

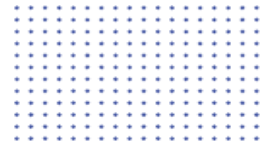


Health and Safety Inspectorate

Annual Report 2021



FOREWORD



It gives me great pleasure to present the Annual Report for 2021, which sets out the Inspectorate's performance and achievements during another challenging year. The Covid-19 pandemic continued to have a significant impact on our workload with the small team playing a critical part in ensuring the complex and rapidly changing legislation relating to Covid-19 mitigations in the workplace was effectively implemented and maintained to reduce the risks to health. This was in addition to ensuring our core 'business as usual' role as the regulator of workplace health and safety remained constant and effective, by using a range of regulatory tools to improve standards and encourage behavioural change through the provision of advice and guidance as well as direct interventions including targeted inspections and investigations.

This report cannot hope to cover all the Inspectorate's activities throughout the year but is intended to reflect the broad role and work of the Inspectorate in preventing injury and ill-health to those at work and those directly affected by work activities. Our role continues to broaden and grow to encompass public safety assurances and support the complementary objectives of our colleagues across Justice and Home Affairs. The critical role we played from late March 2020 to the present day in helping to reduce the level of transmission of Covid-19 in the island has resulted in positive legacies in terms of improved standards in the management of health risks and development of closer working relationships and partnering with both internal and external agencies.

Statistical data on work-related accidents and ill health obtained from the Social Security benefit system is also presented. Unfortunately, 2021 saw a small increase in the number of work-related claims made for short term incapacity benefit compared to 2020 but the impact of Covid-19 on the data will probably not become clear for a few years. Almost everybody will have been impacted to some degree whether socially, professionally and/ or economically and there are still significant challenges ahead as many are still recovering from the impositions and/ or having to adjust to new ways of working.

I am extremely proud of the way the small Inspectorate team who, as hidden frontline workers, have been unflinching in their commitment to reduce risk and help protect people despite the unprecedented challenges and additional workload posed by the pandemic. I would take this opportunity to thank them for their support to me throughout the year. Thanks also to Kate Briden, Director General of JHA, and Deputy Judy Martin, Minister for Social Security, who provided unflinching support through a challenging year.

Tammy Fage
Director of Health and Safety



INTRODUCTION



Who we are

The Health and Safety Inspectorate (HSI) is the independent regulator for work-related health and safety in the Island. Our primary function is to secure the health, safety and welfare of people at work and to protect others from risks arising from work activities through the administration and enforcement of the Health and Safety at Work (Jersey) Law, 1989 (HSW Law) and subordinate legislation. We do this by applying an appropriate and proportionate mix of interventions including inspection, provision of advice and guidance, targeted awareness raising activities and, where necessary, formal enforcement action.

The small team consists of the Director, 4 Health and Safety Inspectors, 1 Regulatory Health and Safety Officer (a new role developed in 2021 within the existing head count) and a part time Health and Safety advisor/administrator.



Governance of the HSI

The HSI sits within the Justice and Home Affairs Department (JHA), with the Director of Health and Safety reporting directly to the Director General for JHA. Kate Briden was appointed Acting Director General in October 2021 following the departure of her predecessor, Julian Blazeby. The Minister for Social Security, Deputy Judy Martin, held political responsibility for occupational health and safety in the Island, including the function of the HSI, and remained a strong supporter of what we do.

To ensure transparency and maintenance of the independence of the HSI as the regulator of the public sector as well as the private sector, the Director of Health and Safety also has a reporting line to the Attorney General (AG). The Director is required to submit a report detailing any suspected breaches of the Law within Government of Jersey departments to the AG on a quarterly basis.

What we do

Our vision is the prevention of death, injury and ill health to those at work and those directly affected by working activities

Our key strategic objectives are to:

- ensure the regulatory framework remains effective and appropriate for Jersey
- secure compliance with the law in a firm but fair and proportionate manner
- ensure the regulatory framework remains effective and appropriate for Jersey
- reduce the incidence and/ or severity of accidents and ill-health in workplaces and during activities which give rise to the most serious risks
- lead and engage with others to improve workplace health and safety
- enable improvement through efficient and effective service delivery, seeking opportunities for integration and collaboration with our JHA partners

Common strategic objectives with JHA and wider One Government principles

The vision and strategic objectives of the HSI are directly linked to, and support, the wider JHA departmental vision for 'Jersey to be a place to live, work and visit, where people are safe and feel safe, which is free from discrimination and where rights and differences are respected'.

Collaboration with our colleagues within JHA provides the HSI with opportunities to develop more effective and efficient regulatory and enforcement administrative processes, which will enable an increasing focus on prevention and early intervention. The continued development of these relationships will also help support JHA's objective to ensure effective and efficient use of resources to achieve our common vision of keeping people safe.

How we work

Whilst we are committed to leading and engaging with those who undertake or influence health and safety at work, the HSW Law is, by design, goal setting and risk-based. It is founded on 2 enduring principles:

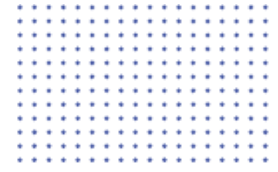
- those that create risks have the responsibility to manage them
- action taken to control risk should be proportionate to those risks that need to be managed

We primarily seek to change behaviors through engagement, guidance and encouragement but we will hold those who fail to meet their legal obligations to account, through formal enforcement action where necessary.

We have a broad range of tools and legal powers we can use to secure the effective management and control of significant risks in the workplace, and compliance with the law, which we adopt in accordance with the principles of good regulation, ie our interventions are proportionate, targeted, transparent and with accountability. Further information is set out in the HSI's enforcement policy, available via our website www.gov.je/hsi

Preventing death, injury and ill health to those at work is everyone's responsibility – it doesn't happen by chance

REGULATION AND ENFORCEMENT



Who we regulate

The Health and Safety at Work (Jersey) Law, 1989 applies to all workplaces and working activities in the Island.

The Jersey Labour Market report, published by the Statistics Unit every 6 months, (www.gov.je/statistics) provides detailed information on jobs and undertakings in the Island. The report published in December 2021 identifies that at that time:

- there were 62,260 jobs filled
 - 53,470 jobs in the private sector (86%)
 - 8,790 jobs in the public sector (14%)
- There were 8,400 active undertakings employing staff in the private sector of which:
 - 58% were single-person undertakings
 - 90% having less than 10 employees

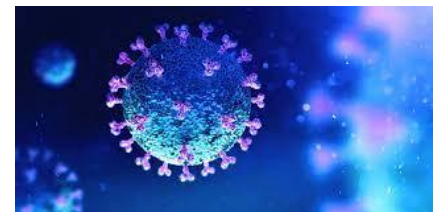
Principles of regulation

With our very small team, it is obviously impossible for us to inspect or engage with every business. We therefore concentrate and target our efforts on those sectors and working activities with the most serious risks, or where there is evidence that health and safety is a significant concern and /or risks are least well controlled. This ensures we can make the most effective use of our limited resources.

