7. The next step is to put your plan into action.
8. By taking the following measures, you will be taking the right actions to help you manage health and safety effectively:
 - assess your risks – prioritise, assess, and control safety, health, and workplace risks.
 - provide information, instruction, and training – give your workers the right information and training, and enough supervision, to do their job safely.
 - provide workplace facilities – provide toilets, washbasins and other welfare facilities and a working environment that is healthy and safe.
 - protect vulnerable workers – prioritise workers who are vulnerable or have specific risks, including those with disabilities.
 - provide first aid – make sure you have first aid kits, training and first aiders so workers get immediate help if taken ill or injured at work.

CHECK

9. This step measures how you are doing. Check that your processes and procedures are working properly and that the risks stay controlled.
10. Effective monitoring will help you identify problems, understand what caused them and decide what changes are needed to address them. It can include:
 - making regular, planned checks of the workplace to look for risks that may have been overlooked, or people who are not working safely.
 - carrying out maintenance.
 - health surveillance for those working with hazardous substances.
 - refresher training and competency checks.
 - investigating accidents or near misses to find out what went wrong and why.

Investigating incidents

11. As part of your monitoring, you should investigate incidents. These include accidents, near misses and dangerous occurrences. This will help you to:
 - identify why your control measures failed and what improvements you need to make.
 - improve risk control in your workplace in the future.
 - plan to prevent the incident happening again.

ACT

12. Reviewing health and safety performance will help you decide if your arrangements are still effective. Doing so will mean you will also be able to control any new risks if there are changes to your business or processes.
13. Look at your health and safety policy and risk assessment again and update them if:
 - there have been any changes to your workplace or processes.
 - there are improvements you still need to make.
 - you have learnt something from accidents or near misses.
14. By reviewing your measures, you can complete the cycle, and the outcomes of your review will become your next plan to manage health and safety effectively.

2: Principles of risk assessment



The risk assessment process is designed to ensure a careful examination of what, in your work, can cause harm to people so you can weigh up whether you have taken enough precautions or should do more to prevent harm.

15. Article 3(2) (aa) of HSW Law requires all employers to identify and assess the risks to workers. The process of risk assessment will enable the identification of the measures needed to effectively manage the risks that your work activities create.
16. To meet the requirements of Article 5 of HSW Law a risk assessment should include the identification of the risks to health and safety to any person arising out of, or in connection with, work or the conduct of the employers undertaking. It should identify how the risks arise and how they impact on those who may be affected (e.g. the public or employees of other employers). This information is needed to make decisions on how to manage those risks so that the decisions are made in an informed, rational, and structured manner, and the action taken to control them is proportionate.
17. All employers should carry out a systematic examination of the effect of their undertaking, their work activities, and the condition of the premises. Those who employ five or more employees are required to record the significant findings of that risk assessment under Article 3(3) (b) of HSW Law.
18. A risk assessment should usually involve identifying the hazards present in any working environment or those arising out of commercial activities and work activities, and evaluating the extent of the risks involved, taking into account existing precautions and their effectiveness.
19. In this Approved Code of Practice:
 - a) **a hazard** is something with the potential to cause harm (this can include articles, substances, plant or machines, methods of work, the working environment, and other aspects of work organisation)
 - b) **a risk** is the likelihood of potential harm from that hazard being realised. The extent of the risk will depend on:

- (i) the likelihood of that harm occurring
 - (ii) the potential severity of that harm, i.e. of any resultant injury or adverse health effect
 - (iii) the population which might be affected by the hazard, i.e. the number of people who might be exposed.
20. The purpose of the risk assessment is to help the dutyholder to determine what measures should be taken to effectively manage risks as required by HSW Law.

Suitable and sufficient

21. A suitable and sufficient risk assessment should be made. 'Suitable and sufficient' is not defined in law. In practice it means the risk assessment should do the following:
- a) identify the risks arising from or in connection with work. The level of detail in a risk assessment should be proportionate to the risk. Once the risks are assessed and taken into account, insignificant risks can usually be ignored, as can risks arising from routine activities associated with life in general, unless the work activity compounds or significantly alters those risks.
 - b) The level of risk arising from the work activity should determine the degree of sophistication of the risk assessment.
 - (i) For small businesses presenting few or simple hazards a suitable and sufficient risk assessment can be a very straightforward process based on informed judgement and reference to appropriate guidance. Where the hazards and risks are obvious, they can be addressed directly. No complicated processes or skills will be required.
 - (ii) In many intermediate cases the risk assessment will need to be more sophisticated. There may be some areas of the assessment for which specialist advice is required; e.g. risks which require specialist knowledge such as a particularly complex industrial process or technique, or risks which need specialist analytical techniques such as air monitoring required to ensure asbestos removal control measures are effective and properly used. Whenever specialist advisers are used, employers should ensure that the advisers have sufficient understanding of the particular work activity they are advising on, this will often require effective involvement of everyone concerned - employer, employees, and specialist.
 - (iii) Hazardous sites will require the most developed and sophisticated risk assessments, particularly where there are complex or novel

processes. In the case of certain sites e.g. those who use or store bulk hazardous substances, the risk assessment may need to incorporate such techniques as quantified risk assessment.

(iv) Risk assessments must also consider all those who might be affected by the undertaking, whether they are workers or others such as members of the public.

- c) Employers and the self-employed are expected to take reasonable steps themselves to help identify risks, e.g. by looking at appropriate sources of information, such as relevant legislation, appropriate guidance, supplier manuals and manufacturers' instructions, good industry practice, trade press, or by seeking advice from competent sources. The risk assessment should include only what an employer could reasonably be expected to know; they would not be expected to anticipate risks that were not foreseeable; and
 - d) The risk assessment should be appropriate to the nature of the work and should identify the period of time for which it is likely to remain valid. This will enable you to recognise when short-term control measures need to be reviewed and modified, and to put in place medium and long-term controls where these are necessary.
22. For activities where the nature of the work may change fairly frequently or the workplace itself changes and develops (such as a construction site), or where workers move from site to site, the risk assessment might have to concentrate more on the broad range of risks that can be foreseen. When other less common risks arise, detailed planning and employee training will be needed to take account of those risks and enable them to be controlled.

Industry specific guidance

- 23. There are a variety of trade bodies and industry associations or federations that produce detailed industry specific standards or guidance, written by industry experts, which set out specific details on what measures should be taken to effectively manage your risks.
- 24. By following relevant industry standards, you will be able to keep pace with industry innovations and improvements that result from changes to technology or working practices.
- 25. All relevant bodies should be considered across the entirety of your work activities. In addition to valuable information on the appropriate control measures available, they can also provide technical advice, training, and qualifications.

Consulting with workers



Workers should be consulted at every stage of the risk assessment process.

Involving them will help you develop a positive health and safety culture where risks are controlled sensibly.

