

OFFICE OF THE COUNCIL OF MINISTERS

Our ref:330.282 (2)

29 April 1991

Dear Sir/Madam,

Health and Safety at Work within Government

On 18 March 1991, I wrote to you to advise that the Council of Ministers had agreed a statement of Government's general objectives on Personnel Policies. One of those objectives related to the health and safety at work of Government employees. Consistent with the general approach in the letter of the 18 March and with the decision that has been taken to vest in the Council of Ministers the responsibility for determining general personnel management policies, the Council of Ministers has considered the issue of health and safety at work within Government.

The Island's Health and Safety at Work Act came into effect on 1st January 1982. The Act places a statutory duty on employers to ensure, so far as reasonably practicable, the safety, health and welfare of their employees whilst at work. The various Departments, Statutory Boards and offices of the Isle of Man Government in aggregate employ something over 20% of the Island's employed population.

The Council of Ministers has agreed that there is a need: -

- to ensure that aspects of health and safety standards in the public sector are not being neglected;
- to increase the level of awareness regarding duties and responsibilities and to remove uncertainties in respect of these matters;
- to provide and maintain effective systems designed to ensure that safety receives proper attention; and
- to improve the safety climate throughout Government employment.

It follows from the recognition of these needs and from the present variable approach to Health and Safety at Work across Government that there are two areas where initiatives are necessary:-

- to remove some uncertainties in responsibilities; and
- to strengthen the commitment to Health and Safety at Work throughout Government.

Allocation of Responsibilities

Responsibilities under the Health and Safety at Work Act may devolve on landlord, tenant, employer, manager, supervisor, worker etc., depending on circumstances. In a practical sense, it cannot be given wholly to a single agency, and primary responsibility for any individual worker must rest with the legal entity which is responsible for the work of that worker. It follows from this that it is the individual Department or Statutory Board which must produce a statutory policy statement and description of organisation and arrangements for its staff. And it is the individual Department or Statutory Board which must ensure reasonable standards of safety and safe working practices for those staff.

This general statement is made more complex by two factors:-

- 1) In a number of cases, the premises occupied by a Department or Statutory Board are owned by another agency (often the Department of Highways, Ports and Properties). In these circumstances, the "landlord" also has certain Health and Safety responsibilities. The situation can be particularly complex where a building is occupied by a number of separate agencies (e.g. Central Government Offices, Greenfield Road).
- 2) Although each Department or Statutory Board is a separate legal entity and has its own separate Health and Safety responsibilities, there are benefits to be derived from joint or shared training opportunities and it is desirable for some common approach to Health and Safety at Work to apply across the whole of Government.

So far as the Health and Safety responsibilities of the "landlord" are concerned, it is clear that he should adequately maintain the premises themselves, any connected premises such as corridors, staircases or storage spaces, the ways into and out of the premises, and any machinery or materials which have been or are provided by him in the premises. He should also provide adequate fire precautions including escape routes and fire fighting equipment. The "landlord" does not have a continuous presence in all premises, however, and there is a responsibility on the occupants not to do anything which compromises Health and Safety in the premises and to advise the "landlord" of any defects which are likely to create risks to Health and Safety in the premises.

Issues such as Health and Safety training, accident reporting, first aid and fire precautions training are matters where a common approach is justified and all are issues which relate directly to personnel. Responsibility for the co-ordination of training in these areas is being allocated to the Personnel Office.

Although Government is made up of a number of separate legal entities, a generally consistent approach to Health and Safety at Work across Government is desirable and, if long-term effective good practice and compliance with the legislation is to be achieved, commitment at the highest level will be needed. It will therefore be necessary for there to be a means of bringing important general developments and problems in Health and Safety to the attention of the Council of Ministers and the Personnel Office will fulfil that role.

Increase in Commitment

It is clear that the practical commitment to Health and Safety at Work within Government varies considerably from Department to Department and between different divisions within Departments. Most Departments are thought to have formal policy statements as required by the Act, but some of these are incomplete in that they do not define the organisation and identify in sufficient detail the arrangements and procedures by which they are to be carried into effect and others are in need of revision to take account of changes in organisation, methods, responsibilities and personnel since they were formulated.

Health and Safety is or should be an integral part of the line manager's responsibilities. Compliance with the Act is not just a question of devising the correct paperwork and allocating responsibilities but of operating in a manner consistent with the legislative requirements and of monitoring what is being done at regular intervals to ensure the maintenance of good standards. It is by no means the case that Government agencies consistently operate safe systems and procedures and there is a need for Departments and Statutory Boards to review current practices to ensure that Health and Safety considerations are properly taken into account.