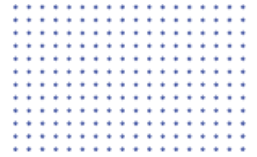
This report is designed to give a feel for the breadth and scope of work that we get involved with, as well as the range of tools and methods we use to encourage compliance with the HSW Law.

We always strive to achieve a proportionate balance between focusing on prevention and early interventions to prevent accidents and incidents occurring (proactive activities), and investigatory activities to determine causes, share lessons and, where necessary, hold those who fail to meet their health and safety responsibilities to account when they have occurred (reactive activities). However, this remains a significant challenge for the small team. The nature and circumstances surrounding many serious accidents and incidents mean that these must be prioritised to secure the health and safety of others and, where necessary, secure justice which can directly impact on the ability to direct resource towards proactive activities.

2021 saw the HSI continuing to be the primary regulator and enforcement agency for the increasingly complex and rapidly changing Covid-19 legislation relating to workplaces and working activities. Whilst the same principles to regulation applied, this resulted in the small team being subject to a very significant, additional, highly pressured and sustained workload for over 18 months.



PROACTIVE ACTIVITIES



Leading others to improve health and safety in the workplace

Proactive inspections

Proactive inspections are typically carried out without prior notice and are an important part of checking whether duty holders are meeting their legal requirements in respect of the risks created by their working activities. In 2021 we carried out:

- **210** unannounced inspections of workplaces
 - **87%** included a focus on the control of Covid-19
- **86%** of all inspections involved the high-risk construction and engineering sectors
- **7** immediate Prohibition Notices were served during proactive visits, legally stopping work immediately due to the risks of serious personal injury observed
- **6** Improvement Notices were served during a proactive visit to secure compliance with the law

Asbestos licensing

Work with certain types of asbestos-containing materials requires a high degree of regulatory control due to the significant risks associated with exposure to airborne asbestos fibre. Asbestos is classified as a Class 1 carcinogen, with work-related asbestos-related diseases causing around 5000 deaths every year in the UK.

As part of this oversight, Jersey operates a 'permissioning regime' under which the Minister for Social Security issues fixed term licences to specialist contractors with the necessary competence and experience to carry out work subject to the Asbestos-Licensing (Jersey) Regulations 2008. Holding a licence incurs onerous responsibilities, particularly at senior management level, and performance is regularly reviewed and assessed by Inspectors. An up-to-date list of licence holders is available on our website www.gov.je/hsi

All work with asbestos insulation, asbestos insulation board and asbestos lagging must be notified to the HSI at least 14 days in advance, together with a detailed Plan of Work which sets out how the work is going to be carried out safely. In 2021 we received **70** notifications of licenced asbestos removal projects, which continues a gradual decline in notifications seen over the past 5 years.

To monitor compliance with the minimum standards we undertake a proportionate inspection programme of notified licensed asbestos removal projects throughout the year. Despite the pressures posed by Covid-19 we carried out site-based inspections of 20% of all notifications, exceeding our business plan target of inspecting 15%.



Targeted initiatives

Experience shows that carrying out specific, targeted initiatives of high-risk workplaces or working activities provides the most effective way for the small HSI team to have the greatest impact and deliver improved health and safety outcomes. Such initiatives also provide an opportunity for Standards to be set and acknowledged and to promote good behaviors. When selecting and developing targeted initiatives the HSI considers local intelligence on matters such as patterns of poor performance, a series of similar accidents or injuries occurring, similar queries being directed at the HSI which suggest a general level of confusion or misunderstanding of the legal requirements etc.

Erection of scaffolding around streetlamps

After many scaffolds were found to have been erected in St Helier around live bracket-mounted streetlamps and other electrical items such as illuminated signs, a targeted initiative involving all local scaffolding contractors was carried out. The aim was to raise awareness and establish the appropriate steps that must be taken when electrical services are present on a building where scaffolding is due to be erected. Even during the day when the lights are switched off, the cable feeding the lamp remains live presenting the risks of electric shock in the event of accidental damage during the erection, use and dismantling of the scaffold. The HSI also engaged with the Parish of St Helier, the Department for Infrastructure, Housing and Environment (IHE) and Jersey Electricity to ensure a coordinated and consistent approach was taken to requests for isolation of such electrical services prior to scaffolding work starting.



Riding on footplates of refuse vehicles



The HSI was notified of an accident in which a waste collection operative sustained serious injury when a refuse vehicle reversed into an item of street furniture whilst the operative was riding on a footplate fitted to the rear of the vehicle. Whilst the subsequent investigation was led by the States of Jersey Police, the HSI engaged with all companies known to offer a curbside refuse collection to highlight the legal requirements relating to the fitting and use of man-riding footplates. Unless a vehicle is fitted with the safety devices specified in BS EN 1501 foot plates must not be fitted to refuse collection vehicles. As a result of the initiative, the few remaining vehicles in the island identified as being fitted with foot plates had these removed, thereby preventing a similar accident occurring.

Provision of welfare on construction sites

The HSI has raised concerns about the poor standards of welfare facilities provided for construction workers for many years, with standards often falling well short of that required by the law. It was therefore pleasing to note the positive legacy afforded by the Covid-19 pandemic, as the measures required to control transmission of the virus and enable contractors to be granted a permit to carry out construction work during the height of the pandemic, resulted in significantly improved welfare facilities being provided. An initiative was carried out during August and September 2021 to ensure these standards were being maintained. 20 sites were visited and whilst most were complying with the



minimum legal standards, legal enforcement Notices were served on 2 sites found to have no toilet or handwashing facilities. One recurring issue of concern observed was the general level of cleanliness of the canteen areas and toilets. A report on the initiative was published on the HSI website [Welfare in construction: findings of targeted initiative](#)

The emerging medicinal cannabis industry

Following the issuing of the first licences for cannabis cultivation in the island in December 2020 the HSI undertook a review of the potential health and safety risks to workers in this emerging industry, which predominantly relied on guidance published in America and Canada where the industry is far more established. Engagement was had with those known to be seeking to enter the cultivation market in Jersey, but all were at a very early stage of development. It is clear, however, that this sector, together with the health and safety at work implications for those prescribed medicinal cannabis, and workers who operate dangerous machinery or carry out high risk work in particular, will require consideration as we move forwards.



Management of health and safety in warehouses and storage facilities

Visits to a couple of warehouse facilities towards the end of 2021 identified a general lack of effective risk identification, control and management of well-known risks, including falls from height, slips, trips and falls, moving or falling objects during the placement and retrieval of stock and operation of fork-lift trucks. A targeted initiative was therefore developed to make unannounced visits to a representative selection of large high street retail stores, garden centres and supermarkets, recognizing that these workplaces were likely to have increased stock levels leading up to Christmas.



