



Annual Report of the Health and Safety at Work Inspectorate

for

April 2010 – March 2011



**Isle of Man
Government**

Reiltys Ellan Vannin

Foreword by the Minister of Infrastructure

I am pleased to present this, the first annual report of the Health and Safety at Work Inspectorate, following its transfer to the Department of Infrastructure in April 2010. The Inspectorate performs a vital function for the Isle of Man, seeking to protect the safety and welfare of all employees and indeed members of the public who may otherwise find themselves placed at risk through the work activities of public and private sector industries across the Island.

The public perception of 'health and safety' is often distorted by disparaging coverage in the UK media. However it is important to recognise that the Inspectorate works with industry to help manage high risk activities in a variety of areas, for example construction sites, manufacturing bases and even ensuring that the annual visit of the fairground on the promenade for the TT festival meets the safety standards that the public reasonably have a right to expect.

In respect of the strategic future of the Inspectorate, the Department has been conducting a consultation on establishing a Health and Safety Authority for the Isle of Man. That has recently concluded and, as I write this foreword, the report on the consultation findings is being compiled for publication. The full and considered responses have provided much food for thought and will be of great help in informing the future priorities of the Department in the field of health and safety.

This has been a difficult year for the Inspectorate, in particular with regard to capacity and workload; nevertheless much good work has been done in challenging circumstances, which is reflected in this report. I would like to thank the Inspectorate team for their ongoing commitment and in particular the Temporary Head of the Inspectorate, who has provided leadership and support during this period. I look forward to the arrival in July of the new Head of the Health and Safety Inspectorate who will continue to build upon the stakeholder engagement and education that has begun over the past year and to deliver key legislative, policy and performance objectives for the Department.

Hon Phil Gawne MHK
Shirveishagh son Bun-troggalys

Introduction

This is the annual report for the Health and Safety at Work Inspectorate for the period April 2010 – March 2011. At the beginning of this period responsibility for the Inspectorate transferred from the Department of Local Government and the Environment to the Department of Infrastructure as a part of a wider Government reorganisation.

The report explains the role of the Inspectorate and its remit (powers); it covers the work undertaken by Inspectors including inspections, dealing with complaints, enforcement, advice and educational events. The report also includes statistical information on accidents and injuries and the resulting time lost from the workplace (Appendix II). This report has been compiled with the assistance of the Temporary Head of the Health and Safety Inspectorate, who has been with the Department since November 2010.

The Health and Safety at Work Inspectorate – Who We Are and What We Do

The Inspectorate is part of the Department of Infrastructure, with the political responsibility for health and safety at work resting with the Minister for Infrastructure.

Management and Staffing

The Inspectorate currently comprises a Temporary Head of Health and Safety, who will shortly be replaced by a permanent Head, 3 Health and Safety Inspectors and an Administrative Officer. The Head of the Inspectorate operates at Director level, but for administrative purposes reports to the Chief Officer through the Director of Finance to minimise potential conflicts of interest, as the Department is highly operational in nature.

Further to its transfer in April 2010, the Department of Infrastructure has been giving consideration to the structure of the Inspectorate; most particularly a need for effective succession planning has been identified. The Department has a statutory duty to ensure that it has a pool of appropriately qualified, experienced and knowledgeable Inspectors who can work across a wide range of industries; where possible the Department wishes to support and encourage the development of these qualifications and skills at a local level, ensuring a mix of experience and grades which will allow for effective succession planning. It is therefore intended that a trainee position will be created in the future to assist with this aspiration.

Work of the Inspectorate

The primary function of the Health and Safety at Work Inspectorate is to ensure compliance with legislation passed by Tynwald aimed at protecting workers and members of the public whose safety and health may be put at risk by work activities. This responsibility covers all public and private sector workplaces, including Government, although the Office of Fair Trading has specific legal responsibilities for regulating petrol stations and explosives/fireworks.

The Inspectorate has wide ranging powers which allow it to inspect premises/sites where work activities are taking place and to require, by way of a legal Notice, an employer to make specific improvements to their operations within a given time frame (an Improvement Notice), or indeed if the activity is judged to be immediately hazardous, to cease it immediately (a Prohibition Notice). These powers are vital to protecting employees and the public from work related risks and fall only to the Health and Safety at Work Inspectorate.

