



**Report of the Health and  
Safety at Work  
Inspectorate**  
*January 2020 – December 2023*



**Isle of Man  
Government**  
*Reiltys Ellan Vannin*

**Foreword by the Head of Health and  
Safety for the Health and Safety at Work  
Inspectorate**



# REPORT OF THE HEALTH AND SAFETY AT WORK INSPECTORATE 2020 - 2023

## Foreword

*"The Isle of Man Health and Safety at Work Inspectorate is part of the Regulation Directorate within the Department of Environment, Food and Agriculture. Health and Safety Inspectors work alongside colleagues in the Office of Fair Trading, Environmental Health Unit and others within the Department to enforce the Health and Safety at Work Act and to regulate work activities carried out in the Isle of Man.*

*During the period covered by this report the Inspectorate has maintained a productive balance between working with organisations to promote preventative health and safety measures and where necessary, taking appropriate enforcement action.*

*It is an effective strategy which is helping employers become 'risk aware' rather than 'risk averse' and as a consequence organisations are recognising that investing in sensible health and safety measures is the moral, responsible, and cost effective approach, as compared to reacting to incidents after they have occurred.*

*I would encourage all organisations to adopt this realistic approach to the important topic of health and safety".*

**Robert Greaves**

**Head of Health and Safety  
Health and Safety at Work Inspectorate  
Department of Environment, Food and Agriculture**

# REPORT OF THE HEALTH AND SAFETY AT WORK INSPECTORATE 2020 - 2023

## Terminology

The Inspectorate – the Health and Safety at Work Inspectorate

HSE – the Health and Safety Executive (UK)

DEFA – the Department of Environment, Food and Agriculture

DOI – Department of Infrastructure

RIDDOR – Reporting of Incidents, Diseases and Dangerous Occurrences Regulations 1995

RIDDOR reportable incidents include

- A work-related death
- A work-related specified major injury
- A work-related 3 day work incapacitation injury
- A work-related disease
- A work-related dangerous occurrence, such as an explosion or near miss.

A work related specified major injury includes:

- Fracture of the skull, spine or pelvis
- Fracture of any bone in the arm or wrist, but not a bone in the hand; or in the leg or ankle, but not a bone in the foot
- Amputation of a hand or foot, or a finger, thumb or toe, or any part thereof if the joint or bone is completely severed
- The loss of sight of an eye, a penetrating injury to any eye, or a chemical or hot metal burn to the eye
- Injury requiring immediate medical treatment, or loss of consciousness, resulting in either case from an electric shock from any electrical circuit or equipment, whether or not due to direct contact
- Loss of consciousness resulting from lack of oxygen
- Decompression sickness requiring immediate medical treatment
- Acute illness requiring treatment, or loss of consciousness, resulting in either case from absorption of any substance by inhalation, ingestion or through the skin.
- Acute illness requiring medical treatment where there is reason to believe that it is resulted from exposure to a pathogen or infected material
- Any other injury which results in the person injured being admitted immediately into hospital for more than 24 hours

COMAH - Control of Major Accident and Hazards Regulations 2015

MOU – Memorandum of Understanding

CDM – The Construction, Design and Management Regulations 2003

**Key Points of the Report**

***+ 1400 service requests in 2023 (See page 17 for more detail)***

***+ 900 inspections undertaken (2020 – 2023).***

***+ 600 proactive/reactive visits, meetings and other interventions in 2023.***

***+ 700 RIDDOR reports received (2020 – 2023)***

***31 enforcement actions including 6 prosecutions (2020 – 2023)***

***4 new pieces of legislation applied (2020 – 2023)***

***56% of reports concern males whilst 44% concern females***

***65% of RIDDORS were received from the public sector whilst 35% were received from the private sector***

***The number of reported incidents is falling year on year***

***The number of major incident reports is falling year on year***

***There were 5 work related fatalities (2020 – 2023)***

***Around 400 telephone calls are received each year***

***Inspector numbers have increased from 3 to 4 FTE in the reporting period***

**Introduction**

This report covers the period from 1 January 2020 to the 31 December 2023 and summarises the role of the Inspectorate. It contains a breakdown of the work undertaken including numbers of inspections, incident investigations, complaints and enforcement activities during this period.

The report also includes statistical information on accidents and injuries in the workplace as well as comparisons to the United Kingdom.

**Executive Summary**

This report does not attempt to outline all of the Inspectorate's activities, more to reflect the broad range of work of the Inspectorate in preventing injury and ill-health to those at work and persons directly affected by work activities. The Inspectorate's role continues to expand and grow to encompass public and employee safety and support the relevant objectives in the DEFA Department Plan. The important role that the Inspectorate played from March 2020 throughout the Covid-19 pandemic in helping to reduce the level of transmission across the Island has had many positive impacts in terms of employers' overall improved standards in the management of health risks, as well as the establishment of positive working relationships

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and partnering between the Inspectorate and both internal and external agencies such as the Isle of Man Constabulary, the Fire and Rescue Service, the Office of Fair Trading and other industry stakeholders.

Inspector numbers have increased during 2023, providing much needed capacity to provide greater scrutiny across a wider range of industry sectors. In previous years, due to Departmental and broader financial constraints, the Inspectorate was unable to recruit fulltime, permanent inspectors for a 7 year period. This presented a significant challenge, meaning that work such as proactive visits, educational activities, presentations and general requests for assistance were limited in both scope and frequency.

However, throughout this period, the Inspectorate continued to deliver core activities. One area of priority was the development of health and safety legislation, particularly in higher risk sectors, intended to protect workers from the higher risk activities. During this reporting period the Inspectorate team has been pivotal in the introduction of the following regulations, bringing the Island's regulatory provision in line with the United Kingdom in these areas:

- Ionising Radiation (Application) Order 2019
- Control of Asbestos Regulations 2012, as applied to the Isle of Man
- The Gas Safety (Management) Regulations 1996 (as applied to the Isle of Man)
- The Gas Safety (Installation and Use) Regulations 1998 (as applied to the Isle of Man).

The primary Health and Safety at Work etc. Act 1974, as applied to the Isle of Man and the Management of Health and Safety at Work Regulations 2003 are out of step with their United Kingdom equivalents, and therefore these have been re-drafted and are expected to be brought forward to Tynwald for approval in 2024.

The Inspectorate plans to commence work on the development of the following regulations within the next reporting period:

- Registration, Evaluation, Authorisation and Restriction of Chemicals regulations (REACH)
- Control of Substances Hazardous to Health Regulations (COSHH)
- Construction, Design and Management Regulations (CDM)

During this reporting period (2020 – 2023), the number of inspections increased, the number of reported major injuries reduced and the total reportable incidents also shows a decrease, year on year. There was however a significant reduction in incident reporting during the Covid lockdown periods in 2020/21 this reflects prohibitions on certain work sectors such as the closure of construction sites, service industries and schools, which was to be expected. There was an increase in reportable diseases primarily due to reportable Covid infections.

The greater number of RIDDOR reports relate to the health, care and educational sectors, and so in the coming years there will be an increased focus in these areas to help reduce the number of reportable incidents in respect of these activities. The construction sector in the UK

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is responsible for reporting the greatest numbers of incidents, whereas here, the majority of reports are received from Education and Health Care sectors, as illustrated in the tables appended to this report.

Targeted inspection campaigns and educational events play a major part in promoting positive health and safety cultures, and during this period, the Inspectorate has planned and undertaken visits to educational establishments, emergency service providers as well as health care facilities. It plans to undertake visits to motor vehicle repair workshops and woodworking businesses in 2024. Inspectors also attend industry groups and other forums to promote good practice.

The Inspectorate is due to host health and safety workshops in January 2024 which are aimed at sharing information, guidance and best practice, as well as promoting positive health and safety cultures throughout all industry sectors. Early signs are that these events will be well attended by industry representatives.

The Inspectorate has received a number of reports and complaints throughout this reporting period that have led to the initiation of enforcement action including prosecutions and enforcement notices. This reports gives examples of enforcement action taken during this period. The Inspectorate will only forward reports considering prosecution to the Attorney General's Chambers following thorough consideration where all other enforcement options have been considered and where prosecution is considered to be in the public interest, and the most appropriate, proportionate course of action.

### **Who are we, what do we do?**

The Inspectorate is a division of the Regulation Directorate managed by DEFA. The responsibility for ensuring that the Inspectorate can contribute to the effective delivery of health and safety regulation rests with DEFA.

The enforcing authority is DEFA, which delegates enforcement powers, conferred on it by the Health and Safety at Work etc. Act 1974 - as applied to the Island, to Inspectors who are authorised, within this Act, to undertake inspectorate functions and make enforcement decisions. DEFA has overall responsibility and oversight of the Inspectorate including determining resource, implementing legislation and strategic decision making. In the UK's equivalent Act the enforcing authority for health and safety matters is the HSE.

All enforcement decisions, including when action should be taken and the type of enforcement action to be considered, are made by experienced inspectors. The Department has no involvement in enforcement decision making, although, when appropriate, the Chief Officer is kept informed of any significant matters.

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### COVID-19

This report covers the period of the worldwide COVID-19 pandemic, during which time many industry sectors on the Island were prohibited from working, with a significant proportion of employees being furloughed or forced to work from home during the periods of lockdown. This must be considered when comparing statistical information with other periods.

The number of reported diseases increased from 2 in the previous 7 years, to 46 in the current reporting period, a significant, but expected increase in this reporting category, an increase that is unlikely to be repeated in forthcoming years.

#### COVID-19 Reporting

RIDDOR reporting requirements relating to cases of disease, or deaths, from COVID-19 only apply where an employee has been infected with coronavirus through:

- Deliberately working with the virus, such as in a laboratory;
- Being incidentally exposed to the virus when working in environments where people are known to have COVID-19, for example in a health or social care setting.

Reports under RIDDOR should be made when one of the following circumstances applies:

- An accident or incident at work has, or could have, led to the release or escape of coronavirus. This must be reported as a dangerous occurrence;
- An employee has been diagnosed as having COVID-19 attributed to an occupational exposure to coronavirus through either deliberately working with the virus or being incidentally exposed to it. This must be reported as a case of disease due to exposure to a biological agent;
- A worker dies as a result of occupational exposure to coronavirus through either deliberately working with the virus or being incidentally exposed to it. This must be reported as a work-related death due to exposure to a biological agent.

Under RIDDOR employers are not required to report:

- Cases of disease or deaths of members of the public, patients, care home residents or service users from COVID-19;
- Cases where an employee has infected another employee with coronavirus through general transmission in the workplace;
- Cases where a member of the public has infected an employee with coronavirus through general transmission in the workplace, unless infection is likely to have occurred from working in an environment with a person known to have COVID-19, for example in a health or social care setting.

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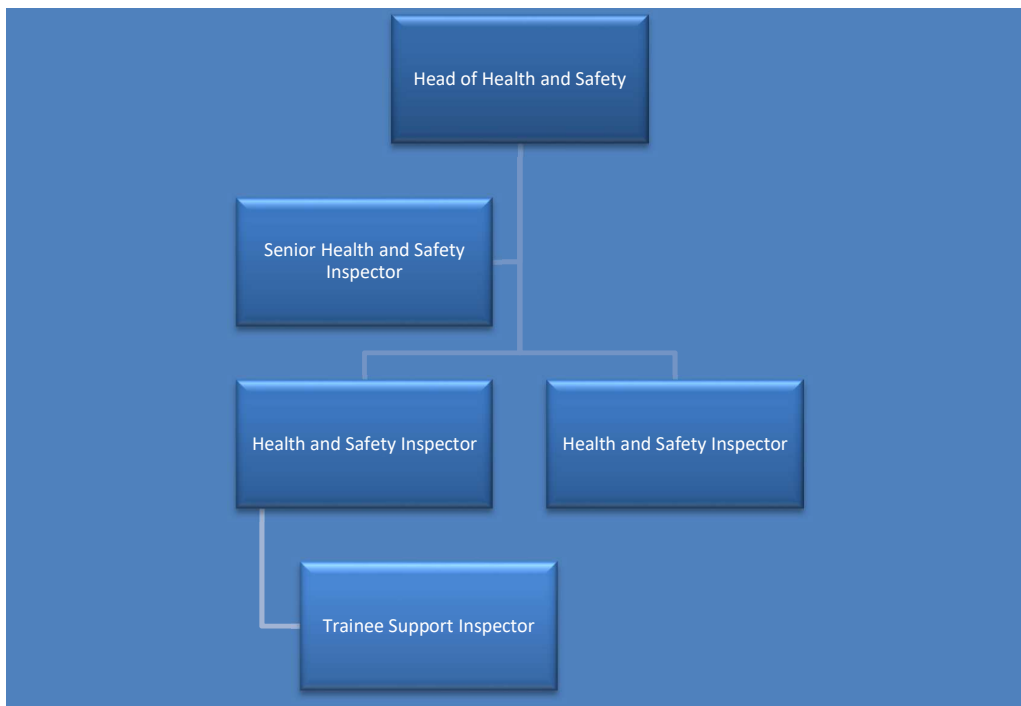
In 2020, the Inspectorate was appointed as the COVID-19 enforcement body during pandemic lockdown periods, actively responding to reports of social distancing and lockdown concerns. Many reports involved workplace activities with a smaller number related to social distancing in public areas. In most cases inspectors did not need to resort to enforcement action, although they undertook site visits where necessary.

Inspectors worked on the COVID-19 frontline, engaging with employers, employees and members of the public whilst responding to complaints and other enquiries. They played an essential role in ensuring that the Island's workforce remained safe with less than 50 reportable COVID-19 cases being reported to the Inspectorate. In excess of 3000 enquiries, complaints and concerns regarding COVID-19 were received by the Inspectorate team.

### Management and staffing

The Inspectorate comprises of 5 officers including the Head of Health and Safety, a Senior Inspector, 2 Inspectors, one of which was recruited in 2023, and a Trainee Support Inspector, a new role developed for 2023.

### The Health and Safety at Work Inspectorate team structure (December 2023)





**Where does the Health and Safety at Work Inspectorate sit within DEFA?**



The Inspectorate is managed by the Head of Health and Safety who reports monthly, and as necessary, to the Director of Regulation, who in turn reports significant matters to DEFA’s Chief Officer, Minister and political team. The Director is generally focused on the strategic management of each of the teams within the Regulation Directorate rather than day to day operational activities.

DEFA has a duty to make adequate arrangements for the enforcement of statutory provisions and therefore to ensure that the Inspectorate has a sufficient number of appropriately qualified and experienced inspectors who can work across a wide range of industries.

DEFA’s responsibilities extend to supporting and encouraging the development of inspector qualifications and skills, ensuring an appropriate mix of skills and experience allowing for effective succession planning.

**The Work of the Inspectorate**

The primary function of the Inspectorate is to ensure compliance with legislation approved by Tynwald, aimed at protecting workers and members of the public whose safety and health may be put at risk by a work activity. This is done by applying an appropriate and proportionate mix of interventions including inspection, provision of advice and guidance, targeted awareness activities and where necessary, formal enforcement action with the aim of prevention of death, injury and ill health to those at work and those directly affected by working activities.