Common issues found included poorly maintained racking systems, unsafe stacking and storage of goods, inappropriate storage of LPG and failure to properly assess and implement safe systems of work to retrieve stock. A report providing further information on the initiative was published on the HSI website [Warehousing and storage facility Initiative](#)

First aid provision in the construction industry

The Construction Regulations require all construction sites to have a suitably stocked first aid kit and a nominated person to take charge of first aid arrangements and manage the initial response to an incident. A targeted initiative was undertaken to review compliance. 20 sites across the island were visited and the findings were generally positive and demonstrated a good level of compliance. One key lesson for many, however, was to check their first aid kits to ensure they were fully stocked and the contents remained in date, with some items found to have expiry dates of 2006 and 2009! A report on the initiative was published on the HSI website



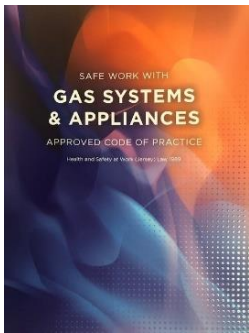
[Construction: results of initiative into first aid arrangements](#)

Advice and guidance

Publications and authoritative guidance on the law

To help ensure duty holders understand what they need to do to comply with the law, the HSI publishes a wide range of publications and guidance, both in hard copy and electronic format.

To support the objective of ensuring the legal framework remains effective and tailored to the needs of Jersey's workplaces, a new Approved Code of Practice 'The 'Safe work with gas systems & appliances' (Gas ACoP) was developed and subject to public consultation in 2020 before coming into force on 1 February 2021.



Gas, by its very nature, is highly combustible and presents a serious risk of fire and/ or explosion where leaks occur due to poor workmanship or maintenance. There is also a very serious risk of carbon monoxide poisoning from poorly installed or poorly maintained appliances. The Gas ACoP was developed as a result of a number of serious incidents relating to unsafe gas work being identified in recent years.

An ACoP has a special legal status in that, although following the guidance in the ACoP is not compulsory, by doing so a duty holder would be doing enough to comply with the Law. If a duty holder is prosecuted for a breach of the Law, and it is shown that the guidance set out in the ACoP had not been followed, the duty holder must be able to prove that they had complied with the Law in some other way, or the Court will find them at fault.

The HSI website www.gov.je/hsi

The website is a well-established focal point for those seeking advice and guidance on health and safety matters, including the work of the Inspectorate. Unfortunately, the structuring and formatting of the website within the corporate Government of Jersey framework makes it difficult to develop and improve the design and functionality as we would like but it is hoped that some improvements can be made in the near future.

Health and Safety Inspectorate

[A to Z of health and safety at work](#)
An A to Z list of advice and documents from the Health and Safety Inspectorate, including guides and FAQs

[Coronavirus and workplace safety](#)
Guidance for employers, employees and the self-employed during COVID-19

[Health and safety at work](#)
Find out more about the inspectorate, laws, guidance and inspections

[Health and Safety Inspectorate reports and documents](#)
Business plans, reports and occupational health reviews from the Health and Safety Inspectorate

[Health and Safety Inspectorate: who we are and what we do](#)
Find out more about the role and function of the Health and Safety Inspectorate

[Management in Construction \(Jersey\) Regulations 2016](#)
Find the link to the notification form, download the guide to the regulations and associated inspection form

[Our approach to complaints: health and safety at work](#)
Details of our policy for dealing with industry related complaints and how we decide what action we will take

[Updates from the Health and Safety Inspectorate](#)
Updates on recent health and safety reports, recommendations, codes of practice, cases and prosecutions

A number of articles and Safety Alerts were published on the HSI website throughout the year following accident investigations to raise awareness and warn of the dangers posed by working activities. These included:



Guidance on the safe use of fork-lift trucks in the workplace – this followed 2 accidents in quick succession where pedestrians were struck by a reversing forklift truck in the workplace.

Guidance on overloaded work platforms in construction was published following the identification of multiple working platforms such as loading bays, general scaffold platforms and trestles being used beyond their designed loading capacity.



A Safety Alert about the danger of drum explosions during hot works was published after an employee sustained injuries whilst cutting through a diesel fuel drum with a petrol cut-off saw. The photo demonstrates the explosive force generated when the explosive vapour ignited.

Managing the risks associated with hot liquids and steam in commercial kitchens. The HSI investigated several accidents in 2021 where kitchen workers sustained serious and potentially life changing injuries from coming into contact with hot liquids or steam. This photograph was taken after a kitchen worker inadvertently dropped a pot of hot oil whilst cleaning a deep fat fryer and slipped over, landing with both arms immersed in the pool of oil.



Several accident investigations highlighted a common failure to embed effective risk assessment into the workplace to protect employees and others that could be affected by working activities, including members of the public. Revised guidance on risk assessment was published on the HSI website to raise awareness of the importance and value of effective risk assessment in controlling significant risks.

Requests for advice and guidance

The Inspectorate is always happy to provide advice, guidance and legal interpretation to help duty holders understand what they need to do to comply with the law in a sensible and proportionate manner.

During 2021 the Inspectorate

- dealt with circa **2500** telephone enquiries
- provided nearly **3500** written responses by email or letter and
- engaged with over **1000** people in person to discuss health and safety matters

In addition, the Inspectorate supported a number of events organised by industry and professional bodies, with the Director presenting at a number of events organised by the Jersey Safety Council and the Jersey Construction Council as well as a number of smaller groups.

Working in partnership

The HSI has continued to work closely with a number of partners to help encourage and support improvements in workplace health and safety. These include:

The [Jersey Safety Council](#), a body set up by the States to promote occupational health and safety, and to provide work-related health and safety training and support which would otherwise not be readily accessible in the Island. The Director of Health and Safety sits on the Council as an ex-officio member. The achievements and work of the Council are set out in its Annual Report, published on the Council's website www.jsc.je but a significant achievement in 2021 was the launch, in conjunction with the construction industry, of a new Behavioural Safety Leadership programme for the construction industry. Fully supported by the Inspectorate, it is hoped this programme will start to change the health and safety culture amongst the construction workforce and lead to reduced risk on construction sites.

The [Jersey Construction Council \(JeCC\)](#) is a representative body of the construction industry, with a wide breadth and depth of membership across the different sectors of the industry, including contractors, consultants, supplier/ service providers and clients. The Director of Health and Safety sits as an ex-officio member of the JeCC health and safety sub-committee, which allows for two-way engagement on matters of health and safety within this high-risk industry.

