

Consultation on the proposed revision of the Construction (Safety Provisions) (Jersey) Regulations 1970

Background to the proposals

The current prescriptive health and safety Regulations for the construction industry were made in 1970.

These Regulations are considered to be outdated as they no longer reflect industry standards, employment relationships in the industry, or address the management of health and safety from the commencement of the project, through the whole life of a building/ structure to its eventual demolition.

The construction industry, as a whole, also continues to be a poor performer in health and safety terms. Over the last 5 years:

- Over 30% of work related accidents and ill health reported to Social Security being made by construction workers. Construction workers make up approximately 9% of the working population.
- 1,174 construction workers making a claim as a result of suffering a work related accident or illness. These claims have resulted in over £600,000 in benefit payments.
- 20 construction companies being prosecuted in the Courts, resulting in fines and costs approaching £500,000.
- The Inspectorate taking action to immediately stop work or require improvements to be made by the issue of formal legal notices on 62 separate occasions.

There are a number of companies and organisations in the industry who seek to improve the image and performance of their industry. Calls for new Regulations aimed at improving health and safety were made a number of years ago, and the HSI has worked with a working party of the industry representative body, the Jersey Construction Council (JeCC), on proposals for new Regulations since that time.

In line with the recommendations made by the working party, and following public consultation, the 'Managing Health and Safety in Construction: Approved Code of Practice' (ACoP) was introduced on 1 January 2015. The ACoP was intended to provide interim authoritative guidance on the requirement to address the management of health and safety at the earliest possible stage of the construction process, recognised as a key factor in improving health and safety performance, whilst the proposed draft Regulations were being developed.

As the revised Regulations incorporate the principles set out in the ACoP, it is proposed that the ACoP be revoked when the new Regulations come into force. Tailored guidance will, however, be published on the revised Regulations.

The proposed Health and Safety (Management in Construction) (Jersey) Regulations 201-

The draft Regulations are divided into 4 parts:-

Part 1 contains the various definitions that apply for the purposes of the Regulations

Part 2 sets out the general requirements imposed by the Regulations, including the duties placed on various parties involved with a construction project (with some exceptions, these largely reflect the requirements of the 'Managing health and safety in Construction: Approved Code of Practice')

Part 3 sets out the specific requirements of the Regulations (these broadly reflect the requirements of the existing 1970 Construction Regulations)

Part 4 contains the closing provisions.

What the consultation seeks

This consultation seeks views on the following areas:-

- Structure of the draft Regulations
- The duties placed on the key parties defined within the Regulations
- The specified dimensions incorporated into the definitions of 'major construction project' and 'work at height'
- The requirements relating to notification of construction projects