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Key objectives of the Inspectorate:

- Ensuring that the regulatory framework remains effective and appropriate for the Island;
- Securing compliance with a proportionate and consistent approach;
- Reducing the number of reportable major incidents and ensuring that all reportable incidents are reported to the Inspectorate in a timely manner;
- Engaging with other stakeholders to improve workplace health and safety; and
- Ensuring that all service requests, incident reports and reports of dangerous work activities are dealt with in a timely manner.

The Inspectorate has regulatory responsibility for all public and private sector workplaces, including Government departments and properties. Responsibilities also include setting standards through the review and implementation of legislation, providing information and guidance as well as carrying out research into occupational risks.

Inspectors have a variety of enforcement options available to them to secure compliance, including the serving of Prohibition and Improvement Notices as well as initiating prosecutions undertaken by the Attorney General's Chambers. They also have an option to issue a Caution also known as a 'Simple Caution', to organisations and individuals for offences where a prosecution is not felt to be an appropriate course of action or in the public interest.

When a change in legislation is deemed to be necessary, either by the development of new technologies, new industry sectors or an increased risk identified in a particular sector, the Inspectorate is required to submit a business case to the DEFA Policy and Strategy (P&S) Committee chaired by the Minister and the Chief Officer. Support from this Committee is required prior to taking the new legislation forward to the political consenting stage. Section 82(4) of the Health and Safety at Work etc. Act 1974 - as applied to the Island, requires the Inspectorate to consult with any persons and bodies affected by new or amended legislation.

The Inspectorate works in accordance with its own specific enforcement policy and in line with the generic DEFA policy, based on the main principles of good regulation including transparency, consistency, proportionality and accountability.

Enforcement is always carefully considered on a case by case basis with prosecution being the last resort.

### **Workplace engagement**

The Inspectorate recognises that the effective application of health and safety legislation is best achieved through constructive engagement with employers and employees, encouraging best practice, providing advice, guidance and education by way of seminars and attending industry events as well as undertaking proactive and planned inspection programs across the public and private sectors, particularly as new legislation is being brought in. It is important to ensure that a thorough consultative process is carried out within those particular industries.

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It may be perceived, that advisory and educational activities can present conflicts of interest with the primary role of the Inspectorate being the enforcement body, however, if managed correctly, these types of visits can play an effective part in engaging with industry and promoting safe working practices.

Although there has been a number of extensive and complex investigations during this reporting period it has been possible for the Inspectorate to continue to focus its resources on a proactive, albeit limited, program of visits, the increase in inspector resource in 2023 has allowed for an increased focus on proactive activities.

### **Licensing and permissioning regimes**

In addition to the general framework of health and safety legislation, the Inspectorate operates a number of licensing and permissioning regimes, building upon general responsibilities to manage risks to reasonable standards. Licensing and permissioning regimes are reserved for the higher risk activities such as asbestos removal and the storage and use of flammable materials and explosives etc. which requires organisations to demonstrate that they are continuing to apply the highest standards.

Licensing and permissioning regimes include:

#### Dangerous goods licencing

The Inspectorate is responsible for carrying out annual safety reviews associated with the issuing of licences required for the operation of the Island's fuel terminals including petroleum spirit and liquefied petroleum gas (LPG) storage sites across the island.

The Princess Alexandra Pier storage facility operated by Isle of Man Energy, formerly Manx Gas Limited, is expected to meet the requirements of the Control of Major Accident and Hazards (COMAH) Regulations 2015. Safety critical equipment, systems and process safety are all assessed for compliance by the UK Health and Safety Executive's Hazardous Installations Directorate and the Head of Health and Safety, despite the fact that these regulations are not part of Isle of Man legislation framework. The operator aims to comply with these standards in order to demonstrate compliance with Isle of Man legislation. The requirement to comply with COMAH is a condition of the Dangerous Goods Licence and the generalities of primary health and safety legislation.

Twelve sites are inspected and licensed under Dangerous Goods legislation including the major petroleum spirit storage terminals and the Isle of Man airport aircraft fuelling facility.

The most hazardous sites under Inspectorate's authority fall within this licensing regime and the failure of these sites has the potential to result in mass casualties and multiple fatalities and therefore close scrutiny is of utmost importance. The Inspectorate also reviews planning applications in close proximity to the higher risk sites.

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The Inspectorate is also concerned with emergency planning and is involved in the development of offsite emergency planning for the largest sites.

Around **30** site visits per year are undertaken in relation to dangerous goods sites.

### Gas work

Non-registered and untrained gas workers have been responsible for exposing consumers to unsafe situations including gas escapes, carbon monoxide poisonings and other dangerous events. The Inspectorate has investigated a number of serious incidents relating to work undertaken by non-registered and untrained persons. In 2022 gas regulations were updated to align with the latest standards applied in the United Kingdom.