Some initial training in Health and Safety was offered to senior managers by the Factory and Safety Inspectors when the Act first came into force. Since then, some training in particular areas has been given to specialist groups of workers. But this training has not been sufficient or co-ordinated and

Health and Safety has not featured as one of the subjects in the training programme provided by the Personnel Office. The training division of the Personnel Office will, this year, be assessing the need for Health and Safety training and will be reporting to the Civil Service Commission.

In addition, some individual Departments and Boards should recognise an increased need for specialist training and also for specialist advice.

It is recognised that a proper and realistic commitment to Health and Safety at Work will have practical resource implications for Government agencies. If, as should be the case, they:-

- a) review their present Health and Safety policies
- b) monitor the effectiveness of their organisations and arrangements for Health and Safety
- c) review their current Health and Safety practices and seek to improve them where necessary; and
- d) increase their requirements for Health and Safety training and specialist advice, this will absorb staff time and some financial resources. Health and Safety at Work is, however a clear statutory responsibility and Government agencies must meet that responsibility. The practical resource implications that arise must be accepted.

The decisions taken by the Council of Ministers as a consequence of its consideration of the Health and Safety at Work issue are as follows: -

1) Responsibilities are to be allocated as follows: -

- a) subject to b) and c) below, the responsibility for the Health and Safety at Work of any individual employee (whether directly appointed or appointed by the Civil Service Commission) rests with the Department or Statutory Board which is responsible for his or her work. (In the case of an office which does not form part of any Department or Statutory Board, responsibility will rest with the Chief Officer of the office)
- b) where the Department, Statutory Board or Office occupies premises owned and maintained by another agency of Government, that other agency is responsible for
 - i) defining the area occupied by the Department, Statutory Board or Office and unless otherwise agreed, for
 - ii) the adequate maintenance of those premises and its services and for the provision of adequate arrangement for fire fighting and emergency evacuation, including escape drill. (There is a responsibility on the occupants not to do anything which compromises Health and Safety in the premises and to draw to the attention of the agency responsible for maintenance any matter which is likely to compromise Health and Safety in the premises).
- c) the co-ordination of training in the areas of accident reporting, first aid, fire precautions and Health and Safety generally is to be the responsibility of the Personnel Office

d) the Personnel Office shall advise the Council of Ministers from time to time on Health and Safety at Work matters and on the adequacy or otherwise of Health and Safety arrangements within Government.

2) In order that the safety polices adopted by Government Departments, Statutory Boards and Offices are sufficient and consistent, the Council of Ministers has approved the attached Declaration on Safety Policy. Safety policies should be consistent with this Declaration.

Departments, Statutory Boards and Offices are encouraged to review their Health and Safety at Work arrangements to ensure that they are adequate; such reviews to address particularly: -

- a) all policy statements to ensure current relevance and adequacy;
- b) all operating systems and procedures to ensure that Health and Safety at Work considerations are properly taken into account; and
- c) the adequacy of training and preparedness in relation to Health and Safety at Work matters.

Yours sincerely

J.F. Kissack
Chief Secretary

To; Chief Executives of the 9 Departments
Heads of Statutory Boards and Offices

COUNCIL OF MINISTERS

DECLARATION ON SAFETY POLICY

1. The Council of Ministers recognises and accepts that Isle of Man Government Departments and Statutory Boards have responsibilities for providing safe and healthy work places and working environments for all of their staff.
2. The Council of Ministers requires each Department and Statutory Boards to take all steps within its power to meet this responsibility, paying particular attention to the provision and maintenance of –
 - i plant, equipment and systems of work that are safe
 - ii safe arrangements for the use, handling, storage and transport of articles and substances
 - iii sufficient information, instruction, training and supervision to enable all staff to avoid hazards and contribute positively to their own safety and health at work
 - iv a safe place to work and safe access to it
 - v a healthy working environment
 - vi adequate welfare facilities
3. Without detracting from the primary responsibility of managers and supervisors for ensuring safe conditions of work, Departments and Boards are to provide competent technical advice on safety and health matters where this is necessary to assist line management in its task and to make arrangements for monitoring its performance.
4. No safety policy is likely to be successful unless it actively involves work people themselves. Departments and Boards should therefore co-operate fully with staff and their representatives in the interests of securing and maintaining adequate standards of Health and Safety at Work. Also, staff should be reminded of their own duties under Section 7 of the Health and Safety at Work Act to take care for their own safety and that of other workers and to co-operate with management so as to enable it to carry out its own responsibilities successfully.
5. A copy of a statement of safety policy will be issued by Departments and Boards to all staff. That statement will be reviewed, added to, or modified from time to time and may be supplemented in appropriate cases by further statements relating to the work of particular departments or groups of workers.