Community Engagement

The Inspectorate recognizes that the effective application of health and safety legislation is best achieved through constructive engagement with employers, encouraging best practice, providing advice, guidance and education by way of seminars/events, publications etc. as well as undertaking a proactive and planned inspection regime across the public and industry sectors. Such advisory/educational activities do not present a conflict of interests with the primary role of the Inspectorate as an enforcement body, if managed correctly and, as this annual report shows, there has been an increasing engagement with employers and other stakeholders throughout this period.

Enforcement

Details of enforcement notices and prosecutions for health and safety offences are also included in this report. The Inspectorate presents files for prosecution to the Attorney General's Chambers in cases where it considers that serious breaches of law have taken place; these cases are prosecuted by the Attorney General.

Licensing

In addition to the general framework of health and safety legislation, the Inspectorate also has a number of licensing responsibilities, building upon the fact that the legal duty to manage risk lies with the organisation that creates them. The Inspectorate is responsible for carrying out the annual safety reviews associated with issue of licenses required for the operation of the Island's seventeen petrol and gas storage depots.

Railways

The Isle of Man has three heritage railways which are owned and operated by the Isle of Man Government, Department of Community, Culture and Leisure and three privately operated railways. There is a legislative requirement for the Health and Safety at Work Inspectorate to conduct an annual safety inspection of all railways to ensure they are safe for use. The necessary expertise to ensure this duty is now provided by a Specialist Inspector contracted from the UK Office of Rail Regulation. However day to day health and safety regulation is undertaken by the Inspectorate.

Inter-Agency Working

The Inspectorate also provides assistance on a regular basis to other agencies and individuals in the course of their duties, including the Police, the Coroner of Inquests and the Fire Service.

Contacts

Temporary Head, Neil Jamieson, HM Principal Inspector
Senior Inspector, Brian Arnold
Senior Inspector, Steve Bentham
Temporary Administrator, Dawn O'Neill

The Health and Safety at Work Inspectorate address is;

Ground Floor
Murray House
Mount Havelock
Douglas
IM1 2SF

The Inspectorate can be contacted direct on telephone number (01624) 685881, or by email on worksafe.doi@gov.im. Information on the Inspectorate can also be found on the Government website at <http://www.gov.im/transport/msd/healthandsafety/welcome.xml>

The Work of the Inspectorate, April 2010 – March 2011

Inspections

Inspection is the process carried out by Health and Safety at Work Inspectorate (HSWI) warranted inspectors which involves assessing relevant documents held by the duty holder, interviewing people and observing site conditions, standards and practices where work activities are carried out under the duty-holders control. Its purpose is to secure compliance with legal requirements for which the Inspectorate is the enforcing authority and to promote improving standards of health and safety in organisations.

During 2010- 2011 Inspectors visited a variety of different premises and activities including construction sites, factory and agricultural premises, the airport, heritage railways, power stations, offices and shops, hotels, highly flammable storage facilities, fairgrounds, hospital and care homes and premises where gas installation and repair work had been undertaken. Approximately 500 proactive inspections were undertaken.

Examples of where routine inspections have prompted further action are listed below:

- During a routine inspection of a hotel it was discovered that the hotel's passenger lift, which had been in service since 1972, had not at any time been independently examined by a competent person. It was further discovered that the lifting ropes had not been changed and no operational checks had been undertaken of the lift's safety gear and landing door locking mechanisms. Maintenance which was being undertaken by the hotel owner was of a questionable standard. A prohibition notice was served requiring the hotel owner to take the lift out of service until a competent

person was satisfied that it was safe for use. The Inspectorate was subsequently informed that all the major parts of the lift including the ropes and the gear box have been replaced at the competent person's instruction.

- During an inspection of a concrete batching plant and recycling centre a number of unguarded conveyors and crushing machines were discovered exposing the operators to risk of serious injury. A prohibition notice was served closing the plant until adequate machinery guarding had been fitted.
- Proactive, collaborative working between the Inspectorate and the organisations responsible for a large Highly Flammable Storage facility identified that the plants fire fighting equipment needed to be reviewed. A hazard and operability study (HAZOP) was undertaken which resulted in the installation of a new state of the art fire fighting facility.

Investigations

Investigation is a reactive process which includes all those activities carried out in response to an incident or a complaint to:

- gather and establish the facts
- identify immediate and underlying causes and the lessons to be learned
- prevent recurrence
- detect breaches of legislation for which HSE is the enforcing authority
- take appropriate action, including formal enforcement

An investigation may range from an enquiry by a single inspector about a minor incident or a complaint to a large enquiry involving a number of inspectors.