26. Your employees are often the best people to understand risks in the workplace. Involving them in making decisions shows that you take their health and safety seriously. You can consult employees by listening and talking to them about:
 - Their health and safety and the work they do.
 - how risks are controlled.
 - the best ways of providing information and training so they know how to work safely.
27. Consultation is a two-way process, allowing employees to raise concerns and influence decisions on managing health and safety.
28. In a small business, you might choose to consult your workers directly e.g. face to face with individuals, special workforce meetings or via toolbox talks on specific issues.
29. Larger businesses may consult through a health and safety representative, chosen by your employees or selected by a trade union. In addition to having a safety committee, larger organisations should also consider direct consultation such as one-to-one discussions, special workforce meetings, regular management walkabouts and toolbox talks to small groups, as well as using work groups to tackle specific issues; and indirect consultation via notice boards, newsletters, staff surveys or employee suggestions schemes.
30. If employees have difficulties understanding English, or have low literacy levels, there are a number of ways you can communicate with them to encourage their involvement and ensure they have the same level of understanding and involvement as English speakers:
 - ensure adequate time to consult with employees where language and/or literacy may be issues so they can absorb the information and respond to you.
 - encourage employees to express their views in their preferred language by using interpreters.
 - ask a work colleague to interpret.

- get information translated and check that this has been done clearly and accurately by testing it with native speakers.
 - use pictorial information and internationally understood pictorial signs where appropriate.
31. Take account of any cultural differences when consulting employees - there may be some employees who do not feel able to speak up about health and safety matters.

3: Risk assessment in practice



The process of risk assessment is not a paper exercise. Simply doing a risk assessment does not mean you are meeting your duties in law to manage the risks to health & safety.

The risk assessment process should be used to identify the necessary control measures that you should implement to effectively eliminate or manage the risk of harm that your work activities create to both workers and the public.

By regularly reviewing your risk assessment prompted by events or timescales within the Plan, Do, Check, Act approach you can ensure a continuous cycle of risk management and improvement.

32. There are no fixed rules about how a risk assessment should be carried out; it will depend on the nature of the work or business and the types of hazards and risks. Section 2 of this ACoP sets out the general principles that should be followed.
33. The risk assessment process needs to be practical and take account of the views of employees who should be involved as they will have practical knowledge to contribute. It should also involve managers, whether or not advisers or consultants assist with the detail. Employers should ensure that those involved take all reasonable care in carrying out the risk assessment.
34. Where employees of different employer's work in the same workplace, their respective employers may have to co-operate to produce an overall risk assessment. Section 12 of this ACoP outlines the requirements on co-operation and co-ordination.
35. In some cases, employers may make a first rough assessment, to eliminate from consideration those risks on which no further action is needed. This should also show where a fuller assessment is needed, if appropriate, using more sophisticated techniques.
36. Employers who control a number of similar workplaces containing similar activities may produce a 'model' risk assessment reflecting the core hazards and risks associated with these activities. 'Model' assessments may also be developed by trade associations, employers' bodies or other organisations

concerned with a particular activity. Such 'model' assessments may be applied by employers or managers at each workplace, but only if they:

- a) satisfy themselves that the 'model' assessment is appropriate to their type of work; and
- b) adapt the 'model' to the detail of their own actual work situations, including any extension necessary to cover hazards and risks not referred to in the 'model.'

37. A risk assessment should:

- a) ensure the significant risks and hazards are addressed.
- b) ensure all aspects of the work activity are reviewed, including routine and non-routine activities. The assessment should cover all parts of the work activity, including those that are not under the immediate supervision of the employer, such as employees working off site as contractors, workers from one organisation temporarily working for another organisation, self-employed people, homeworkers, and mobile employees.
- c) take account of the non-routine operations, e.g. maintenance, cleaning operations, loading, and unloading of vehicles, changes in production cycles, emergency response arrangements.
- d) take account of the management of incidents such as interruptions to the work activity, which frequently cause accidents, and consider what procedures should be followed to mitigate the effects of the incident.
- e) be systematic in identifying hazards and looking at risks, whether one risk assessment covers the whole activity or the assessment is divided up. For example, it may be necessary to look at activities in groups such as machinery, transport, substances, electrical etc, or to divide the work site on a geographical basis. In other cases, an operation-by-operation approach may be needed, dealing with materials in production, dispatch, offices etc. The employer should always adopt a structured approach to risk assessment to ensure all significant risks or hazards are addressed. Whichever method is chosen, it should reflect the skills and abilities of the individuals carrying out that aspect of the assessment.
- f) take account of the way in which work is organised, and the effects this can have on health and safety.
- g) take account of risks to the public.

Identifying the hazards

38. The first step is to identify what the hazards are. If there are specific regulations, ACoPs or relevant industry guidance to be complied with, these may help to identify the hazards. Some regulations require the assessment of particular risks or types of risks [e.g. the [Health and Safety \(Management in Construction\) \(Jersey\) Regulations 2016](#)]. If these particular risks are present, they must all be addressed in a risk assessment process.

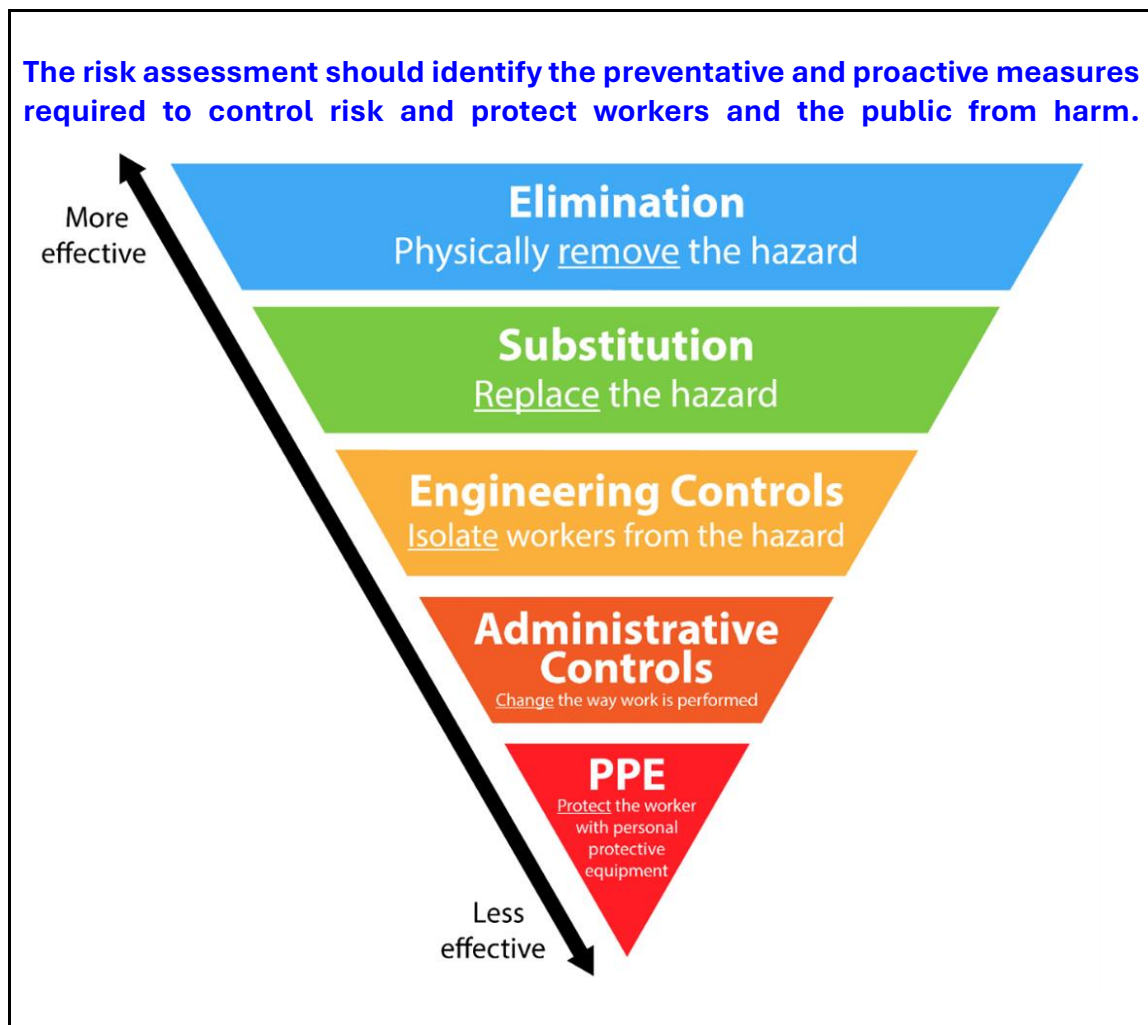
Identifying who might be harmed and how.