Health and safety legislation requires that all gas work operatives are competent and registered with Gas Safe Register (GSR). The Inspectorate works closely with the registration body to ensure that all unsafe or illegal work activities are investigated. The Island currently has in the region of **80** registered gas businesses with approximately **150** competent operatives working for registered businesses. Gas Safe Register inspects each business to ensure safe standards are being achieved. All gas work operatives must be competent in their areas of work. Operatives can undertake training on Island but have the option to travel off Island to renew their accreditation, this can take up to 5 weeks to complete.

Around **50** inspections of gas installers and installations are undertaken each year this work is carried out by the Gas Safe Register. The Inspectorate responds to emergency situations where there are reports of carbon monoxide poisonings, gas explosions and other reportable gas related incidents, working alongside the gas supplier to ensure the installation is left in a safe condition.

### Asbestos removal work.

Asbestos is classified as a Class 1 Carcinogen, and the Health and Safety Executive in the UK have estimated that currently, asbestos deaths are in excess of 5000 every year. The Inspectorate is notified of a number of asbestos related deaths each year following workers' long term exposure to asbestos during their working life.

Asbestos contractors working with prescribed asbestos materials, the most hazardous asbestos containing materials, are required to hold an asbestos removal licence. A licence is only issued following a successful audit of the businesses procedures, this audit also ensures that prospective licence holders have appropriate equipment that this is regularly maintained, liability insurance is in place and medical surveillance is carried out for all workers involved in removal activities. New legislation applied in 2022 requires businesses in the Isle of Man to hold a licence issued by the Inspectorate, the process is administered on the Island replacing the previous Northern Ireland regime, and a licence is valid for up to 3 years. An application needs to be made and costs £1000 per licencing period. This also applies to businesses visiting the Island to undertake asbestos removal.

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Throughout the licensing period inspectors undertake random, proactive visits to premises where removal work has been notified. Contractors are obliged to notify the Inspectorate before any removal work can commence, with each notification being assessed upon receipt. Information from inspections is fed back into the risk management process providing performance indicators when it comes to the re-issuing of licences.

The Isle of Man asbestos licensing scheme is similar to the HSE scheme. Isle of Man inspectors are trained by the HSE asbestos division to meet the most rigorous standards of inspection and investigation, where there are reports of unsafe removal or exposure to harmful fibres the Inspectorate will prohibit further work until matters are rectified. Isle of Man legislation is based on the Control of Asbestos Regulations 2012, as applied in the UK, prior to implementing our own legislation in 2022 there was no equivalent specific asbestos legislation applied in the Island.

Isle of Man asbestos licensing applies to all businesses working on the Island including visiting businesses. The Inspectorate undertakes around **20** asbestos inspections per year and are required to participate in periodic health screening due to potential exposure to asbestos fibres during inspection activities.

### Railways

There are 7 separate heritage railways requiring authorisation by DEFA, the Department of Infrastructure (DOI) owns four of these, the others are privately operated. The Isle of Man Passenger Transport Act requires railways to be inspected by an 'Inspector of Railways' appointed by DEFA, prior to seasonal operation, to ensure they are safe for public use.

Annual inspections are not undertaken by the Inspectorate but by an independent Inspector of Railways (IOR) appointed by DEFA. The IOR reports directly to the Chief Executive Officer of Isle of Man Government, in line with the above legislation and not the Inspectorate. This work is detached from the Inspectorate so as not to create a conflict of interest.

Day to day health and safety regulation and incident investigation in relation to railway operations is undertaken by the Inspectorate however assistance from specialist advisors is often required, particularly in the case of complex investigations.

The IOR undertakes around **14** inspections per year, with the Inspectorate inspecting where necessary and following the receipt of complaints or reports of dangerous occurrences and other work outside of the scope of the IOR.

### Radiation

The Inspectorate administers matters relating to ionising radiations in the workplace, this includes receiving notifications, registrations, requests for consent and processing applications.

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The Inspectorate undertakes inspections of organisations with regard to the safety of their radiation operations to ensure that they remain compliant and in line with Ionising Radiation legislation. These regulations also include Radon gas across the island.

Due to the hazardous nature of radiation and the risks associated with work activities the Inspectorate updated the legislation, implementing more stringent regulations in 2019, replacing outdated legislation applied in 1968.

Inspectors undertake around **20** inspections per year in premises that use x-ray radiation generators or store sources of radiations.

### **Inter-agency working**

The Inspectorate works collaboratively with other agencies in the course of their duties, including the Office of Fair Trading, the Isle of Man Constabulary, the Coroner of Inquests, the Fire and Rescue Service and Planning and Building Control. Inspectors have built up good relationships with officers within other departments, providing a more joined up, efficient and effective service.