Complaints

A complaint is a concern, originating from outside the Health and Safety at Work Inspectorate, in relation to a work activity that is sufficiently specific to enable identification of the issue and the duty holder and/or location and that either:

- has caused or has potential to cause significant harm, or alleges the denial of basic employee welfare facilities, or
- appears to constitute a significant breach of law

In total approximately 200 complaints were dealt with by the Inspectorate during this period. A total of 28 accidents were also selected for further investigation via the Department's accident selection procedure. A few examples of where investigations have been undertaken resulting in significant enforcement action include;

- A suspected case of carbon monoxide poisoning at a commercial property where building work had been carried out to create a covered area for workers that smoke.

The shelter was constructed in an outside yard which also contained the exhaust flue of a gas boiler. When the shelter was covered, the exhaust from the boiler pumped CO into the covered area exposing workers to the risk of CO poisoning. A Prohibition Notice was issued on the use of the shelter and it was subsequently taken down.

- A review of swimming pool use was undertaken by the Inspectorate when a complaint was made by a leisure user patron. Investigations revealed that the majority of swimming pools located in the Island's hotels and leisure facilities were not being staffed with adequate numbers of trained pool side life guards and maintenance staff. Other issues raised included means of raising alarm and control on the number of persons entering the pools. The issues were addressed by discussions with various duty holders and liaison with the Royal Life Saving Society.
- An investigation of a tripping accident involving a member of public who fractured a hip when he fell entering a public building. An improvement notice was served requiring the authority to fit a hand rail on a staircase leading to the entrance of premises.

Enforcement

Enforcement means all dealings with duty holders that result in the serving of notices; the withdrawing of approvals; the varying of licences, conditions or exemptions; the issuing of formal cautions; or prosecution and the providing of information or advice, face to face or in writing. During the period of this report, eight Improvement Notices and seven Prohibition Notices were issued; two companies were also formally cautioned.

Prosecution is the taking of punitive action against a duty holder following a decision-making process which is impartial, justified and procedurally correct. During the period covered by this report four cases were prosecuted by the Attorney General's Chambers on behalf of the Health and Safety at Work Inspectorate.

Details of the cases are as follows;

- **Case 1.**

A building company employing workmen was found guilty of breaching the requirements of the Health and Safety at Work etc. Act 1974, the Construction (Health & Safety) Regulations 1985 and the Construction (Head Protection) Regulations 1999.



The prosecution was initiated following a routine inspection of a refurbishment project in which the building's stability had been compromised and was at serious risk of collapse. Workmen had also worked below the structure without hard hats. The contractor pleaded guilty in the Magistrates Courts and was fined £3,600.

- **Case 2.**

Following the investigation of a fatal accident involving a dumper truck driver, where the dumper truck overturned whilst travelling down a steep slope, the principal contractor was prosecuted for a breach of the Health & Safety at Work etc Act 1974.



The company was fined £50,000 for failing to take reasonably practicable precautions to ensure the deceased person had been wearing his seat belt whilst operating the vehicle.

- **Case 3**

Two contractors were prosecuted for breaches of the Health & Safety at Work etc. Act, the Construction (Health & Safety) Regulations 1985 and the Construction (Design & Management) Regulations 2003.



Work was being carried out in a 4 metre deep, unsupported excavation. The ground was very unstable and persons were at risk of being buried. Fines totalling £14,000 were awarded against the companies concerned.

- **Case 4**



An incident in which a man partially fell through a steel mesh grating at a local dock facility was investigated by the Inspectorate and a report submitted to the Attorney General. Fines totalling £10,000 for a breach of the Health and Safety at Work etc. Act 1974 were awarded against the organisation concerned.

Data Collection

As part of its work the Inspectorate collects and monitors data on work place reportable accidents and injuries. The appendices include data on the economically active population of the Isle of Man as of the last interim census in 2006. The figures include % of reported accidents per head of population and are also divided into reported accidents from the public sector and non-public sector. The figures cover types and causes of injuries and the amount of time spent off work, illustrating the impact of preventable accidents on both a personal and an economic level. It will undoubtedly be the case that, although required by law, every significant workplace accident or near miss will not be reported to the Inspectorate and therefore there will be under-reporting in these figures, although it is not possible to say to what extent this will be the case. Work is underway to develop better data management systems; further work will be required in future to interrogate the data

collected, understand the implications and use it to inform pro-active health and safety work with the community.