39. Identify people who might be harmed by the hazard, including employees, other workers in the workplace and members of the public. Ask your employees or their representatives what they think. Remember to consider office staff, night cleaners, maintenance staff, security guards, visitors, and members of the public. You should also identify groups of workers who might be particularly at risk, such as young or inexperienced workers, new and expectant mothers, night workers, homeworkers, those who work alone and disabled staff (see Section 16 of this ACoP).
40. Remember to think about long-term hazards to health (e.g. levels of noise exposure or exposure to harmful substances) as well as safety hazards.

Evaluating the risks from the identified hazards

41. You need to evaluate the risks from the identified hazards. If there are no hazards, there are no risks. Where risks are already controlled in some way, the effectiveness of those controls needs to be considered when assessing the extent of risk which remains. You also need to:
 - a) observe the actual practice; this may differ from the that expected in practice, and it is important that the employees concerned should be consulted.
 - b) address what actually happens in the workplace or during the work activity.
 - c) take account of existing preventive or precautionary measures; if existing measures are not adequate, ask yourself what more should be done to reduce risk sufficiently.

4: General principles of prevention to be applied



42. Dutyholders should introduce preventive and protective measures to control the risks identified by the risk assessment in order to meet the requirements under HSW Law.
43. In deciding which preventive and protective measures to take, dutyholders should apply the following principles of prevention:
- a) if possible, avoid a risk altogether, e.g. do the work in a different way, taking care not to introduce new hazards.
 - b) evaluate risks that cannot be avoided by carrying out a risk assessment.
 - c) combat risks at source, rather than taking palliative measures. So, if the steps are slippery, treating or replacing them is better than displaying a

warning sign.

- d) adapt work to the requirements of the individual (consulting those who will be affected when designing workplaces, selecting work and personal protective equipment and drawing up working and safety procedures and methods of production). Aim to alleviate monotonous work and paced working at a predetermined rate and increase the control individuals have over work they are responsible for.
 - e) take advantage of technological and technical progress, which often offers opportunities for improving working methods and making them safer.
 - f) implement risk prevention measures to form part of a coherent policy and approach. This will progressively reduce those risks that cannot be prevented or avoided altogether and will take account of the way work is organised, the working conditions, the environment, and any relevant social factors. Health and safety policy statements required under Article 3(3) of HSW Law should be prepared and applied by reference to these principles.
 - g) give priority to those measures which protect the whole workplace and everyone who works there and so give the greatest benefit (i.e. give collective protective measures priority over individual measures).
 - h) ensure that workers, whether employees or self-employed, understand what they must do.
44. The existence of a positive health and safety culture should exist within an organisation. That means the avoidance, prevention, and reduction of risks at work must be accepted as part of the organisation's approach and attitude to all its activities. It should be recognised at all levels of the organisation, from individual worker to senior management.
45. These are general principles rather than individual prescriptive requirements. They should, however, be applied wherever it is reasonable to do so. Experience suggests that, in the majority of cases, adopting good risk assessment practice will be enough to ensure risks are reduced sufficiently.
46. Authoritative sources of good practice that will assist include standards produced by standard-making organisations (e.g. the British Standards Institute) and guidance agreed by a stakeholder body representing an industrial or occupational sector. Where established industry practices result in high levels of health and safety risk control, the risk assessment should not be used to justify reducing current control measures.

Hierarchy of controls

47. As part of your risk assessment, you should consider controls in the following order:

Hierarchy for controlling risk.	
1. Elimination Physically remove the hazard	Where it is not reasonably practicable to eliminate the risk, follow the hierarchy of protective measures below.
2. Substitution Replace the hazard	Replace the material or processes with a less hazardous one. E.g. use a MEWP to access work at height instead of a ladder
3. Engineering controls Isolate people from the hazard	<p>Use work equipment or other physical means to combat the risk at source.</p> <p>Examples: design for the provision of fixed barriers to protect against falls from height during maintenance of plant located on a roof; ensure the design details of items to be lifted include attachment points; install or use local exhaust ventilation to control risks from dust.</p> <p>Priority should always be given to measures which provide for collective protection over individual protection*</p>
4. Administrative controls Change the way people work.	Identify and implement procedures to work safely. E.g. specify safe systems of work; reduce the time workers are exposed to a hazard by job rotation, provide training, use signage etc.
5. Personal Protective Equipment (PPE) Protect the worker with equipment.	<p>This is the last line of defence.</p> <p>Personal protective equipment and clothing should be used to control any residual risks that cannot be controlled by reasonably practicable means described above.</p> <p>Any PPE must be suitable for the activity and the person, properly fitted and worn. Workers must be trained to use it properly, know its limitations, as well as how to detect and report faults.</p>
<p>*Collective protection measures protect everybody who is at risk without requiring any action on their behalf to be effective. Individual (or personal) protective measures only protect the individual, and then only after they have taken some action in order to make the measures effective.</p>	

48. In many cases there will be more than one control measure available, or a combination of control measures may be needed to properly control the risk. Consideration should be given to what is most effective and practicable to implement.