The HSI sits on the [Bailiff's entertainment panel](#) which is made up of a number of statutory bodies, including the States of Jersey Police, the Fire and Rescue Service, Ambulance Service and Public Health. The purpose of the panel is to review and provide advice to the Bailiff in respect of the arrangements for public safety relating to applications for public entertainment events.

Other [Regulatory authorities](#). We continued to have a close working relationship with the [UK Health and Safety Executive](#) which is formalised through a formal Letter of Understanding. This provides access to specialised advice and support and technical and legal training for the Inspectorate team as well as ensuring we each maintain an up-to-date awareness of developments in regulatory standards and approach to regulation. We also assist the HSE by providing relevant intelligence about matters they may be dealing with in the UK. We maintained our long-standing relationship with the [Guernsey Health and Safety Executive](#), which provides much valued and beneficial engagement. A memorandum of understanding is in place providing for mutual support between the Islands and, although the pandemic prevented our usual face-to-face meetings these will be reinstated in 2022. We also reinitiated our relationship with the [Isle of Man Health and Safety at Work Inspectorate](#) after a few years absence which is seen as a mutually positive step, and something to build on in 2022.

We are represented on the [Safer Jersey](#) Group, a new forum set up by the GoJ during the pandemic to engage and consult with a wide range of industry bodies. Whilst primarily concerned with matters relating to Covid this forum provided an opportunity to develop new working relationships with non-construction sectors. We also continued to regularly engage and liaise with other [Government of Jersey departments](#) including Driver and Vehicle Standards, Environmental Health and Planning and Environment, in addition to our colleagues across JHA.



REACTIVE ACTIVITIES

Investigations

It is not possible nor necessary for the purposes of the Law for all reported events to be investigated. We concentrate our efforts on the most serious incidents or those that may be linked to an on-going targeted initiative.

The Inspectorate’s [enforcement policy](#), available through our website www.gov.je/hsi sets out the general principles and approach we take to deciding when an investigation will be carried out. This ensures that there is a proportionate balance of our limited resource between reactive investigation and enforcement and other preventative activities such as proactive inspections.

During 2021, the HSI carried out **57** investigations into serious work-related accidents and incidents. 50% of these were initiated following notification from the Emergency Services Combined Control Room of an ambulance being dispatched to a workplace accident. 14% were picked up from the information provided through the questionnaire linked to the Social Security benefit system (see section on accidents statistics for further information). The remainder included notifications by employers, employees, utility service providers and those related to injured parties.

The investigations reflected a wide cross section of industry sectors including construction, manufacturing, retail, health services, arboriculture, agriculture and hospitality.

Most of the above investigations resulted from incidents that caused physical harm including serious head injuries, amputations, fractures and lacerations, as well as potential development of serious health conditions due to exposure to airborne asbestos fibre and radon, as well as carbon monoxide poisoning. However, several investigations involved ‘near-misses’, where it was little more than luck that a serious injury had not occurred. Examples include work in the vicinity of live electrical and gas services and materials falling into public spaces.

Defective work equipment

The Inspectorate received **80** reports of defective work equipment in 2021. These reports are prepared by a competent engineer surveyor following a statutory thorough examination of an item of work equipment which identified that the equipment posed a danger to persons. When such defects are identified the engineer surveyor must, by law, notify the HSI.



The defect reports related to a range of work equipment including forklift trucks, passenger and goods lifts, pressure vessels and lifting gear. All such reports are reviewed by an Inspector to determine the appropriate action required which, in most cases, involves ensuring the equipment has been taken out of use until the necessary repairs have been carried out or the item safely disposed of.

Complaints about workplaces and working activities

The HSI has a published complaints policy which sets out our approach to complaints about working conditions or activities and reflects the principles set out in the HSI's enforcement policy of targeting our limited resource to where the risks are highest and we can have the greatest impact. Every complaint we receive, whether from an employee, other workers, or a member of the public, is reviewed by an Inspector and categorised, based on a risk-based decision matrix, to determine the appropriate response and ensure the most effective use of our limited Inspector resource.

- Category 1 complaints, classified as **serious risk**, will be followed up within one working day
- Category 2 complaints, classified as **significant risk**, will be followed up within 5 working days
- Category 3 complaints, classified as **low risk**, are not followed up. This may be based on the risk profiling or because the matter falls outside the scope of health and safety at work legislation, but we let the complainant know we would not be following the complaint up and why

The full policy is available via www.gov.ie/hsi

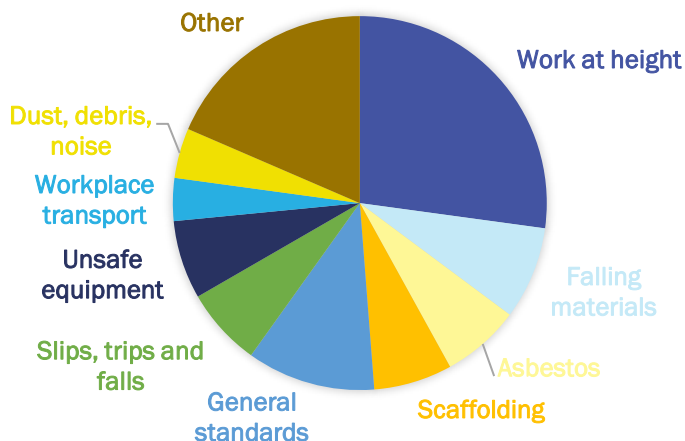
In 2021 the HSI received **162** formal complaints about health and safety concerns associated with working activities, **65%** of which related to construction activities, which broadly reflects the picture in 2020.



Of all complaints received:

- 22% were classified as Category 1, 100% of which were followed within one working day (target 100%)
- 52% were classified as Category 2, 100% of which were followed up within 5 working days (target 95%)
- 26% were classified as Category 3 and not actively followed up

KEY CONCERN RESULTING IN A COMPLAINT



Formal enforcement action

Enforcement Notices

During 2021 a total of 34 Notices were served

- 20 Immediate Prohibition Notices
- 14 Improvement Notices



Prohibition Notices are served when there is, in the opinion of the Inspector, a risk of serious personal injury and work must be stopped until the appropriate steps have been taken to control the risks. Of the 20 Prohibition Notices served in 2021:

- 6 related to significant risk of falls from height in construction
- 2 related to unsafe excavations
- 12 were for a failure to adequately control the risk of transmission of Covid-19
 - 8 within the construction sector
 - 3 in hospitality
 - 1 in the hairdressing sector

Improvement Notices are served when there is, in the opinion of the Inspector, a breach of the health and safety legislation which needs to be remedied within a certain time period. Of the 14 Improvement Notices served in 2021:

- 5 were due to inadequate welfare facilities being provided for employees
- 2 were for a failure to carry out statutory thorough examinations of equipment
- 3 related to a failure to prepare adequate policy documentation and/ or risk assessments
- 2 related to the risks of exposure to hazardous substances
- 1 was due to a failure to manage the risks of workplace transport
- 1 was due to unsafe storage of highly flammable liquids

There is a right of appeal to an independent Health and Safety Appeal Tribunal if the duty holder served with an enforcement Notice disagrees with the Inspector’s opinion. No appeals were submitted in 2021.