The Inspectorate has developed various agreements with other agencies including:

- MOU with the Isle of Man Civil Aviation Administration
- Work Related Death Protocol with Police
- Data sharing agreement with the Police
- Data sharing agreement with the Department of Health and Social Care
- MOU with the Police for the licencing of explosives
- MOU with the UK HSE regarding gas safety
- Working arrangements' contract with Capita Gas Registration
- Arrangements with UK HSE to provide asbestos training to HSWI Inspectors.
- Contract with the UKHSA for assistance with radiation regulation
- Agreement with the HSE for the delivery of COMAH inspections
- Independent Inspector authorisation for the inspection of high pressure pipelines
- Agreement for work sector/premises authority with Environmental Health
- Agreements with the Attorney General's Chambers for prosecutable cases.
- Data sharing agreement with the Treasury
- Working arrangement with the Isle of Man Ship Registry
- Health and safety warrants issued to Environmental Health Officers.
- Health and safety warrants issued to Office of Fair Trading Officers

### **How the work of the Inspectorate is delivered**

#### Inspections

An inspection is the process carried out by the Inspectorate involving the observation of workplace conditions, standards and practices where work activities are carried out under an employer's control. The purpose of an inspection is to ensure compliance with legal requirements, licensing conditions and industry practise to promote standards of health and

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safety which are proportionate to the risks specific to the organisation or task being carried out.

In a typical day, inspectors on the Isle of Man, unlike colleagues in the UK, can visit a variety of different premises and activities including construction sites, factories, agricultural premises, high pressure pipelines, railways, power stations, high hazard facilities, fairgrounds, hospitals, care homes, and motor sport events. In fact most types of premises and undertakings where occupational activities are being carried out.

This is unique to the Island and other smaller jurisdictions; in larger nations health and safety bodies employ specialist inspectors to regulate higher hazard specialist sectors including railways, radiation, asbestos and hazardous goods.

Inspectors here recognise the difficulties in accessing specialists and are willing to learn and understand regulation in a wide and varied number of specialist sectors. An Inspector must be willing to work across a broad range of industries, unlike counterparts elsewhere.

Many of the inspections carried out in this period are as a result of concerns raised or reports of dangerous occurrences received by the Inspectorate.

Examples of visits and inspections that have prompted further action:

- A complaint was received concerning roof works being undertaken on a 3 storey house, no suitable means of access or fall prevention was being used, and there was no protection preventing debris from falling to the ground injuring workers below. The inspector stopped the work, warning that further instances of dangerous work activities would be reported for prosecution.
- During a visit to a construction site the inspector noticed that a piece of work equipment had not been maintained to the appropriate standards, and a critical safety device was inoperable. The work equipment in question was prohibited from further use until it had been appropriately maintained and the safety device repaired or replaced.
- During a routine visit to a premises the inspector noted that asbestos was present, on further inspection it was identified that the asbestos was in an unsafe condition and no plan to manage the asbestos was in place. After ensuring that the area was made safe and work prohibited, the inspector served an Improvement Notice on the person responsible.

In 2023 inspectors undertook in excess of **600** visits made up of proactive, reactive and planned interventions.

### Investigations

Investigation is a reactive process which includes activities carried out in response to an incident or serious complaint. Investigations are carried out to:

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- Gather and establish the factual evidence;
- Identify immediate and underlying causes and lessons to be learned;
- Prevent recurrence;
- Highlight breaches of legislation; and
- Identify the most suitable course of action.

Investigations may range from simple enquiries being made by a single inspector following a minor incident or complaint, to a large scale formal inquiry involving the full team of inspectors following a serious incident which may involve single or multiple casualties.

A complaint is a concern originating from outside the Inspectorate in relation to a work activity that is sufficiently specific to enable identification of the issue of concern, the duty holder and location and that either;

- Has caused or has the potential to cause significant harm, or alleges the denial of basic employee protection, or
- Appears to constitute a significant breach of law.

Around **400** telephone and email enquiries are made to the inspectorate each year, with around half of these being safety related concerns requiring a rapid response and/or a follow up investigation by an inspector.

The Inspectorate receives in the region of **200** statutory incident reports each year which are received through the RIDDOR reporting process, all of these reports require analysis, with a number requiring a formal investigation or follow-up. Incident reporting legislation in the Isle of Man is the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2003 (RIDDOR) and requires businesses to report work related deaths, specified injuries, diseases and occurrences or accidents requiring over 3 days absence from work. Several examples where investigations have followed include:

- The Inspectorate received notification of the death of a resident in a sheltered housing unit following the outbreak of a fire. The investigation led by the Inspectorate identified serious fire safety failings on the part of the operator. The operator was subsequently prosecuted and fined £46,000 plus £4,000 costs following their admission of the failings.
- The Inspectorate were notified of a derailment on the Manx Electric Railway, a passenger fell from the tram during the derailment. Following a detailed investigation a number of safety and maintenance breaches were identified. The operator of the railway pleaded guilty to offences relating to tram maintenance and was fined £18,000 following their guilty plea.
- Following a serious road traffic collision the Inspectorate investigated matters concerning the road layout, signage and arrangements in place in proximity to works adjacent to a highway. The investigation team identified failings in



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arrangements to protect other road users due to the lack of suitable and sufficient risk assessments. The operator was subsequently fined £10,000 plus costs.

### **Enforcement**

With a small team of inspectors, it is not possible for the Inspectorate to engage with every organisation and respond to every complaint received. Therefore efforts are concentrated on those activities that present a higher risk, or where there is evidence of a significant concern where risks are least well controlled. This ensures the most effective use of resources.

The Inspectorate presents reports to the Attorney General's Chambers with a recommendation for prosecution where it considers that serious breaches of law have taken place. A legal officer from the Attorney General's Chambers will assess the reports and after making evidentiary and a public interest tests, a prosecution will only proceed should reports meet these tests.