5: Recording the assessment



All employers are required to make a risk assessment.

HSW Law requires those employers with five or more employees to record the significant findings.

49. All employers are required to make a risk assessment. HSW Law requires employers with five or more employees to record the significant findings of their risk assessment. This record should represent an effective statement of hazards and risks which then leads management to take the relevant actions to protect health and safety. The record should be retrievable for use by management in reviews and for employees and their representatives. Where appropriate, it should be linked to other health and safety records or documents such as the written health and safety policy statement required by Article 3(3) of HSW Law. It may be possible to combine these documents into one health and safety management document.
50. This record may be in writing or recorded by other means (e.g. electronically) as long as it is retrievable and remains retrievable even when, for example, the technology of electronic recording changes. The record will often refer to other documents and records describing procedures and safeguards.
51. The significant findings should include:
- a) a record of the preventive and protective measures in place to control the risks.
 - b) what further action, if any, needs to be taken to sufficiently reduce the risk.
 - c) proof that a suitable and sufficient assessment has been made. In many cases, employers will also need to record sufficient detail of the assessment itself, so that they can demonstrate (e.g. to an inspector) that they have carried out a suitable and sufficient assessment. This record of the significant findings will also form a basis for a revision of the assessment.
52. A risk assessment template is provided at Annex 1.

6: Review and revision



By regularly reviewing your risk assessment prompted either by events or timescales using the Plan, Do, Check, Act approach you can ensure a continuous cycle of risk management and improvement.

53. Employers should review and, if necessary, modify their risk assessments, since assessment should not be considered a once-and-for-all activity.
54. For example, the risk assessment should be reviewed and revised:
 - a) if ongoing monitoring reveals near misses or defects in plant or equipment.
 - b) if the results of health surveillance suggest your control measures are not working as intended.
 - c) if you suffer adverse events such as an accident, ill health, or dangerous occurrence. These may take place even if a suitable and sufficient risk assessment has been made and appropriate preventive and protective measures taken but should still trigger a review.
 - d) if innovations and improvements are made at an industry level, as reflected in changes to the relevant industry training, standards, or guidance.
 - e) if developments suggest that it may no longer be valid (or can be improved).
55. In most cases, it is prudent to plan to formally review your risk assessments at regular intervals, and at least annually but do not wait if there is a significant change during the year. Such reviews should form part of standard management practice.

7: Health risk assessments



Dutyholders are required by HSW Law to ensure the health as well as the safety of employees and others who may be affected.

Your risk assessment will help you decide what actions you need to take to do this.

56. The principles for controlling health through risk assessment are the same as those for safety. However, the nature of health risks can make the link between the work activity and employee ill-health less apparent than in the case of an injury.
57. Unlike safety risks which can lead to immediate injury, the results of daily exposure to health risks may not become apparent for months, years and in some cases decades. Health may be irreversibly damaged before the risk is apparent.
58. Many materials or substances used or created at work could be harmful to health. These substances could be dusts, gases or fumes that you breathe in, or liquids, gels or powders that come into contact with your eyes or skin. There could also be harmful micro-organisms present that can cause infection, an allergic reaction or are toxic.
59. Harmful substances can be present in anything from paints and cleaners to flour dust, solder fume, blood, or waste. Ill health caused by these substances used at work is preventable. Many substances can harm health but used properly, they almost never do.
60. Health hazards are not limited to substances labelled as 'hazardous'. Some harmful substances can be produced by the process you use, for example:
- wood dust from cutting and sanding.
 - silica dust from brick or tile cutting.
 - fumes from welding
61. Some substances can cause asthma or other diseases, including cancer. Many can damage the skin, and some can cause serious long-term damage to the lungs. The effect can be immediate, such as dizziness or stinging eyes, or can take many years to develop, such as lung disease. Many of the long-term or chronic effects cannot be cured once they develop.

62. Where a workplace or work activity involves a risk from hazardous substances, they should be specifically assessed in order to prevent or reduce workers exposure.
63. When identifying which substances that may be harmful the product labels and safety data sheets will provide valuable information to inform your assessment. Consider harmful substances produced by processes, such as cutting or grinding, or to which workers may be otherwise exposed. Examples include:
- processes that emit dust, fume, vapour, mist, or gas
 - skin contact with liquids, pastes and dusts.
64. A risk assessment for hazardous substances should specifically consider:
- a) the design and operation of processes and activities to ensure they minimise emission, release and spread of substances hazardous to health.
 - b) all relevant routes of exposure- inhalation, skin absorption and ingestion- when developing control measures.
 - c) how often people work with the substance and for how long.
 - d) anyone else who might be exposed – including maintenance workers, contractors, and other visitors or members of the public who could be exposed.
 - e) the most effective and reliable control options which minimise the escape and spread of substances hazardous to health.
 - f) The information and training for all employees on the hazards and risks from the substances with which they work, and the use of control measures developed to minimise the risks.

Workplace exposure limits

65. Where substances have been classified as carcinogens, mutagens or asthmagens exposure must be controlled to as low as is reasonably practicable (ALARP).
66. Workplace exposure limits (WELs) are British occupational exposure limits approved by HSE. They are set to help protect workers' health. WELs are

concentrations of hazardous substances in the air, averaged over a set period of time.

67. Many thousands of substances are used at work but only about five hundred (500) substances have WELs. [EH40/2005 Workplace exposure limits](#) is a publication which contains a list of all current British WELs. The list is amended when new or revised WELs are approved.
68. Monitoring exposure can be a useful indicator to check whether the control measures you have in place are effective. If they are, exposures are likely to be below the WEL.

8: Health surveillance



Health surveillance is a risk-based scheme of health checks for workers who need it. It is used to detect ill-health effects early and show whether a review and revision of the risk assessment and control measures are necessary.

A hazardous substance risk assessment will identify circumstances in which health surveillance is required.

69. Health surveillance is a risk-based scheme of repeated health checks. It is used to detect ill-health effects early and show whether review and revision of the risk assessment and control measures are necessary. It is necessary because control measures may not always be reliable, despite checking and maintenance.
70. Health surveillance is not the same as health monitoring, health promotion or health screening. It:
- a) should only be used for workers who need it.
 - b) provides feedback about actions that may be needed to take to prevent further harm and protect workers.
 - c) allows workers to raise concerns about how work affects their health.
 - d) provides the opportunity to reinforce workers' training and education.
71. A hazardous substance risk assessment will identify circumstances in which health surveillance is required.
72. Health surveillance should be introduced where the assessment shows the following criteria to apply:
- a) there is an identifiable disease or adverse health condition related to the work concerned; and