Prosecutions

The decision of whether to pursue a prosecution for a breach of the health and safety legislation rests with HM Attorney General, not the HSI. The Attorney General has published guidance setting out the circumstances of when a suspected breach of the legal requirements should be referred for his consideration. These principles are also set out in the HSI enforcement policy, available on our website www.gov.je/hsi

6 health and safety cases were sentenced by the Royal Court during 2021. In addition, 2 prosecutions were taken for breaches of work-related Covid-19 legislation for which the HSI was the primary regulator.

JP Mauger Limited

JP Mauger Limited was fined £25,000 and ordered to pay £5,000 costs on 19 March 2021 after pleading guilty to a breach of the HSW Law.

The prosecution followed an accident on 27 January 2020 which occurred during the installation of new timber joists from below using a makeshift and poorly constructed trestle work platform. An employee inadvertently slipped off the unprotected edge of the trestle working platform. As a second employee, who was working with him on the platform, went to try and help the whole trestle scaffold tipped over and collapsed.



Both employees suffered injuries as they fell to the concrete floor, with one spending 7 days in hospital for treatment of serious head injuries and multiple broken ribs.

Further information is available via [JP Mauger Limited prosecution](#)

States Employment Board (SEB)



The SEB was fined £80,000 and ordered to pay £5,000 costs on 26 March 2021 after pleading guilty to a breach of the HSW Law.

The prosecution followed an incident in which a vulnerable patient with a diagnosed risk of self-harm and suicidal ideation was able to leave the secure ward environment, climb a fence to gain access to the roof and jump from a two-storey height, sustaining serious injuries.

The offence was aggravated as previous warnings and near-misses had been ignored. The installation of an anti-climb fence, identified as a high priority in 2018, was never actioned. The HSI also identified at least two other incidents between 2018 and 2021 when patients had climbed the fence to abscond and a further two instances when patients had accessed the roof.

Further information is available via [States Employment Board fined](#)

GMK Construction Limited

GMK Construction Limited (GMK) was fined £30,000 and ordered to pay £5,000 towards costs on 16 April 2021, after pleading guilty to a breach of Regulation 21 of the Health and Safety (Management in Construction) (Jersey) Regulations 2016 by failing to disconnect or isolate the electrical supply to a property prior to carrying out major construction work.

GMK was carrying out major renovation of 32 Halket Place, St Helier. The work included the demolition and replacement of the shop front, and involved the construction of a new reinforcing steel beam within an excavation. The company failed to have the electrical supply to the property disconnected before starting work. During the demolition the distribution board and meter were damaged and the reinforcing beam was constructed around the live 415V cable. It is extremely fortunate that nobody was hurt as a result, but the workers were exposed to significant risk of harm from electric shock, burns or electrocution.



Further information is available via [GMK Construction Limited prosecuted](#)

Camerons Limited and DB Cummins Limited

Camerons Ltd and DB Cummins Ltd were each fined £55,000 and ordered to pay £5,000 costs by the Royal Court on 20 August 2021 after pleading guilty to breaches of the Health and Safety at Work Law 1989. The prosecution followed an incident on 29 July 2020 when a building on the redevelopment project at 78-92 Bath Street, St Helier was demolished with a live electrical cable that had supplied a streetlight still attached to the façade.



Camerons was the Principal Contractor for the project. The company had arranged for the JEC to remove a streetlight, bracket and electrical cabling from the front façade of No.82 Bath Street. When the JEC arrived on 7 July 2020 they removed the streetlight and bracket but were unable to remove the live cable due to the position of a scaffold. Camerons informed DB Cummins, the demolition sub-contractor, that the live cable was still in-situ but the JEC were due to return on 10 July to remove it. In the event the JEC could not isolate and remove the cable on 10 July, as planned, as the scaffold was still in-situ.

On 28 July the Project Manager for Camerons verbally reminded the Managing Director of DB Cummins about the presence of the live cable. However, employees of DB Cummins were not told and demolished the building the following day, 29 July.

It was only once demolition was complete that it was realised that the live cable was potentially buried amongst the rubble. JEC engineers were forced to disconnect power to a number of properties and businesses on Bath Street whilst the pavement was excavated to make the cable safe.

The Court found each company equally culpable for the risks created and subsequent breach of the law. As the Principal Contractor, Camerons had a responsibility to ensure the live service had been disconnected prior to demolition work being carried out and should have taken greater care to manage the work of their contractor, whilst DB Cummins should not have proceeded with the demolition without being satisfied that all necessary disconnections had been made.

Further information is available via [Fines for health and safety failings involving live electrical services](#)

Mr Timothy Bidmead

Mr. Timothy Bidmead was fined a total of £40,000 and ordered to pay £5,000 costs by the Royal Court on 24 September 2021 after pleading guilty to two breaches of the Health and Safety (Management in Construction) (Jersey) Regulations 2016.



Workers were exposed to the risk of falling approximately 8 metres, a distance likely to result in serious injury or death, whilst carrying out repairs to the roof of 23 Duhamel Place, St Helier. An unsafe mobile scaffold tower was used to access the roof. Once on the roof, the work area was inadequately guarded with some 'ad-hoc' edge protection which would not have prevented somebody from falling. The edge of the roof between the ad-hoc protection and the tower scaffold was completely unguarded.

Mr Bidmead, who was actively involved in the planning and execution of the work, was the Managing Director and sole shareholder of T.Bidmead Building Contractors Limited (the company) at the time. The company had received multiple enforcement Notices and formal warning from the HSI for unsafe work at height prior to this incident. Following the incident Mr Bidmead sold the company and was prosecuted as an individual for the failings. The Court stated that Mr Bidmead's personal culpability in this instance was high.

Further details are provided via [Mr Timothy Bidmead fined for health and safety failings involving WaH](#)

Ferryspeed Limited

Ferryspeed (CI) Limited was fined £55,000 and ordered to pay costs of £5,000 on 29 October 2021, after pleading guilty to a breach of the Health and Safety at Work (Jersey) Law, 1989 following the collapse of a tail lift on one of their vehicles.

An employee of Ferryspeed, delivering cages of groceries to a supermarket using a tail lift fitted to the rear of the delivery vehicle, sustained serious leg injuries necessitating 5 weeks off work when the tail lift failed during operation. His leg was trapped by the cages which toppled over after the left-hand runner of the tail lift snapped causing that side of the lift to fall to the ground. Fortunately, the cages were arrested by a pedestrian barrier installed at the edge of the unloading bay preventing the employee from being completely crushed and sustaining potentially fatal injuries.



