



Complying with health and safety legislation is an essential part of risk management. The Health and Safety at Work (Jersey) Law 1989 (the “Law”) places duties on organisations and employers, and directors can be held personally liable when these duties are breached. Further losses can also be incurred internally – such as working days lost due to injury, uninsured losses and loss of the business’ reputation.

MANAGING HEALTH AND SAFETY WITHIN THE BUSINESS STRATEGY

Establishing a plan is essential to the management of health and safety in any organisation.

A comprehensive health and safety policy needs to be drawn up to form an integral part of the organisation’s culture, of its values and performance standards.

The health and safety policy should be a living document which should be periodically reviewed and amended as necessary to reflect any changes in the organisation’s remit, for example structural changes or acquisitions. In addition, the policy should be prepared in a language, or if necessary multiple languages, in which it will be understood by each employee.

The very first process to be undertaken in order to achieve this is conducting appropriate risk assessments in the workplace, which is clearly set out in the Law.

KEY ASPECTS OF THE LAW

There is a general duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all employees which includes, in particular:

- (i) the identification and assessment of risks to health and safety to which employees are exposed at work;
- (ii) the provision and maintenance of plant and systems of work that are, so far as is reasonably practicable, safe and absent of risks to health in connection with the use, handling, storage and transport of articles and substances;
- (iii) the provision of such information, instruction, training and supervision as is necessary to ensure the health and safety at work of employees;
- (iv) the maintenance of the place of work (including access to and from the site) in a condition that is safe and without risks to health;
- (v) the provision and maintenance of a working environment for employees that is, so far as is reasonably practicable, safe, without risks to health, and adequate as regards facilities and arrangements for their welfare at work.

Equally, the Law provides a duty on every employer to conduct their undertaking in such a way as to ensure that persons not within their employment are not exposed to risks to their health and safety, which also includes risks occurring from business premises.

Organisations should aim to protect people by introducing management systems and practices that ensure risks are dealt with responsibly and proportionately. This can be achieved by members of the board ensuring that:

- Health and safety arrangements are adequately resourced



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- Health and safety advice is sought from the Jersey Health & Safety Inspectorate (JHSI)
- Risk assessments are carried out;
- Employees are consulted and involved in decisions which affect their health and safety.

PRACTICAL SOLUTIONS

Leadership is more effective if members of the board are seen to be putting into practice what they preach: that is being fully apprised of, and following, all safety measures themselves and addressing any breaches immediately –

Examples of effective means of managing health and safety policy are as follows:

- consider health and safety issues when deciding senior management appointments
- establish procurement standards for goods, equipment and services to help prevent expensive health and safety hazards
- assess the health and safety arrangements of partners, key suppliers and contractors – their performance could adversely affect the performance of your business
- consider setting up a separate risk management or health and safety committee as a subset of the board (chaired by a person of senior standing) in order to address key issues and prevent time and effort being wasted on trivial risks and unnecessary bureaucracy
- For further information on other services that we offer please visit our website voisinlaw.com

2016 LITIGATION PRESENTATIONS

The Litigation Team can come into your office and present on the following:

- Health & Safety
- Discrimination Law
- Employment Issues
- For further information please contact emmanicholson@voisinlaw.com