- b) valid techniques are available to detect indications of the disease or condition; and
 - c) there is a reasonable likelihood that the disease or condition may occur under the particular conditions of work; and
 - d) surveillance is likely to further the protection of the health and safety of the employees to be covered.
- 73. Other issues that can indicate whether health surveillance might be appropriate include:
 - a) previous cases of work-related ill health in your workplace.
 - b) reliance on personal protective equipment as an exposure control measure - experience shows its use is not always managed properly.
 - c) evidence of ill health in jobs in your industry.
 - d) information from insurance claims, manufacturer's data, and industry guidance.
- 74. Those employees concerned and their representatives should be given an explanation of, and opportunity to comment on, the nature and proposed frequency of such health surveillance procedures and should have access to an appropriately qualified practitioner for advice on surveillance.
- 75. The appropriate level, frequency and procedure of health surveillance should be determined by a competent person acting within the limits of their training and experience. This could be determined based on suitable general guidance (e.g. regarding skin inspection for dermal effects) but in certain circumstances this may require the assistance of a qualified medical practitioner. The minimum requirement for health surveillance is keeping a health record. Once it is decided that health surveillance is appropriate, it should be maintained throughout an employee's employment unless the risk to which the worker is exposed and associated health effects are rare and short term.
- 76. Where appropriate, health surveillance may also involve one or more health surveillance procedures depending on suitability in the circumstances. For example, exposures causing diseases include exposure to:
 - a) noise or hand-arm vibrations.
 - b) hazardous substances such as chemicals, solvents, fumes, dusts, gases and vapours, aerosols, biological agents (micro-organisms), asbestos, lead, etc.

77. Health surveillance procedures can include:

- a) inspection of readily detectable conditions by a responsible person acting within the limits of their training and experience.
- b) enquiries about symptoms, inspection, and examination by a qualified person such as an Occupational Health Nurse.
- c) medical surveillance, which may include clinical examination and measurement of physiological or psychological effects by an appropriately qualified person.
- d) biological effect monitoring, i.e. the measurement and assessment of early biological effects such as diminished lung function in exposed workers.
- e) biological monitoring, i.e. the measurement and assessment of workplace agents or their metabolites either in tissues, secretions, excreta, expired air, or any combination of these in exposed workers.

78. The primary benefit, and key objective of health surveillance should be to detect adverse health effects at an early stage, thereby enabling further harm to be prevented. The results of health surveillance can provide a means of:

- a) checking the effectiveness of control measures.
- b) providing feedback on the accuracy of the risk assessment.
- c) identifying and protecting individuals at increased risk because of the nature of their work.

Health surveillance record keeping

79. A health record is a legal record of the outcome of health surveillance. Employers must keep them for all workers under health surveillance.

80. Health records must contain information about the worker's details, where they work, the hazards they have been exposed to and their fitness to continue to be exposed to those hazards. They should not contain confidential medical information unless the worker has given written consent.

81. It is good practice to offer workers a copy of their health record when they leave your employment or if you cease trading.

82. If you change your occupational health provider, you should ensure that medical records (paper and electronic) are transferred to your new provider.

9: Competent advice



All dutyholders should have access to competent advice to effectively manage their health and safety risks.

If needed dutyholders should engage a competent adviser or consultant.

83. If a dutyholder does not have sufficient in-house expertise to effectively manage their health and safety risks, then they should engage a competent health and safety adviser or consultant.
84. Dutyholders are responsible for ensuring that those they appoint to assist them with health and safety measures are competent to carry out the tasks they are assigned and are given adequate information and support. In making decisions on who to appoint, dutyholders themselves need to know and understand the work involved, the principles of risk assessment and prevention, and current legislation and relevant health and safety standards.
85. Employers who appoint doctors, nurses or other health professionals to advise them of the effects of work on employee health, or to carry out certain procedures, for example health surveillance, should first check that such providers can offer evidence of a sufficient level of expertise or training in occupational health.
86. The appointment of competent health and safety advisers does not absolve the employer from responsibilities for health and safety under HSW Law. It can only give added assurance that these responsibilities will be discharged adequately. Where external services are employed, they will usually be appointed in an advisory capacity only.
87. Competence does not necessarily depend on the possession of particular skills or qualifications of the adviser. Simple situations may require only the following:
 - an understanding of relevant current best practice;
 - an awareness of the limitations of one's own experience and knowledge;
 - and

- the willingness and ability to supplement existing experience and knowledge, when necessary, by obtaining external help and advice.
88. More complicated situations will require the competent assistant to have a higher level of knowledge and experience. More complex or highly technical situations will call for specific applied knowledge and skills which can be offered by appropriately qualified specialists. Employers are advised to check the appropriate health and safety qualifications (some of which may be competence-based and/or industry specific), or membership of a professional body or similar organisation (at an appropriate level and in an appropriate part of health and safety) to satisfy themselves that the assistant they appoint has a sufficiently high level of competence.

10: Planning for incidents and emergencies



Dutyholders should establish procedures to be followed in the event of an incident or emergency affecting workers or the public.

The risk assessment should identify foreseeable events that need to be covered.

89. Dutyholders should establish and implement appropriate procedures to be followed in the event of an incident or emergency event that may result in serious or imminent danger that will impact on persons at work in their undertaking.
90. Any person who may be exposed to serious and imminent danger should be informed of the nature of the hazard and of the steps taken, or to be taken, to protect them from it.
91. Dutyholders should establish procedures for any worker to follow if situations presenting serious and imminent danger were to arise, e.g. a fire, or for the police and emergency services an outbreak of public disorder. The procedures should set out:
 - a) the nature of the risk (e.g. a fire in certain parts of a building where substances might be involved; or incidents foreseeable at organised events where the safety of the public may be compromised), and how to respond to it.
 - b) additional procedures needed to cover risks beyond those posed by fire or bomb threats. These procedures should be geared, as far as is practicable, to the nature of the serious and imminent danger that those risks might pose.
 - c) the additional responsibilities of any employees, or groups of employees, who may have specific tasks to perform in the event of emergencies (e.g. to shut down plant or equipment that might otherwise compound the danger); or who have had training so that they can seek to bring an emergency event under control. Police officers, fire-fighters, and other emergency service workers, for example, may sometimes need to work in circumstances of serious or imminent danger in order to fulfil their

commitment to the public service. The procedures should reflect these responsibilities, and the time delay before such workers can move to a place of safety.

