

Coronavirus (Covid-19) and statutory thorough examination of plant and equipment

The Health and Safety Inspectorate has received a number of queries from duty holders who, as a result of the corona virus pandemic, are experiencing difficulties in sourcing specialist resources they typically engage in order to comply with statutory duties under the Health and Safety at Work (Jersey) Law 1989 and subordinate Regulations.

These have primarily related to the unavailability of competent engineer surveyors able to carry out statutory thorough examinations of work equipment, including cranes, lifting equipment, passenger lifts, local exhaust ventilation systems etc. This is due to the majority of engineers carrying out such work being UK based and subject to severe restrictions on travel. It is also understood that locally based engineers are unable to meet the demand and will not necessarily have the range of competencies required for all circumstances. Similar challenges may present in respect of other services including the provision of specialist fitness to work medicals and health surveillance.

The Health and Safety Inspectorate recognises that we are in an unprecedented and rapidly changing situation. The challenges facing duty holders in complying with the statutory requirements in circumstances as described above is also acknowledged, as is that there may be a need, in limited circumstances, for safety-critical equipment or activities to continue beyond the statutory period of examination.

If a duty holder is faced with such a scenario it is essential that a robust, risk-based decision making process is documented, which justifies any decision to continue to operate outside the statutory inspection regime. This should demonstrate how an alternative system of work or piece of equipment is not reasonably practicable to adopt, and identify any additional measures required to minimise any potential risks associated with continued use. Where such contraventions are shown to be attributable to the prevailing Covid-19 situation, a sympathetic approach would be taken towards any enforcement action for non-compliance with statutory requirements. That approach will, however, only be taken in the most exceptional of cases where the continued operation of plant and machinery in contravention of statutory requirements is deemed to be critical to essential works.

It is therefore important to note that this advice does not mean that all statutory examinations can simply be stopped or suspended during the current period of Covid-19 related restrictions. It is only when it is shown that it is not possible to arrange for the inspection to be carried out within the statutory time period and the risk to persons of taking such equipment out of service outweighs the risk of continued use, that such action can be considered.

Where it is clear that statutory requirements are being, or are likely to be, contravened the Health and Safety Inspectorate must be notified (this can include items which will foreseeably be affected in the next 3 months). Please send details of the plant, equipment or service affected, the location, the date the statutory inspection was due to the HSI in-box hsi@gov.je