All other enforcement decision making is undertaken by the investigating inspector. Enforcement figures are recorded within this section.

### **Enforcement options**

#### Warning – written or verbal

A verbal warning can be issued to organisations where non-safety critical failures have been identified such as those relating to administrative breaches where the duty holder has an otherwise good record of compliance.

Where multiple non-safety critical concerns are identified or minor safety related defects are observed, and where the duty holder has a satisfactory background of compliance an inspector will normally issue a written warning identifying the failings found during the visit.

#### Improvement Notice

An Improvement Notice is issued where there is a contravention of health and safety law and the contravention is likely to continue. An Improvement Notice provides a minimum of 21 days for the dutyholder to comply. These notices are issued where there is a systemic or procedural failing.

#### Prohibition Notice

A Prohibition Notice is served where an imminent risk of danger has been encountered or there is, in the opinion of an inspector, a serious risk of personal injury. It is not necessary to prove a contravention of a statutory provision. A Prohibition Notice can prohibit a particular activity or an unsafe piece of equipment.

#### Caution

A Simple Caution (previously known as a formal or police caution) is a written warning that can be given to persons aged 18 or over who admits to committing an offence (under the

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relevant statutory provisions). A caution is designed to provide a means of dealing with offending without a prosecution when there is evidence of an offence but the public interest does not require a prosecution.

### Prosecution

A prosecution is the taking of punitive action against an employer or employee following a decision making process which is impartial, justified and procedurally correct. Officers within the Attorney General's Chambers review reports and make the decision as to whether to prosecute the organisation or individual.

Enforcement means all dealings with duty holders that result in:

- Serving of notices;
- Withdrawing of approvals;
- Varying of licences, conditions or exemptions;
- Issuing of formal cautions; or
- Prosecution; and
- The provision of information or advice, verbally or in writing.

Table 1 .Enforcement Data 2020 – 2023					
Sectors	Improvement Notice	Prohibition Notice	Formal Caution	Files presented to the AGCs for consideration	Prosecution
Health & Social Care	1	0	2	1	1
Construction	0	6	2	2	2
Education	1	0	0	0	0
Asbestos	1				
Other	0	4	0	0	0
Public Transport	1			1	1
Agriculture/ horticulture				1	1
Manufacturing	1			1	1
Totals	5	10	4	6	6

### **Service requests**

The Inspectorate received in excess of **1400** service requests and other notifications in 2023, these included:

- RIDDOR reports following major incidents, specified injuries, diseases and fatalities;
- Reports of unsafe activities;
- Complaints concerning workplace conditions;
- Planning consultations relating to high hazard infrastructure and other installations;

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- Mechanical Contrivance applications for fairground rides and grandstands;
- Notifications for asbestos removal work;
- Thorough examination adverse inspection reports;
- Demolition notices;
- Ionising radiation notifications/applications;
- CDM Notifications (F10's) – notification of construction projects;
- Enquiries for technical advice and guidance on workplace safety; and
- Planning applications for review

### Data Collection

As part of its work the Inspectorate collects and monitors data on reportable work incidents. Figures include the percentage of reported accidents per head of economically active population. These are split into reports from public and private sector employers and also record the gender of the person involved and the nature of the reports. Although required by law, not every reportable workplace incident will be reported to the Inspectorate and therefore there will be an element of under reporting in these figures, although it is not possible to say to what extent. Work continues to develop and improve the data management systems used by the Inspectorate and to inform and educate organisations on their statutory reporting obligations. This may result in an increase in reports, but the reliability of the data will improve.

Data collected is used to form an understanding of any developing accident and ill health trends which inform proactive inspection activities. This includes the monitoring of incident trends in other jurisdictions feeding into work streams.

As a result of an increase in the number of serious incidents in the motor repair trade in the UK, inspectors are embarking on a campaign to inspect motor vehicle repair workshops and garages to examine working practices in this sector in the Island. It is also recognised that workplaces such as woodworking workshops and timber yards are of a concern due to the increase in lung diseases relating to hazardous wood particulates, and as a result the Inspectorate will be undertaking a programme of visits to these types of premises in 2024.

### Inspectorate reporting obligations

Under local and international obligations the Inspectorate is required to provide reports and statistical information to other authorities concerning workplace legislation, incidents and other information as required by the reporting authority. These bodies include:

- **The International Labour Organisation (ILO);**
- **The United Nations (UN);**
- **The Council of Europe (European Social Charter);**
- **The Cabinet Office (Isle of Man in numbers, Census report etc.); and**
- **DEFA at Directorate and Executive level.**

### **Educational and promotional activities**

The Inspectorate is in regular contact with industry and provides advice to forums and industry groups upon request. A series of workshops will be undertaken in January 2024 to promote safe working practices and risk management to industry, it is anticipated that the workshops will be well supported and are expected to be repeated in the future.

The Inspectorate also provides advice to groups working in the health and care sector, law enforcement bodies and other sector specific forums.