- d) details of when and how the procedures are to be activated so that employees can proceed in good time to a place of safety. Procedures should cater for the fact that emergency events can occur and develop rapidly, thus requiring employees to act without waiting for further guidance. It may be necessary to commence evacuation while attempts to control an emergency (e.g. a process in danger of running out of control) are still under way, in case those attempts fail.
- 92. Emergency procedures should normally be written down as required by Article 3(3)(a) and (b) of HSW Law, clearly setting out the limits of actions to be taken by employees. Information on the procedures should be made available to all employees, to any competent adviser and where necessary to other workers and/or their employers.
 - 93. Work should not be resumed after an emergency if a serious danger remains. If there are any doubts, expert assistance in the relevant discipline should be sought, e.g. from the emergency services and others. There may, for certain groups of workers, be exceptional circumstances when re-entry to areas of serious danger may be deemed necessary, e.g. police officers, fire-fighters, and other emergency service workers, where, for example, human life is at risk. When such exceptional circumstances can be anticipated, the procedures should set out the special protective measures to be taken (and the pre-training required) and the steps to be taken for authorisation of such actions.
 - 94. The procedure for any worker to follow in serious and imminent danger, has to be clearly explained by the employer. Employees and others at work need to know when they should stop work and how they should move to a place of safety. In some cases, this will require full evacuation of the workplace; in others it might mean some or all of the workforce moving to a safer part of the workplace.
 - 95. The risk assessment should identify the foreseeable events that need to be covered by these procedures. For some employers, fire (and possibly bomb) risks will be the only ones that need to be covered. For others, additional risks will be identified.
 - 96. Where different employers (or self-employed people) share a workplace, their separate emergency procedures will need to take account of everyone in the workplace, and as far as is appropriate the procedures should be co-ordinated.

Detailed requirements on co-operation and co-ordination are covered in Section 12 of this ACoP.

Danger areas

97. A danger area is a work environment which must be entered by an employee where the level of risk is unacceptable without taking special precaution. Such areas are not necessarily static in that minor alterations or an emergency may convert a normal working environment into a danger area. The hazard involved need not occupy the whole area, as in the case of a toxic gas, but can be localised, e.g. where there is a risk of an employee coming into contact with bare live electrical conductors. The area must be restricted to prevent inadvertent access.
98. Once the employer has established suitable precautions the relevant employees must receive adequate instruction and training in those precautions before entering any such danger area.

Contacts with external services

99. Employers should ensure that appropriate external contacts are in place to make sure there are effective provisions for first aid, emergency medical care and rescue work, for incidents and accidents which may require urgent action, and/or medical attention beyond the capabilities of on-site personnel. This may only mean making sure that employees know the necessary telephone numbers and, where there is a significant risk, that they are able to contact any help they need. This requirement does not in any way reduce employers' duty to prevent accidents as the first priority.
100. Where there are workers where English is not their first language the necessary information should be available in their native language.
101. Where a number of employers share a workplace and their employees face the same risks, it would be possible for one employer to arrange contacts on behalf of themselves and the other employers. In these circumstances it would be for the other employers to ensure that the contacts had been made. In hazardous or complex workplaces, employers should designate appropriate staff to routinely contact the emergency services to give them sufficient knowledge of the risks they need to take appropriate action in emergencies, including those likely to happen outside normal working hours. This will help these services in planning for providing first aid, emergency medical care and rescue work, and to take account of risks to everyone involved, including rescuers. Contacts and arrangements with external services should be recorded, and should be

reviewed and revised as necessary, in the light of changes to staff, processes and plant, and revisions to health and safety procedures.

11: Information to employees



The risk assessment should help identify the information which should be provided to employees.

Relevant information on the risks and the preventative and protective measures will be limited to what they need to know to ensure their own health & safety and to not put others at risk.

102. In addition to involving employees in the process of risk assessment (see paragraphs 25 to 30 of this ACoP), employers should also provide their employees with comprehensible and relevant information on the risks to their health and safety identified by their risk assessment and the preventive and protective measures that have been put in place.
103. Relevant information on risks and on preventive and protective measures will be limited to what employees need to know to ensure their own health and safety and not to put others at risk.
104. The information provided should be pitched appropriately, given the level of training, knowledge, and experience of the employee. It should be provided in a form which takes account of any language difficulties or disabilities. Information can be provided in whatever form is most suitable in the circumstances, as long as it can be understood by everyone. For employees with little or no understanding of English, or who cannot read English, employers may need to make special arrangements. These could include providing translation, using interpreters, or replacing written notices with clearly understood symbols or diagrams.
105. Under the [Health and Safety \(Work Experience\) \(Jersey\) Regulations 2006](#) a person being provided with relevant training should be treated as being the employee of the person who's undertaking is providing the work experience. The requirements to provide information are, therefore, the same as for other employees.

12: Co-operation and co-ordination



Where the activities of different dutyholders interact, for example where they share premises or workplaces, they should co-operate with each other to make sure they can each meet their legal duties to ensure effective health & safety risk management.

106. When the workplace is occupied by more than one employer, it will require some degree of co-ordination and co-operation to ensure the risk assessment is effective in covering the whole workplace. All employers and self-employed people involved in a workplace should satisfy themselves that the arrangements adopted are adequate. Employers should ensure that all their employees, including any competent people appointed are aware of and take full part in the arrangements.
107. Where a particular employer controls the workplace, others should assist the controlling employer in assessing the shared risks and co-ordinating any necessary measures. In many situations providing information may be sufficient. A controlling employer who has established site-wide arrangements will have to inform new employers or self-employed people of those arrangements so that they can integrate themselves into the co-operation and co-ordination procedures.
108. Where the activities of different employers and self-employed people interact, for example where they share premises or workplaces, they may need to co-operate with each other to make sure their respective obligations are met.
109. The duties to co-operate and co-ordinate measures relate to all statutory duties in the case of people who are self-employed and are not employers. Therefore, they concern all people who may be at risk, both on and off site, and not just where employers and self-employed people share workplaces all the time. They also include situations where an employer may not be physically present at the workplace.
110. Where there is no controlling employer, the employers and self-employed people present should agree any joint arrangements needed. This will be particularly useful in workplaces where management control is fragmented, and employment is largely casual or short term (e.g. in construction). The [Health and Safety \(Management in Construction\) \(Jersey\) Regulations 2016](#)

require co-operation and co-ordination between all contractors. In workplaces which are complex or contain significant hazards, the controlling employer may need to seek competent advice in making or assisting with the risk assessment and determining appropriate measures.

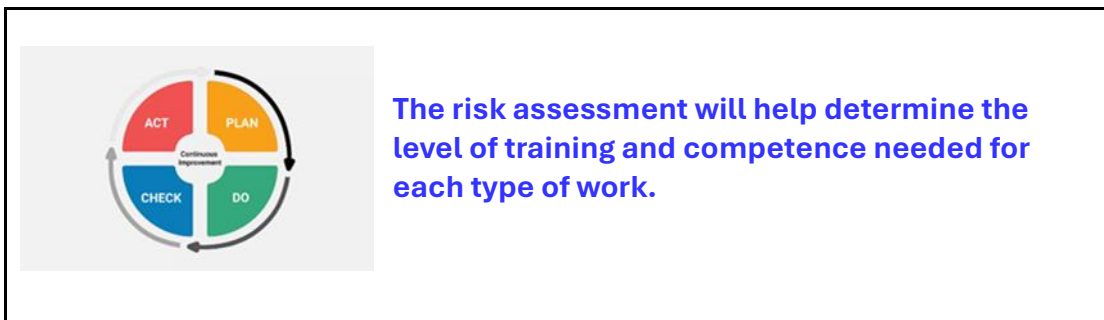
111. The person in control of a multi-occupancy workplace may not always be an employer of the people working in that workplace or be self-employed but will still need to co-operate with those occupying the workplace under their control. For example, procedures for authorising or carrying out repairs and modifications will have to take account of the need for co-operation and exchanges of information. Co-operation is needed to effectively carry out the general duties placed on those people under Article 6 of HSW Law.
112. Where there are multi-occupancy buildings or sites, where each unit under the control of an individual tenant employer or self-employed person each workplace is regarded as separate so there is less need to coordinate and cooperate activities. However, in some cases, the common parts of such multi-occupancy sites may be shared workplaces (e.g. a common reception area in an office building) or may be under the control of a person to whom Article 6 of HSW Law applies and suitable arrangements may need to be put in place for these areas

Persons working in host employers' or self-employed persons' undertakings.