The investigation identified that the tail lift had not been thoroughly examined by a competent person for almost 10 years, despite the HSI reminding Ferryspeed of the obligation to have tail lifts thoroughly examined every 6 months in 2019. Three other identical vehicles owned by the company had had their tail lifts thoroughly examined in the previous year, all had required replacement runners that support the tail lift due to wear and corrosion which should have acted as an immediate warning to take the remaining unchecked vehicle out of service pending thorough examination.

Further information is available via [Ferryspeed fined following collapse of tail lift](#)

Jersey Road and Driveway Repair Limited

Jersey Road and Driveway Repairs Limited was fined £60,000 and ordered to pay costs of £5,000 on 03 December 2021, after pleading guilty to a breach of the Health and Safety at Work (Jersey) Law, 1989.

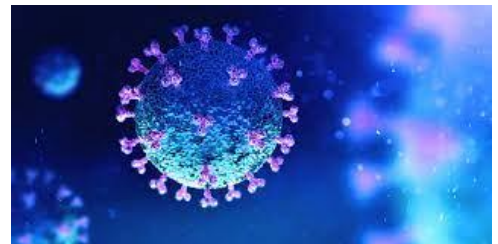


An employee sustained serious leg injuries, including multiple fractures, when he was run over by a reversing telehandler (a type of forklift truck) at the company's storage yard. The telehandler was being operated by the Managing Director (MD) at the time, who was neither trained nor qualified to operate it, and the type of telehandler was not suitable for 'off-road' use.

The investigation was hindered as the MD initially lied about his involvement with the accident, claiming another employee was operating the telehandler, and incorrectly advising that the accident had not been captured on CCTV. Having established this was not the case, the investigation identified that the risks posed by vehicle movements in the yard had not been assessed, and no attempt made to manage vehicle and pedestrian segregation. The design of the yard and ground conditions were poor, and the MD had been warned by the company's only trained telehandler operator, a few days earlier, that it was too dangerous to operate the telehandler due to the waterlogged ground conditions. In addition to the prosecution, an Improvement Notice was served to ensure an effective workplace transport system was introduced to manage the risks.

Further information is available via [JRDR Ltd fined £60,000 plus costs](#)

In addition to prosecutions taken under the Health and Safety at Work (Jersey) Law 1989, 2 prosecutions were taken under the **COVID-19 (Workplace Restrictions) (Jersey) Order 2020**



The Yacht Hotel Limited

The Yacht Hotel Limited (trading as The Royal Yacht Hotel) was fined £350,000 and ordered to pay £5,000 costs by the Royal Court on 30 April 2021 after pleading guilty to a breach of the COVID-19 (Workplace Restrictions) (Jersey) Order, 2020. The hotel kept its jacuzzi, steam rooms and sauna open to the public for over 4 months when they were required, by law, to be shut to limit the potential spread of Covid-19. The fine was subsequently reduced to £100,000 following a successful appeal by the company.

Miss Decia Gomes de Jesus trading as Ginger

Miss Decia Gomes De Jesus (trading as Ginger in the Central Market) was fined £2,000 in the Magistrates Court on 10th August 2021 after pleading guilty to two breaches of the COVID-19 (Workplace Restrictions) (Jersey) Regulations, 2020. The breaches related to a persistent failure to wear a mask covering the nose and mouth when in the presence of a visitor, as required by the law, despite multiple warnings and interventions by both HSI Inspectors and Police Officers over a period of 3 months, and a failure to comply with an Improvement Notice served by the Health and Safety Inspectorate requiring this.

EFFECTIVE SERVICE DELIVERY

The pandemic has emphasised the importance of the Inspectorate having the ability to adapt to the rapidly changing world in which we live and work, and support businesses and employers to manage the health and safety risks they create. To maintain the strong regulatory, policy, leadership and technical capabilities that create the high performing and effective regulator the Inspectorate has been recognised as being for over 65 years it is essential that we continue to invest in the continuing professional development of the Inspectorate team.

Value for money

Like all government departments the HSI continues to face significant budgetary pressures to reduce costs to support the ongoing government efficiencies programme. This is particularly challenging for an operational front-line service like the HSI where, in 2021, staff costs made up 88% of the total allocated budget of £582,000. The annual grant awarded to the Jersey Safety Council, in accordance with the States Proposition establishing the Council, is paid from the HSI budget and in 2021 was £16,000 (as a comparison the grant paid in 1991 was £20,000). This left the total budget available to support the operational functions of the HSI of £57,000.

The pandemic and associated restrictions on travel and working activities during 2021 resulted in a reduction in planned expenditure. For example, elements of the specialist UK-based HSE Inspector training programme being undertaken by one of the team were suspended or, where possible, delivered virtually thereby removing some anticipated costs of UK travel and accommodation. It is noted, however, that most of these expenses will be incurred when the training programme is fully reinstated so will simply be carried over to 2022 rather than representing a permanent saving. Several other technical or specialist training events were also cancelled or delivered virtually rather than face-to-face. The move to interactive on-line training and workshops has been shown to provide an effective solution to some elements of an Inspector's continual professional development and we will continue to seek these opportunities, wherever possible, to minimise costs. It is important, however, that Inspectors maintain their specialist technical and legal expertise which will inevitably require some off-island travel.

As a result of the disruption to planned training and UK travel, an Inspector unfortunately having an extended period of sickness absence during the year and there being no requirement to seek specialist/ expert support from the HSE in respect of a major investigation the year end budget showed an underspend of approximately £15,000.

Our staff

The HSI team is a small, but highly specialised, group of people who work closely together to deliver an effective and proportionate approach to securing compliance with the law and achieve a safe working place for all. The specialised competencies and experience of the team are a real strength but can also present a risk for succession planning. It is recognised that half of the team are considering retirement within the next 2 years and planning for this eventuality remains one of the highest priorities for 2022.

A serving Police Officer seconded to the HSI at the end of 2020 to assist with the significant additional operational pressures imposed by Covid and the regulation of the new Covid workplace legislation, joined the HSI permanently in May 2021 after being successful in their application to take up a new role as Health and Safety Regulatory Officer. The development of this

new role was made possible after a freeze on recruitment to a vacant administrative post, following a retirement in 2019, was lifted. The new role is focused on improving the management of health and safety in the workplace by carrying out inspections and investigations of work-related incidents, delivering targeted campaigns and providing guidance on the legal requirements, as well as supporting the Inspectors in their work. The Regulatory Officer does not have the same enforcement powers as Inspectors but plays an instrumental role in influencing health and safety attitudes and behaviors. This allows Inspectors to target their specialised legal and regulatory competence on matters where their extensive powers and regulatory powers are most likely to be required.

