

REPORT ON THE PROPOSED APPROVED CODE OF PRACTICE FOR THE SAFE USE OF WOODWORKING MACHINERY

1. SUMMARY

The Minister for Social Security has previously agreed to proposals to introduce an Approved Code of Practice (ACoP).

This report sets out the consultation process that has taken place and advises that all of the written submissions received have been in support of the proposed ACoP.

It is therefore recommended that the Minister formally approve the Code of Practice with a coming into force date of 1st July 2011.

2. BACKGROUND

The Minister is able, following a period of consultation with such persons as he considers necessary, to approve codes of practice, under Article 10 of the Health and Safety at Work (Jersey) Law, 1989, for the purposes of providing practical guidance on how organisations and individuals can comply with their legal requirements under the Law.

ACoP's do not introduce new legal requirements, but can be referred to by the Courts when considering the measures that may be necessary to comply with the Law.

3. CONSULTATION

3.1 Consultation process for proposed ACoP for the Safe Use of Woodworking Machinery

The consultation process has involved:

- The consultation document being made available on the States Website on the 18th May 2010;
- A public notice being placed in the Jersey Evening Post on the 21st and 24th May 2010;
- Copies of the consultation document being sent to 77 companies and individuals in the woodworking or construction industry with comments being sought on the proposals;
- A further letter being sent to these companies and individuals seeking comments prior to the expiry of the consultation period;
- Comments being sought from members of the Jersey Safety Council; and
- Comments being sought from members of the Jersey Construction Council.

3.2 Responses to consultation process

Persons wishing to comment on the proposals for the ACoP were requested to submit their comments in writing, either by letter or email, to the Department by the 30th July 2010. Responses were received from the following organisations:

- [REDACTED];
- Battrick & Boydens Ltd;
- Island Joinery; and
- Premier Contracting and Shopfitting (2005) Ltd.

Copies of the comments that were made are included as Appendix A.

The responses that were received were generally in support of the ACoP, with one proviso that one respondent felt that the ACoP was geared to larger establishments and sought a subsidy for smaller companies should the ACoP be adopted.

Comments on the contents of the ACoP have been taken into account and the ACoP being amended.

The comment made on application of the ACoP to smaller companies and financial support, are matters outside of the scope of the consultation and the Law.

4. CONCLUSIONS AND RECOMMENDATIONS

In view of the response received to the proposed ACoP, it is recommended that the Minister formally approve the ACoP under Article 10 of the Health and Safety at Work (Jersey) Law, 1989, with a coming into force date of 1st July 2011.

The formal Notice of Approval for signing by the Minister is included as Appendix B.

It is also recommended that the respondent who commented that the ACoP should not apply to smaller companies and sought financial support, be advised that these issues were considered to be outside of the scope of the consultation and under the Health and Safety at Work (Jersey) Law, 1989

Colin Myers
Director of Health and Safety

17th February 2011

APPENDIX A

Tammy Fage

From: Tammy Fage on behalf of Health & Safety Inspectorate
Sent: 02 June 2010 14:55
To: [REDACTED]
Subject: RE: Woodworking machinery approved code of practice

Dear [REDACTED]

Thank you for your comments.

Colin Myers is currently on leave but I am sure he will be in touch on his return.

Regards
Tammy

Tammy Fage (Mrs) | Health and Safety Inspector | Health and Safety Inspectorate
States of Jersey | Social Security Department | PO Box 55 | Philip Le Feuvre House | La Motte Street | St Helier | Jersey CI | JE4 8PE
T: +44(0)1534 447297 | F: +44(0)1534 873791 | W: www.gov.je/hsi

-----Original Message-----

From: [REDACTED]
Sent: 01 June 2010 20:11
To: Health & Safety Inspectorate
Subject: Woodworking machinery approved code of practice

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In this section:

129. A riving knife should be fitted to the machine to prevent material from pinching the saw or kicking back during ripping.

Your coloured diagram of a riving knife is incorrect and contradicts the text, as it shows the knife to be the same width as the kerf.

Some of the text in the pdf diagram is illegible.

This section:

132. The front edge of the fence should be as close as practicable to the front of the blade, to prevent material becoming jammed between the blade and fence, which could result in kickback.

is nonsense: the front edge of the fence needs to be well ahead of the front of the blade so that the workpiece can be lined up parallel to the blade before starting to cut. It is the trailing edge of the fence which should not extend rearward beyond the blade's

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spindle in order to prevent jamming. Jamming and kickback occur at the rear of the blade, where the teeth are rising. (Ideally, where a fence with fore-and-aft adjustment is provided, the trailing edge of the fence should be in line with the point at which the work piece is cut through - a point which is likely to be a little ahead of the blade spindle.)

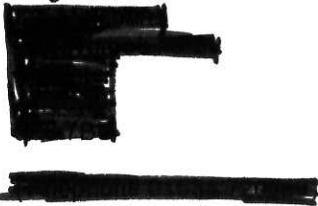
Your explanation (when corrected) needs a diagram to illustrate it.