113. The risk assessment carried out under Article 3(2) (aa) of HSW Law will identify risks to people other than the host employers' employees. This will include other employers' employees and self-employed people working in that business. Employers and self-employed people need to ensure that comprehensive information on those risks, and the measures taken to control them is given to other employers and self-employed people.
114. Host employers and self-employed people must ensure that people carrying out work on their premises receive relevant information. This may be done by either providing them with information directly or by ensuring that their employers provide them with the relevant information. If you are relying on their employers to provide information to the visiting employees, then adequate checks should be carried out to ensure that the information is passed on. The information should be sufficient to allow the employer of the visiting employee to comply with their statutory duties and should include the identity of people nominated by the host employer to help with an emergency evacuation.
115. Information may be provided through a written permit-to-work system. Where the visiting employees are specialists, brought in to do specialist tasks, the host employer's instructions need to be concerned with those risks which are

peculiar to the activity and premises. The visiting employee may also introduce risks to the permanent workforce (e.g. from equipment or substances they may bring with them). Their employers have a general duty under Article 5 of HSW Law to inform the host employer of such risks and to co-operate and co-ordinate with the host employer to the extent needed to control those risks. This also applies where employees or self-employed people carry out work for an employer other than their own or of another self-employed person e.g. contractors' employees carrying out cleaning, repair, or maintenance work under a service contract; and employees in temporary employment businesses, hired to work under a host employer's control.

13: Capabilities and training



116. When allocating work to employees, employers should ensure that the demands of the job do not exceed the employees' ability to carry out the work without risk to themselves or others. Employers should take account of the employees' capabilities and the level of their training, knowledge, and experience. Managers should be aware of relevant legislation and should be competent to manage health and safety effectively. Employers should review their employees' capabilities to carry out their work, as necessary. If additional training, including refresher training, is needed, it should be provided.
117. Health and safety training should take place during working hours. If it is necessary to arrange training outside an employee's normal hours, this should be treated as an extension of time at work. Employees should not pay or be charged for this training.
118. The risk assessment and subsequent reviews of the risk assessment will help determine the level of training and competence needed for each type of work. Competence is the ability to do the work required to the necessary standard. All employees, including senior management, should receive relevant training. This may need to include basic skills training, specific on-the-job training and training in health and safety or emergency procedures. There may be a need for further training e.g. about specific risks in certain sectors e.g. violence & aggression in the health & social care sector.
119. Training needs are likely to be greatest for new employees on recruitment. They should receive basic induction training on health and safety, including arrangements for first-aid, fire, and evacuation. Particular attention should be given to the needs of young workers. The risk assessment should identify further specific training needs. In some cases, training may be required even though an employee already holds formal qualifications (e.g. for an update on new technology). Training and competence needs will have to be reviewed if the work activity a person is involved in or the working environment changes. This

may include a change of department or the introduction of new equipment, processes, or tasks.

120. An employee's competence will decline if skills are not used regularly (e.g. in emergency procedures, operating a particular item of equipment or carrying out a task). Training therefore needs to be repeated periodically to ensure continued competence. This will be particularly important for employees who occasionally deputise for others, home workers and mobile employees. Information from personal performance monitoring, health and safety checks, accident investigations and near-miss incidents can help to establish a suitable period for re-training.

14: Employees' duties



Employees should use any equipment provided to them in accordance with the information, instruction & training given to them.

Employees should inform their employer of any work situation that may present a serious & imminent danger as well as any shortcomings so that the employer can take remedial action.

121. Under Article 4 of HSW Law, employees have a duty to cooperate with the employer, or other person, so far as is necessary to enable the employer to meet their duties, including complying with any requirements identified in the risk assessment to ensure their own health and safety and not to put others at risk.
122. Employees should use any machinery, equipment, dangerous substance, transport equipment, means of production or safety device etc provided in accordance with the training received and instructions given.
123. Employers need to be informed without delay of any work situation which might present a serious and imminent danger. Employees should also notify any shortcomings in the health and safety arrangements, even when no immediate danger exists, so that employers can take remedial action if needed.
124. The duties placed on employees do not reduce the responsibility of the employer to comply with duties under HSW Law and accompanying Regulations and ACoPs. In particular, employers need to ensure that employees receive adequate instruction and training to enable them to comply with their duties.

15: Temporary & agency workers



ALL workers, regardless of status, are entitled to work in an environment where the risks to their health and safety are properly controlled.

125. All workers are entitled to work in an environment where the risks to their health and safety are properly controlled. This includes temporary workers e.g. those on fixed term or fixed duration contracts as well as gig economy and agency workers.
126. The gig economy is growing, and the ways people work are changing so employers need to think differently about how to keep workers healthy and safe. It typically covers short-term, informal working relationships where work is generally:
- a) on-demand.
 - b) obtained through an online platform.
 - c) delivered on a task-by-task basis.
127. It cuts across many sectors, where 'gig economy' can have different meanings and working practices, but it is mainly associated with the transport and logistics sectors, for example courier work.

Roles of suppliers and end user businesses

128. In practice, the day-to-day responsibility for health and safety during a work assignment lies with the end user business because they will direct the work and may also control the premises where it takes place. They are therefore in the best position to manage the health and safety of the worker and anyone else that could be affected by their work.
129. The end user business must ensure the safety of all employees, including gig, agency or temporary workers, and anyone whose safety might be affected by their work.

Before the work starts

130. The supplier (the employment agency or employment business) must liaise with the end user business before work starts to identify anything that could cause injury or illness in their workplace or business operations. In doing so, they must assess the likelihood of any harm and agree actions for the end user business to eliminate or control these known risks.
131. Before placing the worker with the end user business, the supplier must ensure the identified risks have been controlled and obtain clear information on:
- a) the worker's duties.
 - b) the skills, experience and qualifications required for them to do the job safely.
 - c) the identified risks and control measures in place including health surveillance, where relevant, and clear guidance on how to raise health and safety concerns in the workplace
132. The supplier must check that the worker meets the job requirements and give them all information relevant to the job received from the end user business before work starts.
133. Co-operation and communication between suppliers and end user businesses is key in the safe placement of workers and a supplier should never send a worker to a job unless they are satisfied their health and safety will be protected.