Integration and collaboration with JHA colleagues

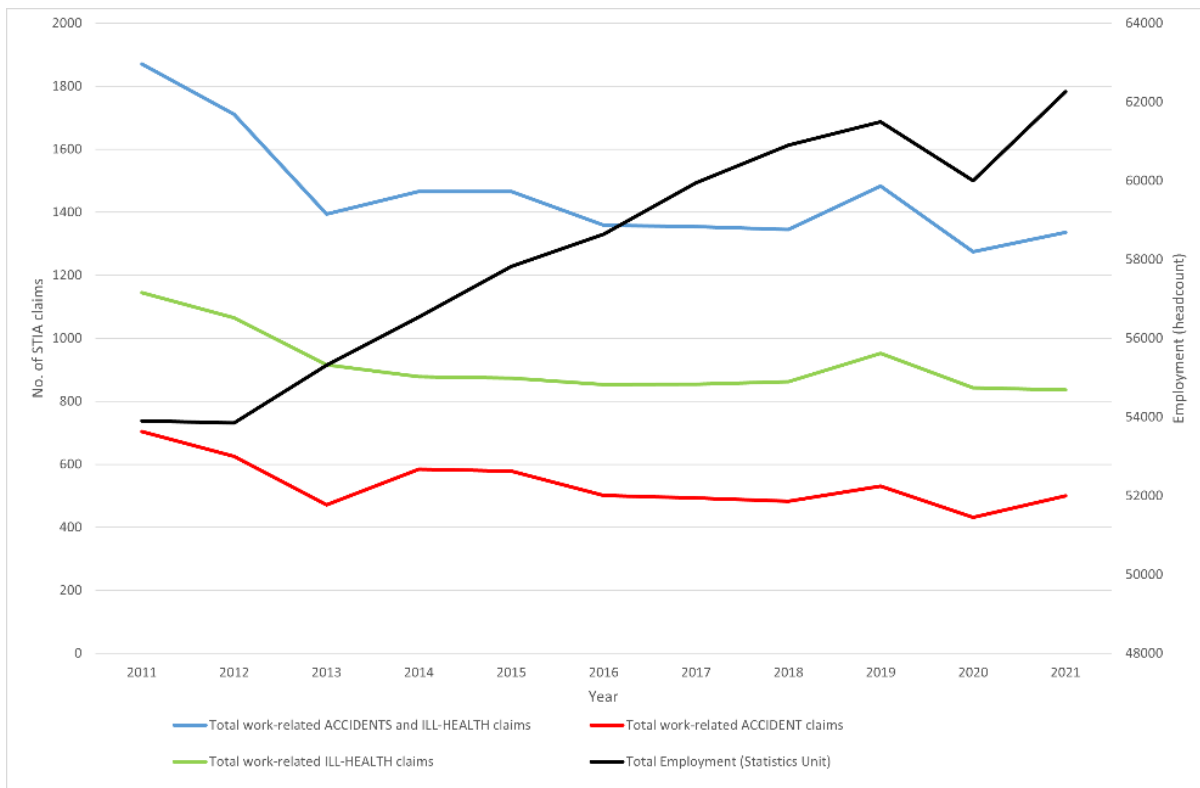
The services making up JHA are united in the aim of making Jersey a safe place to work, live and visit. Since the HSI moved to join JHA in 2018 there has been a commitment from all senior leaders to seek opportunities to increase collaboration and develop effective cross-JHA working. The HSI is represented on a number of cross-JHA working groups, including well-being, people and culture and training. All JHA services are also supported by a dedicated business support unit which helps ensure effective and consistent governance and risk management.

STATISTICAL DATA

Unlike the UK, where employers, the self-employed and people in control of work premises have a legal duty to report certain serious workplace accidents, occupational diseases and specified dangerous occurrences to the HSE under RIDDOR, in Jersey there is no legal duty to report accidents or ill health to the Health and Safety Inspectorate. Instead, statistical data on work-related accidents and ill-health is collated through individual claims made for Social Security sickness benefit (short term incapacity allowance (STIA)). It is recognised that this approach has limitations, for example, medical certificates are only issued for 2 or more days off work and injuries caused to members of the public by working activities are not captured, so a proportion of all incidents will not be included in the reported figures. However, the way the data has been captured and presented has remained consistent for many years which allows for meaningful monitoring of trends.

In 2021 there were **1336** claims for STIA submitted following a work-related accident or for work-related ill-health. This represented a 5% increase compared to 2020, however, it is considered that the figures for 2021 and 2020, which represented a 14% decrease over 2019, are likely to have been impacted by the pandemic and the significant restrictions and changes to working practices imposed through this period. It is likely that it will take a few years to be able to establish the true picture and have confidence in the longer-term trends.

The Jersey Labour Market report showed that the total number of jobs filled in December 2021 was 62,260, an annual increase of 3.7% since December 2020. However, as reported in last year’s HSI Annual report, 2020 saw the largest December decrease in over 20 years, so again it is considered that it will take a few years for the true impact of the pandemic on businesses to be realised.

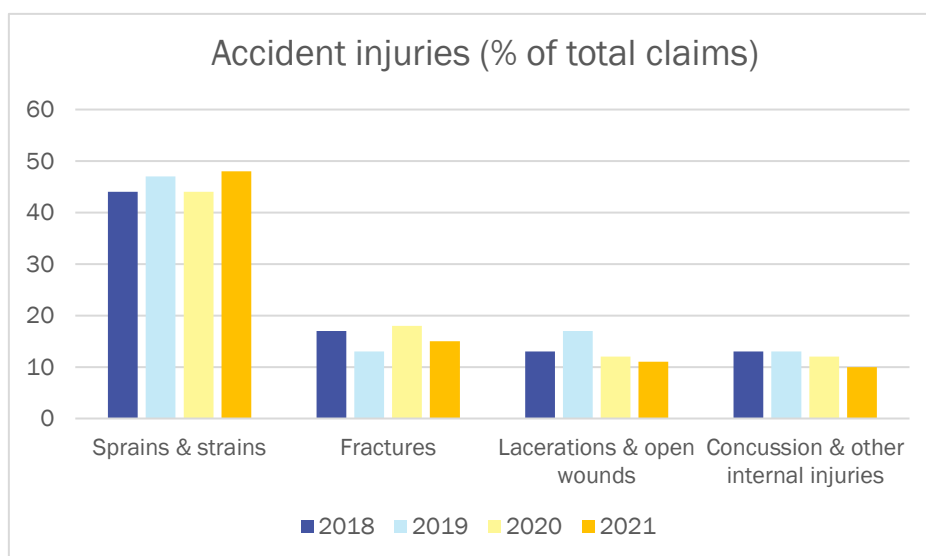
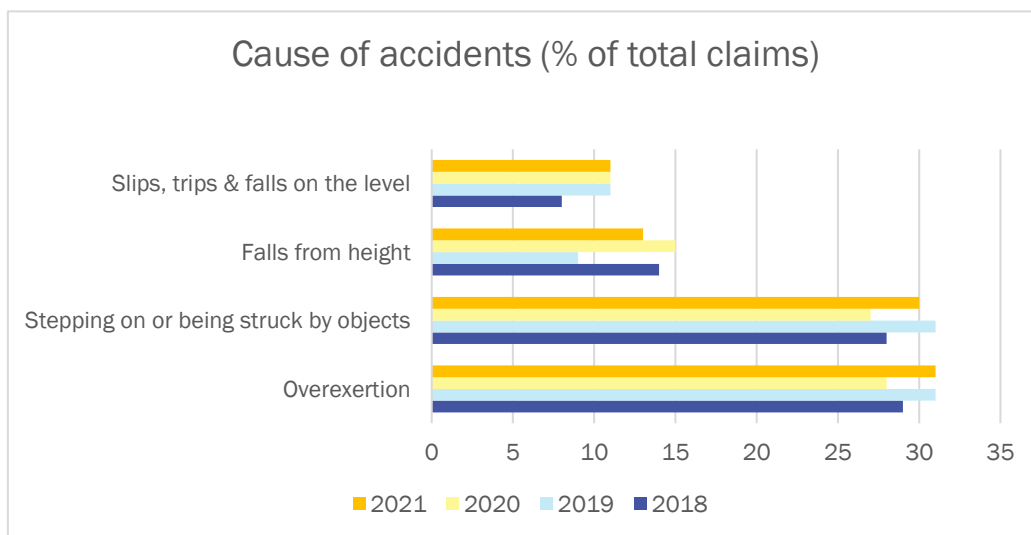