Here:

131. The machine should only be operated at the speed specified by the manufacturer.

your English is incorrect; the sentence should read "the machine should be operated only at the speed..."

Regards

A large black rectangular redaction box covers the signature area, obscuring the name and any handwritten notes or dates.

o: Colin Myers

Re: Health and Safety at Work (Jersey) Law, 1989
Proposed Approved Code of Practice for the Safe Use of Woodworking Machinery

I have read through the above on your website and although I agree with Health and Safety matters I feel that these proposed guidelines are geared up for the larger establishments whereas ourselves only employ three full time carpenters and ourselves (two) and out of these only three are joiners.

Our workshop has got fairly old machinery which is all in good condition and it serves our requirements for what we need i.e: repairs and maintenance to windows etc. If the above was to come into force our machines will not come up to the standards you require and it will not be financially viable to carry out these requirements to our machinery.

Also the extra admin work needs to be accounted for and training.

Our Joinery side of the business for one man for one year would work out about six months work. We only use the workshop as and when we want to make something up to match. The larger establishment is more geared up to do larger jobs and they have the more up to date machinery to do this.

If the above does come into force I think the States should offer a subsidy for the smaller companies to follow these through.

Regards

John Boydens (Director)
Battrick and Boydens Ltd

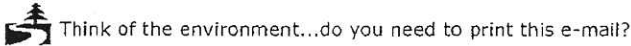
Colin Myers

From: Lee McGurty on behalf of Health & Safety Inspectorate
Sent: 02 August 2010 09:00
To: Colin Myers
Subject: FW: Code of practice woodworking Machinery

I have responded and have logged this on the list.

Lee

Lee McGurty (Mrs) | Health and Safety Inspector | Health and Safety Inspectorate
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-----Original Message-----

From: Jacques Kuijpers [mailto:kuijpersjersey@hotmail.com]
Sent: 01 August 2010 08:29
To: Health & Safety Inspectorate
Subject: Code of practice woodworking Machinery

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Dear Mr Myers,

Thank you kindly for your invitation to comment on the draft document. Island Joinery has a manufacturing facility on the continent and is as such regulated by the EC directive(s) regarding safe use of machinery and safety on the work place. We are committed to continuously investing in safety and recently complied to getting all our machinery up to EC proof standard, a requirement now proving machine safety and indicating liability in case of an accident. Also our workshop is strictly regulated to protect our employees in a wider format. Training needs to be proven, warning signs on machines where of help, sufficient light measured at the workplace to work safely, shower and changing facilities and a dust free working environment by an approved suction system to eliminate the risk of (dust) explosion and protect the health of our workforce as (hard)wood dust is proven carcinogenic.

If Jersey wants to take the health of its population serious I think everybody would benefit from similar directives and your draft document is surely a step in the right direction.

Yours sincerely,

Jacques Kuijpers
Island Joinery

Colin Myers

From: Colin Myers
Sent: 02 August 2010 10:35
To: 'Richard Jones'
Subject: RE: WWACoP - Premier Contracting

Richard,

Thank you for your comments on the draft Woodworking ACoP.

The comments that we have received, which have been constructive and mainly supportive of the document, will be compiled in a report which will be presented to Deputy Ian Gorst, the Minister for Social Security. On the assumption that he is prepared to "approve" the document, we would be looking to introduce the document toward the end of the year, possibly the 1st December. Can I suggest that when I am aware of the precise timescales I get back to you to discuss your offer of assistance.

I would also take the opportunity to congratulate you on your appointment. If you have any queries about any other health and safety at work issue matter, please do not hesitate to get in touch with me.

Regards

Colin

Colin Myers
Director of Health and Safety
Health and Safety Inspectorate

Tel (01534) 447295
Fax (01534) 873791

-----Original Message-----

From: Richard Jones [mailto:richard@premier-contracting.co.uk]
Sent: 27 July 2010 17:29
To: Colin Myers
Subject: WWACoP - Premier Contracting

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Colin,

I have recently taken over from Carl Harwood at Premier and whilst busy with getting to grips with the business am aware of the proposed ACoP for woodworking machinery.

I have quickly scanned the document and after consulting our joinery manager have no specific comments to make regarding the detail of the document, other than it would appear in general to be both sensible and logical in its approach to improving safety to this particular area of work.

We are already undertaking a number of improvements as a result of reading this documentation as part of

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our ongoing commitment to improve health and safety.

In order to assist with my planning, could you please advise on the proposed timescales for the implementation of this document ?

Should you require any assistance or help with the implementation process, we would be happy to provide assistance.

Regards

Richard Jones

APPENDIX B

Notice of Approval

This Code of Practice, entitled "The Safe Use of Woodworking Machinery", has been approved by the Minister for Social Security under Article 10 of the Health and Safety at Work (Jersey) Law, 1989, ("the Law").

It provides practical guidance for all persons who have duties under Part 2 of the Law.

This Code of Practice, ACoP 9, shall come into force on the 1st July 2011.

Deputy Ian Gorst

Minister for Social Security

Date: