

REVISION OF THE 'SAFE USE OF RIDER-OPERATED LIFT TRUCKS: APPROVED CODE OF PRACTICE'

CONSULTATION RESPONSE REPORT

Executive summary

Every year activities involving forklift truck (FLT) operations result in serious accidents and injuries in Jersey. By the nature of the work FLT operators carry out high-risk work, often in unfamiliar and/ or changing environments and without direct supervision.

The existing "Safe use of rider-operated lift trucks: Approved Code of Practice' (FLT ACoP) came into force on 22 November 2001 and, whilst still reflecting the principles of good practice, is overdue a revision to reflect current practice and changes to the typical use of FLT's in the workplace.

A targeted consultation on the revised FLT ACoP involving the Island's FLT training providers commenced on 2 February, with a full public consultation launched on 10 March 2022. This included proactive engagement with 26 businesses known to operate FLT's across a wide section of industry sectors. The formal consultation closed on 14 April 2022.

14 formal written responses were received, representing employers, the self-employed, employees and training providers. Feedback was also received during 13 face-to-face meetings with businesses taking up the opportunity to be able to discuss the proposals with members of the Inspectorate team.

The results showed unanimous agreement that the revised FLT ACoP was welcomed and considered helpful in illustrating the standards needed to comply with the law. There was also clear consensus that the simplified structure adopted in the revised ACoP was easy to understand, proportionate and achievable.

A recommendation will therefore be made to the Minister for Social Security to formally approve the revised FLT ACoP in accordance with Article 10 of the HSW Law. The final ACoP broadly reflects the consultation document, with a few relatively minor amendments to reflect constructive suggestions made by consultees.

Section 1: The consultation process

The consultation process has involved:

- A targeted consultation involving the known, locally based, accredited FLT training providers commencing on 2 February 2022. This sector was approached first due to their familiarity of best practice standards for the safe operation of FLT's and potential challenges faced by those operating FLT's, both generally and in Jersey
- Having received broad agreement with the principles and approach of the revised ACoP from the training providers, a full public consultation of the draft ACoP was launched on 10 March. The consultation document was made available on the government website, both on the dedicated Health and Safety Inspectorate website

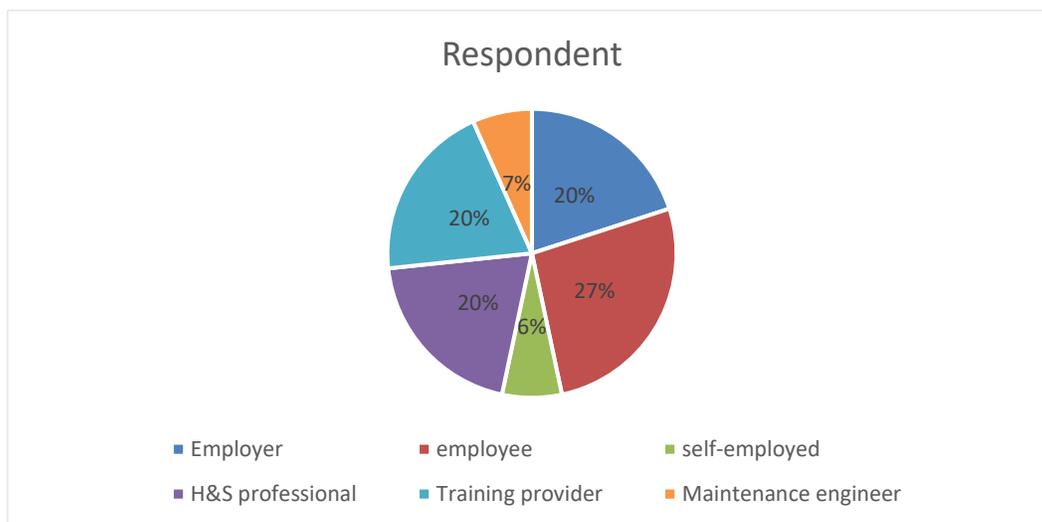
(www.gov.je/hsi) and the consultation section of www.gov.je. A simple questionnaire, although not compulsory to use, was provided to assist respondents

- Notification of the consultation was sent to a range of professional and representative bodies including the Jersey Safety Council, Jersey Construction Council and health and safety professionals known to work in this industry sector
- During March and April the HSI proactively telephoned 26 businesses representing a wide cross section of industries known to operate FLT's to advise of the consultation. Following a general discussion 13 businesses opted to receive an electronic information pack comprising a copy of the existing ACoP, the revised draft ACoP, a consultation information sheet and questionnaire. The remaining 13 business took up the opportunity to have a face-to-face meeting with members of the Inspectorate team to discuss the revised ACoP

Section 2: Findings – main conclusions

11 consultees chose to provide feedback using the consultation questionnaire. 3 consultees opted to provide written feedback using free text/ email. The information presented below is an analysis of the results and findings. General observations and representative quotes and comments are presented where these can be anonymised. A copy of the questionnaire is included as appendix 2.