Collation of work-related accident and ill-health data

To collect more detailed information on work-related accidents and ill-health every claimant submitting a medical certificate for STIA which indicates that their absence is work related is automatically sent a questionnaire asking for further details to be provided. Whilst this relies on the individual concerned to voluntarily return the questionnaire, those that are returned provide valuable information which is used to inform and influence the planning of the Inspectorate's proactive work programme. Whilst the return rate of the questionnaire has improved over the past 2 years, at approximately 50% there is still work to be done to improve this further.

Work-related accidents

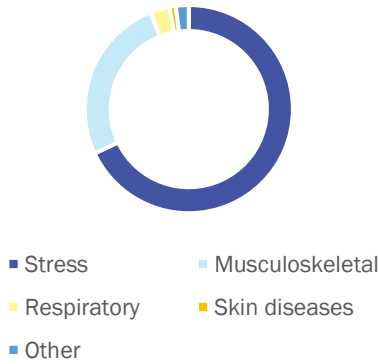
56% of claimants following a work-related accident returned their questionnaire. These show that the 4 main causes of accidents and the injuries sustained remain consistent with recent years.



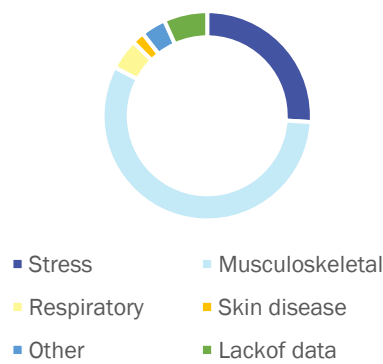
Work-related ill-health

44% of all claimants suffering from a work-related ill-health disorder returned their questionnaire. Unsurprisingly stress and musculoskeletal disorders accounted for the vast majority of all work-related ill health claims, making up 94% of the total claims submitted. This remains largely unchanged from year to year, reflecting the typical local industry profile with few heavy engineering and/ or manufacturing industries which carry a high burden of occupational lung disease in the UK.

Ill health (% of total claims)



Ill health claims construction (%)



Targeting work-related ill-health will be a priority for the HSI in 2022. This will include a review and revision of the DSE ACoP to reflect the new ways of working for many as a consequence of the pandemic. The significant increase in home and hybrid working may result in increased risks from musculoskeletal disorders, lone working and mental health disorders, so such risks must be carefully assessed and controlled by any business adopting this model.

Sectoral statistics

At sectoral level, the most notable annual increase in jobs was in hotels, bars and restaurants (14%). Construction and quarrying, typically the sector with the highest incidence of work-related accidents and ill-health claims in the island, grew by 4%, but remained constant as a proportion of total jobs by sector, at 10%.

Whilst perhaps reflecting the high-risk nature of construction work, the construction sector remains the industry where you are most likely to have an accident or suffer work-related ill-health in Jersey with 22% of all STIA claims coming from this sector, despite only making up 10% of the total number of filled jobs. This ratio has remained relatively unchanged for a number of years now but it is hoped that the major Behavioral Safety Leadership programme being rolled out across the industry will start to change attitudes and give workers the ownership and confidence to drive improvements in health and safety standards across all levels of the workforce.

HSI 2021 PERFORMANCE AT A GLANCE

Ensuring efficient and effective service delivery		
£582,000 total budget	£567,000 total expenditure	Staff costs £509,000 Grant to Jersey Safety Council £16,000 Residual non-staff costs £57,000
6.4 members of staff (FTE) with one post remaining vacant until May 2021 as part of the government's efficiencies savings plan		
Ensuring the legislation remains effective and right for Jersey		
A new Approved Code of Practice for Safe Work with Gas Systems and Appliances came into force on 1 February 2021		
Securing compliance in a firm but fair and proportionate manner		
6 Health and Safety prosecutions completed in Royal Court 2 prosecutions for breaches of Covid-19 Workplace Restrictions legislation (1 in Royal Court, 1 in Magistrate's Court)	34 Enforcement Notices served <ul style="list-style-type: none"> • 20 Prohibition Notices • 14 Improvement Notices 	
Carried out 57 investigations of serious workplace accidents and ill health conditions	20% of notified licensed asbestos removal projects inspected against our target of 15%	
We responded to 162 complaints about workplaces and working activities: <ul style="list-style-type: none"> • 36 Category 1 (serious risk): 100% followed up within 1 working day (against a target of 100%) • 84 Category 2 (significant risk): 100% followed up within 5 working days (against a target of 95%) • 42 Category 3 (low risk): In accordance with our complaints policy none actively followed up 		
Leading and engaging with others to improve workplace safety		
We dealt with c. 2500 telephone enquiries, provided nearly 3500 written responses by email or letter and held over 1000 face to face meetings to discuss health and safety at work matters		
We carried out 210 unannounced inspections of workplaces <ul style="list-style-type: none"> • Covid-19 compliance: 183 inspections • Construction sector: 181 inspections (includes health and safety and Covid-19 compliance checks) 86% of all proactive health and safety inspections were to the construction and engineering sectors		
Reducing the incidence of work-related accidents and ill-health		
1336 claims were made for short term incapacity benefit following a work-related accident or ill-health		