Other Work

Assisting other Agencies

Throughout the reporting period the Inspectorate has provided expertise and assistance to a number of agencies including the Police, Fire Service, Building Control and Environmental Health. This work has included the investigation of a suspicious death, a gas explosion at a domestic property and the investigation of a child being seriously scolded in a bath of hot water.

Educational Promotional

A gas safety seminar and a quarry safety seminar were both organised by the Inspectorate and held on the Island during this period. Other events planned for early in the forthcoming year include a seminar on scaffolding safety and six construction safety awareness seminars, organised in conjunction with the Employer's Federation and the Department of Economic Development, which will be provided free of charge to industry.

Department of Infrastructure, June 2011

Isle of Man Population Data

Census data 2006

Resident population	80,058
Economically Active	41,793
Working for one or more employers	35,281
Self employed, employing others	1,832

Employment in the Isle of Man by Sector	Number in Employment	%
Agriculture, forestry, fishing	642	2
Manufacturing (all categories)	2,248	5
Construction	3,374	8
Gas, electricity and water	603	1
Transport and communication	3,660	9
Wholesale and retail distribution	4,550	11
Insurance, banking, finance and business services	9,395	23
Professional, educational, medical and scientific services	8,060	20
Tourist accommodation	362	1
Catering and entertainment	1,897	5
Miscellaneous services	3,075	8
Public administration	2,898	7
Not stated/inadequately described	19	0
Total	40,783	100

Figures taken from the 2011 Digest of Economic & Social Statistics, Economic Affairs Division, Isle of Man Treasury

% of Reported Accidents by Population Type	Total Number of accidents reported 274	%
All types of accidents, by total resident population	80,058	0.34
All types of accidents, by economically active	41,793	0.66
All types of accidents occurring in non-public industry sector	101	36
All types of accidents occurring in public sectors*	173	64