Respondents were asked to identify in which capacity they were responding. The results are shown below – note some respondents ticked more than one box



Industry sectors providing feedback included agriculture, warehousing, freight logistics, construction, manufacturing and retail

General principles (some questions have been précised to provide a summary of the intent)

Of the 11 respondents opting to provide feedback using the questionnaire, 100% answered yes to the following 2 questions:

Are you familiar with the existing 'Safe use of rider-operated lift trucks: Approved Code of Practice' (ACoP)?¹

Do you agree that a revised ACoP identifying the standards of good practice and those required to comply with the general duties under the Health and Safety at Work (Jersey) Law 1989, would be of benefit?

10 responded yes to the following question. One ticked no

Do you think the way the proposed ACoP is structured into 4 parts is easy to understand?

The respondent ticking 'no' commented that that they felt the document was not written in plain English and the format encouraged a lot of unnecessary repetition.

The free text feedback and that gained through the face-to-face meetings was unanimous in support of the proposed structure.

Key areas where views were specifically sought:-

Please comment on any areas set out in Part 1: 'Safe workplace' which you think are problematic or missing

Most respondents indicated they had not identified any problems or omissions and/ or commented that they thought it was good

- 2 suggested some minor changes to the wording to provide greater clarity
- 1 queried why certain plant, such as tractors with fork-lift attachments, are excluded from the scope of the ACoP
- 1 felt there should be greater emphasis on the need for formal risk assessments and competence of supervisors of fork-lift truck operations within the introductory sections

¹ 1 individual completing the questionnaire on behalf of the company noted that they were not personally familiar with the existing ACoP but those collectively providing the feedback were

Please comment on any areas set out in Part 2: 'Safe vehicle' which you think are problematic or missing

Most respondents did not identify any problems or omissions.

4 respondents made observations and/ or suggestions, primarily relating to

- assessment of the weight of a load and possible technical solutions
- use of seatbelts and handbrakes
- use of mobile phones
- the operation of telehandlers
- thorough examination of lifting chains

Please comment on any areas set out in Part 3: 'Safe worker' which you think are problematic or missing

Most respondents did not identify any problems or omissions.

1 respondent commented that the guidance on refresher training was a vast improvement over that in the existing ACoP

2 respondents made observations and comments relating to

- a need for additional detail on the minimum training syllabus for novice operators and refresher training
- authorisation and assessment of competence of forklift truck operators
- competence of those supervising lift truck operations
- insurance for operators, particularly those using other employers' equipment

A significant level of detail relating to 'simple rules for operators and supervisors', contained within the existing ACoP, has intentionally been removed as it is considered that such matters should form part of the accredited training provided to all operators. Do you agree with this approach, and if not, why?

Most of the respondents agreed with the removal of the level of detail from the ACoP

'Yes, I agree, it makes the document more concise'

'Agreed, sensible approach'

'No problem with this'

Only 1 respondent specifically disagreed with the new approach commenting *'I found this a great source of information, a valuable teaching aid.....I agree this is, and will be covered in training and by testing and examination but I found it helped prepare my students for Q&A sessions....this was a useful, complete document'*

however, there were comments from 5 respondents who, whilst content for the level of detail to be removed from the ACoP itself, indicated a desire for the supplementary 'Dos and Don'ts' booklet currently published alongside the existing ACoP to be updated and retained

'Dos and Don'ts' booklet be retained'

'Yes but the Dos and Don'ts card/booklet would be well worth refreshing/ updating'

'I prefer the retention and revision of the simple rules for operators'

'The little booklet is a great handout to give to operators after a course'

'having a simple 'Do and Don't' sheet for easy to deliver tool box talks would be useful'

Please comment on any areas set out in Part 4: 'Working platforms on lift trucks' which you think are problematic or missing

Several respondents noted that they could not comment as they did not use working platforms on lift trucks, 2 of these explained this was due to safer, purpose-built work platforms for work at height being available and therefore used to align with the general principles of applying the hierarchy of controls to control risk.

2 commented that the guidance highlighting the need to select safer means of work platforms wherever reasonably practicable should be moved from the end of section 4 to the start to reinforce the principles of the hierarchy of controls.

Observations were made about

- locking devices
- use of restraints
- provision of training

Do you think there are any areas which are currently not addressed by the ACoP which should be included?

Most respondents indicated they felt all relevant matters were addressed.

The following suggestions that were put forward:

- Additional guidance on the use of fork extensions
- Reference to on-line training
- Safety of racking systems

- Additional guidance for those authorising operators
- Practicality of handbrake systems
- Practicality of an operator carrying out all of the recommended daily checks

If you have any other comments or questions on the proposed revision of the ACoP, please provide below.

A number of general observations were made, including reference to:

- Making the ACoP available in Portuguese and Polish
- A suggestion that a list of definitions be added
- Ensuring consistency of terminology of the different duty holders eg workers, operators, employees etc throughout the document

Section 3: Conclusions

There was overwhelming support from those contributing to the consultation exercise for the proposed revision of the ACoP addressing the safe use of rider-operated lift trucks.

Comments made by respondents were primarily concerned with identifying areas where additional guidance or clarification would be considered helpful.

Section 4: Next steps

The feedback gathered from this consultation will be considered during the development of the final draft ACoP, with the intention of this being formally approved by the Minister for Social Security.

Appendix 1: Consultation questionnaire *(formatting changed to minimise space)*

Proposed revision of the 'Safe use of rider-operated lift trucks: Approved Code of Practice' The consultation questionnaire

Respondent's details:

| | |
|---------|--|
| Name | |
| Email | |
| Address | |

To assist with the review and analysis of the consultation responses, please confirm if your response is being made in your capacity as:-

| | | | |
|-----------------|--------------------------|---|--------------------------|
| An employer | <input type="checkbox"/> | A Health and safety professional | <input type="checkbox"/> |
| An employee | <input type="checkbox"/> | A training provider | <input type="checkbox"/> |
| Self-employed | <input type="checkbox"/> | Other <i>(please specify)</i> | <input type="checkbox"/> |
| An FLT operator | <input type="checkbox"/> | An official representative on behalf of a professional body <i>(please specify)</i> | <input type="checkbox"/> |

If you have a direct interest in, or experience of rider-operated lift truck operations which best describes your workplace *(choose applicable options)*:-

| | | | |
|-------------------------------|--------------------------|-------------------|--------------------------|
| Agriculture | <input type="checkbox"/> | Warehousing | <input type="checkbox"/> |
| Retail | <input type="checkbox"/> | Freight logistics | <input type="checkbox"/> |
| Construction | <input type="checkbox"/> | Manufacturing | <input type="checkbox"/> |
| Indoor | <input type="checkbox"/> | Outdoor | <input type="checkbox"/> |
| Other <i>(please specify)</i> | | | <input type="checkbox"/> |

Confidentiality

We aim for a full and open consultation and aim to publish responses to this consultation in due course. Please ensure that your response is marked clearly if you wish your response or name to be kept confidential, and provide an explanation for this request. Confidential responses will be included in any statistical summary of comments received and views expressed. It should be noted that any requests for confidentiality will be respected as far as is possible, subject to the freedom of information Law.

Questions (please add additional sheets if required)

- 6. Are you familiar with the existing 'Safe use of rider-operated lift trucks: Approved Code of Practice' (ACoP)?**

| | |
|------------|--|
| Yes | |
| No | |

- 7. Do you agree that a revised ACoP identifying the standards of good practice and those required to comply with the general duties under the Health and Safety at Work (Jersey) Law 1989, would be of benefit?**

| | |
|------------|--|
| Yes | |
| No | |

Please provide comments if you wish

- 8. Do you think that the way the proposed ACoP is structured into 4 parts is easy to understand?**

| | |
|------------|--|
| Yes | |
| No | |

- 9. Please comment on any areas set out in Part 1: 'Safe workplace' which you think are problematic or missing**

10. Please comment on any areas set out in Part 2: 'Safe vehicle' which you think are problematic or missing
11. Please comment on any areas set out in Part 3: 'Safe worker' which you think are problematic or missing
12. A significant level of detail relating to 'simple rules for operators and supervisors', contained within the existing ACoP, has intentionally been removed as it is considered that such matters should form part of the accredited training provided to all operators.

Do you agree with this approach, and if not, why?

13. Please comment on any areas set out in Part 4: 'Working platforms on lift trucks' which you think are problematic or missing
14. Do you think there are any areas which are currently not addressed by the ACoP which should be included?
15. If you have any other comments or questions on the proposed revision of the ACoP, please provide below.

Thank you for taking the time to complete this questionnaire. Your views are valued and will be taken into account when finalising the revised ACoP