

• **BETTER SAFE THAN SORRY: HEALTH AND SAFETY IN JERSEY**

2010 saw new provisions in Jersey's Health and Safety Law come into force, strengthening the island's health and safety regulations for the benefit of both employers and employees.

People often make fun of 'elf and safety' and it's true that requirements in the workplace have steadily grown over the past 30 years. The underlying principle of health and safety legislation is ensuring a safe working environment – and surely no-one would argue with that.

Far from being onerous, the duties of everyone at work – be they an employer, employee or an individual just visiting a workplace, is to meet targets, "so far as is reasonably practicable". That means a degree of judgment or assessment of the risks associated with a work activity is needed.

Earlier this year an amendment to the law was brought in, which means that now employers of five or more people must produce a Health and Safety policy statement, which encompasses their own responsibilities, the risks they have identified and what arrangements they have made to address them.

The employer must ensure all employees are made aware of the Health and Safety policy statement, and any subsequent revisions, and it must be in a language that the employees can fully understand, which may not necessarily be English.

Of course what defines a 'safe working environment' will be different in different organisations; the regulations address particular hazards, such as electrical dangers, or address concerns in specific sectors such as the construction industry. There may be

specialised guidance on the use of display equipment at work or the transport of pressurised containers. A complete list of current regulations and approved codes of practice are available at the States of Jersey website: www.gov.je/hsi.

Failure to comply with an approved code of practice does not automatically mean a person is liable to criminal or civil prosecution, but approved codes of practice are admissible in court as evidence of best practice.

The States of Jersey's Health and Safety Inspectorate may attend a workplace to investigate a potential breach of the Health and Safety Law, which could involve the employer being interviewed where it may be appropriate to have a legal representative present.

Depending on the seriousness of the situation, the Inspectorate can make an informal recommendation, issue administrative notices, issue improvement or prohibition notices which requires action to be taken or work to be stopped. The Inspectorate may report to the Attorney General for a decision as to whether prosecution is appropriate, which could result in an unlimited fine and/or up to 2 years' imprisonment for certain offences.

There is no legal requirement to keep a record of accidents at work, but it is strongly recommended that one is kept. Recording accidents in detail can help provide important evidence when dealing with a potential civil claim, which can be brought up to three years from the date of the accident. Copies of an Accident Record Book are available free from the Health and Safety Inspectorate, the Jersey Safety Council or the States Greffe Bookshop.

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**FOR MORE INFORMATION,
PLEASE CONTACT:**



SIMON HURRY

ASSOCIATE

t: +44 (0)1534 601740

e: simon.hurry@collascrill.com

Collas Crill **Jersey**

40 Don Street,
St Helier,
Jersey, JE1 4XD

t: +44 (0) 1534 601700

f: +44 (0) 1534 601701

e: jersey@collascrill.com

w: www.collascrill.com