During the work placement

134. It is important to agree and be clear on who does what and never assume someone else will take responsibility for workplace safety.
135. Ongoing collaboration between the end user business, the supplier and the worker will therefore help ensure that safety responsibilities are always clear. If it is not clear, it might mean taking responsibility to ensure the worker is protected or obtaining appropriate assurance from others in the supply/user chain.
136. Everyone involved should carry out their work in a way that ensures workers are not exposed to health and safety risks.

137. It is important to understand the types of work often carried out by gig, agency, and temporary workers because this can lead to issues beyond what might be considered normal workplace hazards.
138. The work might be done by lone workers or against challenging deadlines, or possibly means the worker experiences long, unsociable hours in managing high demands.
139. All of these factors can have adverse health consequences for workers, such as musculoskeletal disorders, stress, tiredness, and fatigue.

Temporary worker duties

140. Under Article 4 of HSW Law temporary workers have health & safety responsibilities to:
- a) take reasonable care for their own health and safety and that of other people who may be affected by their actions at work.
 - b) co-operate with the employment business and the end user where they are working, including participating in any necessary health and safety training and instruction.
 - c) use any machinery or equipment provided in line with the training received and inform the person that provided the equipment or machinery if it is lost or damaged.

16: Risk assessment in respect of vulnerable workers



Dutyholders should make sure they have sufficiently considered the additional risks posed to vulnerable workers and have identified and implemented suitable control measures.

They should provide the relevant information, instruction, and training so that the workers understand the risks they may be exposed to and the precautions they need to take to avoid or control them.

141. Vulnerable workers should be given additional consideration within risk assessments. Such workers include:

- a) **Pregnant workers and new mothers** where the employer must reduce, remove or control any risk they identify that could harm the mother or the child during pregnancy and breastfeeding.
- b) **Young people at work**, including those on work experience or an apprenticeship. Young workers may lack experience or maturity, or not have reached physical maturity, or be eager to impress or please people they work with.
- c) **Older employees** where the risk assessment should be reviewed e.g. where a worker reaches a certain age or where an older worker could work alongside colleagues to capture knowledge and learn from their experience.
- d) **New employees** where there is an increased risk because of lack of experience and an unfamiliarity with the job and work environment. Lone working where they are working by themselves without close or direct supervision e.g. delivery drivers, health workers, security staff.
- e) **Home workers** who either work at home long term or routinely split their time between their workplace and home. The risks will be usually low but where you have such workers the risk assessment should include stress & mental health, using computers and laptops safely, and their working environment.

- f) **Migrant workers** who often commonly work in agriculture, catering & hospitality, cleaning, construction etc. Workers from outside of Jersey and the UK can encounter unfamiliar risks, sometimes due to a different working environment or working culture to that they have experienced in their home country.
- g) **Those whose first language is not English.** Language barriers limit the ability to communicate effectively making it difficult to understand training and instruction.
- h) **Workers with disabilities**, which may not always be obvious, or they may choose not to tell you, particularly if their disability has no impact on their ability to do the job. Consulting with employees during the process of risk assessment reflects good practice and ensures employees have a day-to-day understanding of the job and can input with ideas on keeping themselves and others safe. Consideration should also be given to a personal emergency evacuation plan (PEEP). Planning for incidents and emergencies is covered in section 10 of this ACoP.
- i) **Workers with pre-existing conditions** e.g. asthma where an allergic reaction from a workplace substance may trigger an attack. Your risk assessment to prevent and control exposure to hazardous substances should take this into account.

142. You should make sure you have sufficiently considered the additional risks posed to vulnerable workers, and that you have identified and implemented suitable control measures. You should then provide the relevant information, instruction, and training so that the workers understand the risks they may be exposed to and the precautions they need to take to avoid or control them.

143. In some cases, it may be necessary to undertake an individual risk assessment for a specific worker.

Annex 1: Risk assessment template

Company name:

Assessment carried out by:

Date of next review:

Date assessment was carried out:

What are the hazards?	Who might be harmed and how?	What are you already doing to control the risks?	What further action do you need to take to control the risks?	Who needs to carry out the action?	When is the action needed by?	Done

Annex 2: Glossary of terms

Accident or incident includes any undesired circumstances which give rise to ill health or injury, damage to property or plant, production losses and increased liabilities.

Competence means having the necessary skills, knowledge, and experience to complete a task or fulfil a role.

A **dutyholder** refers to employers, the self-employed, employees, suppliers, importers, manufacturers, event organisers etc that have responsibilities under HSW Law.

Health surveillance is a scheme of repeated health checks which are used to identify ill health caused by work. It should usually be set up with input from a competent occupational health professional.

A **hazard** is something with the potential to cause harm (this can include articles, substances, plant or machines, methods of work, the working environment, and other aspects of work organisation)

Ill health includes acute and chronic ill health caused by physical, chemical, or biological agents as well as adverse effects on mental health.

An **incident** includes all undesired circumstances and ‘near misses’ which could cause accidents.

A **risk** is the likelihood of potential harm from a hazard being realised.

A **risk assessment** is a means of systematically identifying hazards, evaluating the associated risks, and implementing the necessary control measures to minimize harm to workers and others who may be affected.

Risk management means finding & identifying, understanding & assessing, mitigating, and controlling health & safety risks. It is a cycle of interlinked duties that cover the planning, implementation, monitoring, and review of risk control measures.

So far as is reasonably practicable means balancing the level of risk against the measures needed to control the real risk in terms of money, time, or trouble. However, you do not need to take action if it would be grossly disproportionate to the level of risk.

Annex 3: Sources of information

Health & Safety Inspectorate guidance

[Health and safety at work](#)

[Laws and regulations: health and safety at work](#)

[Approved codes of practice \(ACoP\): health and safety at work](#)

[Guidance: health and safety at work](#)

[Risk management and compliance: encouraging a better understanding of Health and Safety \(Jersey\) Law, 1989](#)

[Health Surveillance: what you need to know](#)

Health & Safety Executive guidance

[HSE: Information about health and safety at work](#)

Successful Health & Safety Management (HSG65) - [Managing for health and safety](#)

[Health and safety management systems - HSE](#)

[Investigating accidents and incidents: A workbook for employers, unions, safety representatives and safety professionals HSG245](#)

[Health and safety risk assessment and management](#) (YouTube)

[Risk assessment: Common workplace risks - HSE](#)

Other sources of information

[Institution of Occupational Safety and Health | IOSH](#)

[NEBOSH](#)

[RoSPA- RoSPA | The Royal Society for the Prevention of Accidents](#)

[ISO 45001:2018 - Occupational health and safety management systems](#)

[ISO 9001:2015 - Quality management systems](#)