**Public sector includes all Government Departments, Statutory Boards, Offices and Local Government.*

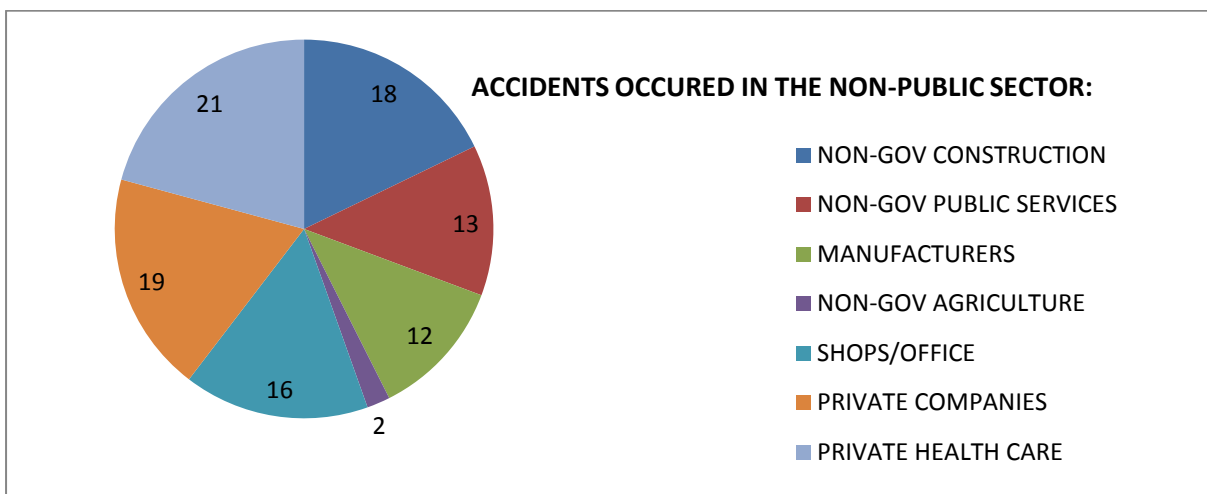
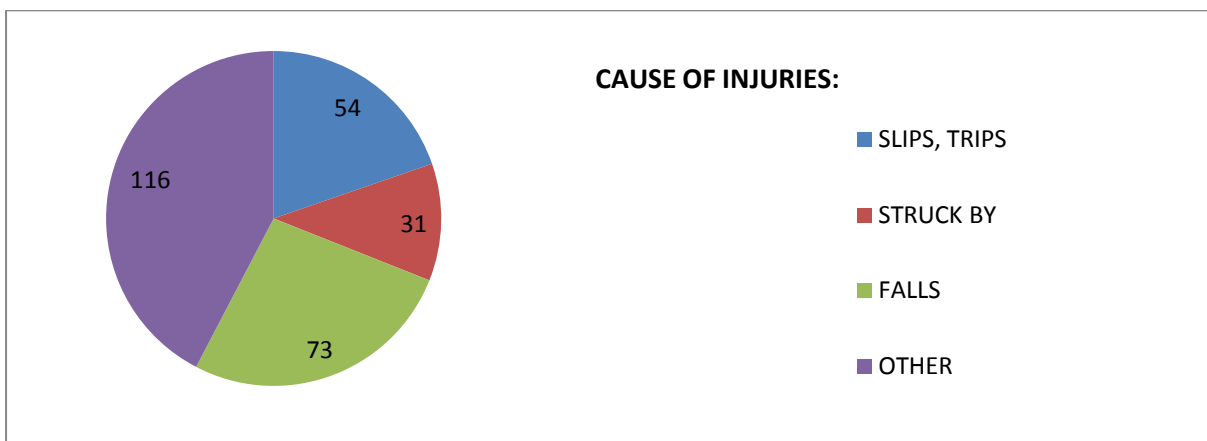
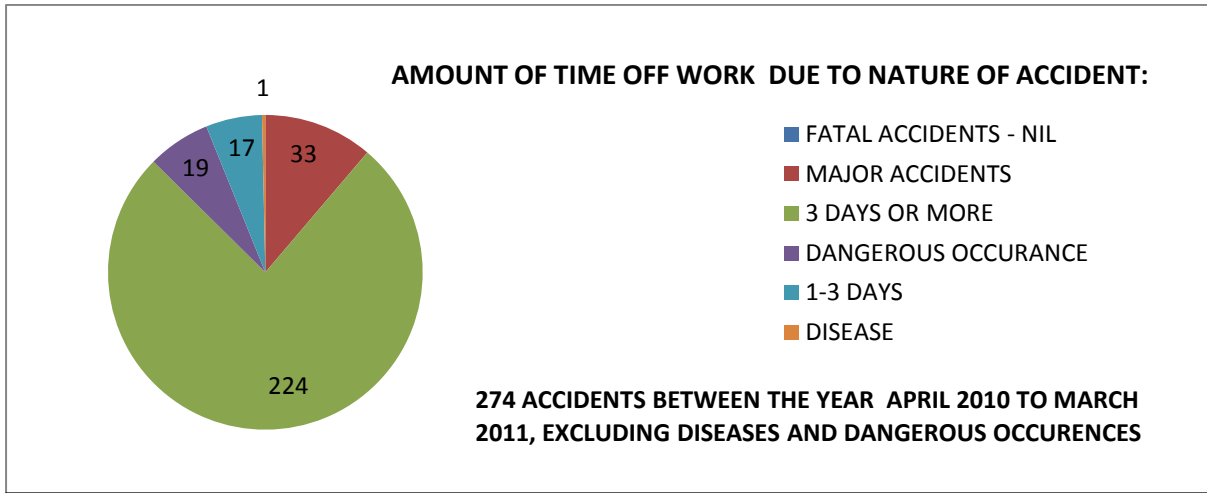
Comparisons with UK accident rates

The UK Health and Safety Executive produce an annual report on accident statistics, using the same reporting framework as the IOM (RIDDOR). The most recent figures available for the UK are from 2009/10; these show that the Isle of Man has a lower rate of major injuries than the UK, but a higher rate of reported injuries to employees causing an absence from work of over three days. There were no fatal accidents to IOM workers in 2010/11 although there was one prosecution of an employer in respect of a fatal accident, which had occurred in 2009/10.

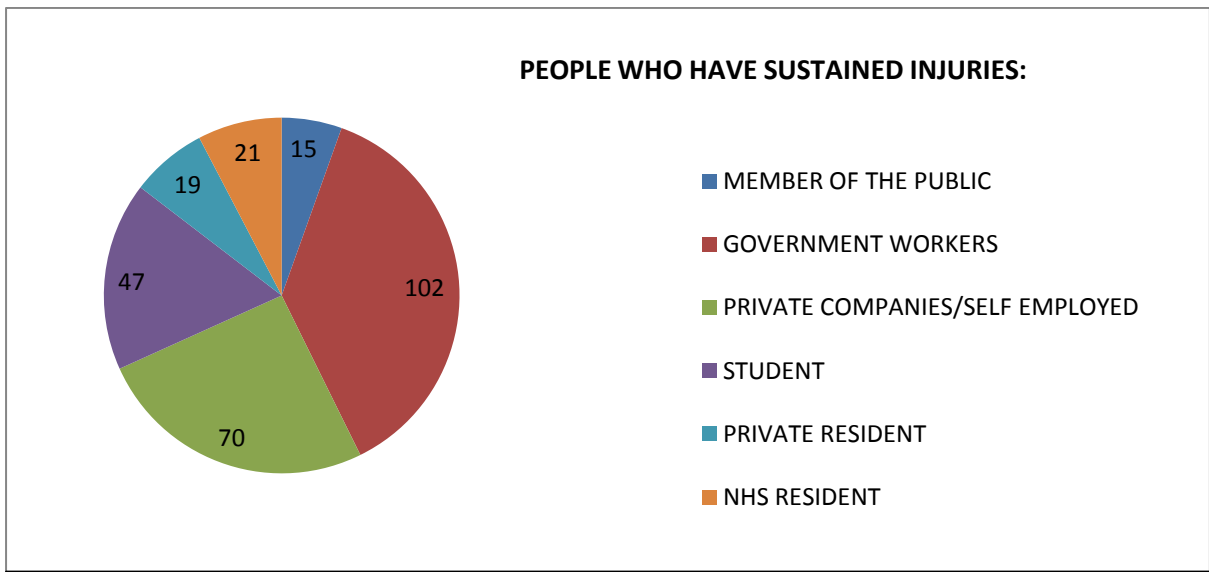
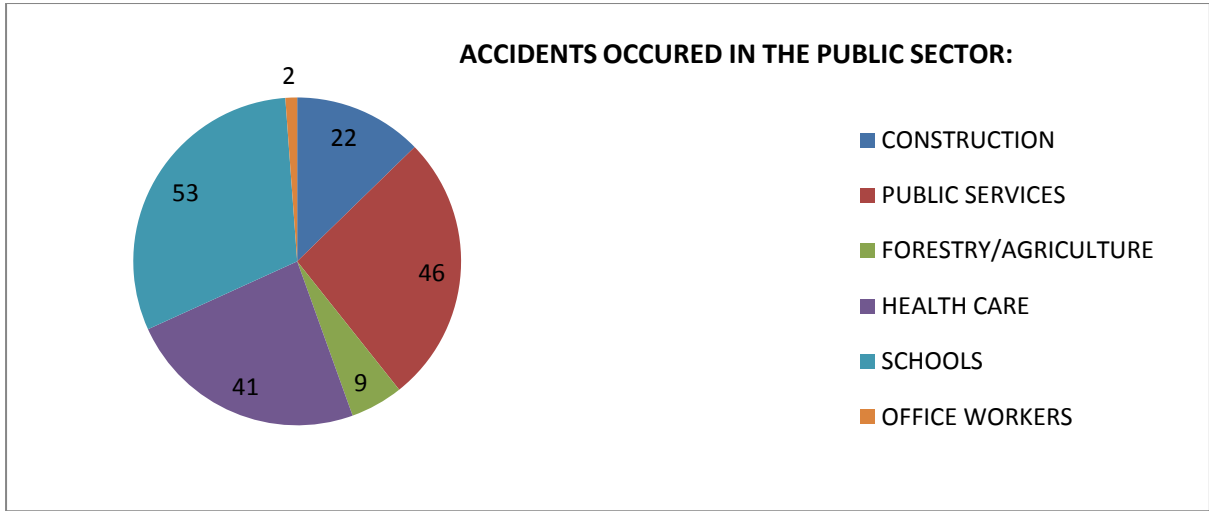
The UK figures are based on an accident rate per 100,000 employees and, as the economic population of the IOM is 41,793 the figures have been adjusted accordingly.

	IOM		UK	
	Actual Number	Estimate Per 100,000	Actual Number	Per 100,000
Fatal Injuries to Workers	0	0	152	0.5
Major Injuries	33	79.0	26,061	101.5
Reported Injuries causing 3 days or more absence from work	224	536.0	95,369	371.5

Statistical Report for Work Related Accidents April 2010 to March 2011 Inclusive



Statistical Report for Work Related Accidents (continued) April 2010 to March 2011 Inclusive



Figures provided by HSWI Administration