### **Website**

The Inspectorate intends to continue to update its website, as the main 24/7 portal for information sharing it is extremely important to ensure that information contained is accessible, up to date and relevant.

The website contains links to other forums such as the HSE website, and to other safety organisations, current legislation and other informative materials.

### **New legislation applied during this period**

During this reporting period the department has drafted and implemented new/updated legislation including:

- **Ionising Radiation Regulations 2019** apply to a range of workplaces where radioactive sources and equipment generating ionising radiation are used, and workplaces where persons may be exposed to ionising radiation. They also apply to work with natural radiation, including work where people are exposed to naturally occurring radon gas and its decay products. Any employer who undertakes work with ionising radiation must comply with these regulations.

These require employers to keep employee exposure to ionising radiations as low as reasonably practicable, exposure must not exceed specified dose limits. Restriction of exposure should be achieved first by means of engineering control and design features. Where this is not reasonably practicable employers should introduce safe systems of work and only rely on the provision of personal protective equipment as a last resort.

These regulations replaced legislation that was applied in 1968.

- **The Control of Asbestos (Application) Order 2022.** The purpose of these regulations is to protect those people who may be unknowingly exposed to asbestos fibres during their day to day work activities. They seek to ensure that the presence of asbestos is not only determined, but also located, recorded and managed as it allows those who come into contact with it to be informed and take suitable precautions.

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Prior to their application no specific asbestos legislation applied on the Isle of Man however arrangements were in place with the HSE in Northern Ireland who assisted the Inspectorate with the regulation of working with asbestos

- **The Gas Safety (Installation and Use) Regulations 2022** require that gas appliances, are properly installed and maintained and safe from risks of fire, explosion, gas leaks and carbon monoxide poisoning.

Persons working on gas appliances must be competent and businesses and self-employed persons must be registered with the Gas Safe Register. Landlords must ensure that appliances in properties they rent out are checked for safety and in a safe condition.

These regulations replaced previous regulations applied in 1996.

- **The Gas Safety (Management) (Amendment) Regulations 2022** apply to the conveyance of Natural Gas. They cover the safe management of gas through a network, supply emergencies, dealing with gas incidents and gas composition. Network operators must prepare a safety case which must be accepted by the Department.
- A revision of the **Health and Safety at Work etc. Act 1974** is in progress.
- A revision of the **Management of Health and Safety at Work Regulations 2003** is in progress

The HSWI are also committed to reviewing the following regulations for future application:

- Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH);
- Building Safety Act (BSA) in conjunction with Building control and IOM Fire Service;
- Control of Substances Hazardous to Health (COSHH);
- Construction, Design Management Regulations (CDM) and
- Dangerous Goods Legislation

### Key Performance Indicators (KPIs)

DEFA's Department Plan states: *'Enable all Isle of Man residents and visitors to enjoy safe homes, work and social environments, free from the risk of illness, disease, injury and nuisance'*.

The Inspectorate has committed to the following KPIs in line with this Departmental objective:

1. RIDDOR reports. Assess and provide a written response confirming receipt, and where necessary allocate for investigation within 5 working days of receipt.
2. Urgent or immediate concerns (including reported deaths or other reports raised regarding on-going dangerous practices), respond within 1 working day of receipt of the report.

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In addition to these KPIs the Inspectorate endeavours to meet the following targets:

1. Reported concerns are responded to within 5 working days of receipt;
2. Adverse reports following thorough examination of work equipment are followed up within 30 days of receipt;
3. Of all cases submitted to the Attorney General Chambers, 75% are accepted for prosecution, confirming that the investigation was thorough and conducted satisfactorily and the evidence was presented in a suitable manner; and
4. The Inspectorate is committed to improving its website.

### Staffing Costs and Budget (2023/2024)

The Inspectorate's allocated annual budget is £359,121.00 in total, with £344,550.00 (96%) of this total relating to staffing and employment costs, the remainder, £14,571.00 is left to promote health and safety, to employ specialists and experts in specific sectors and to assist the Inspectorate in other activities.

### Comparison with UK accident rates

The HSE produces annual reports on incident statistics based on a similar reporting framework as in the Isle of Man. Comparisons show that the Isle of Man rates differ from the UK, however the differences in working populations and accident reports make it difficult to provide realistic comparisons.

The figures are based on an accident rate per 100,000 employees and, as the economic population of the island is around 43,000 the figures have been adjusted accordingly. UK mandatory reporting is triggered by over 7 day absence from work, this is reflected in the greater number of reported injuries following absence from work in Island where the reporting trigger is an absence over 3 days.

**Table 2:**

<b>ISLE OF MAN CENSUS DATA 2021</b>		
<b>Census data</b>	<b>2016</b>	<b>2021</b>
Resident population	83,314	84,069
Economically Active	42,777	44,875
Working for one or more employers	34,609	Not recorded
Self-employed (employing others)	1,868	Not recorded

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**Table 3: INCIDENT REPORTING DATA by gender/public/private sector 2020 – 23**

<b>% of Reported Incidents by Population 2020</b>	Reports	%
Number of incidents reported in period - 180		
Percentage of incidents by total resident population (83,314)	180	0.21%
Percentage of incidents by economically active (42,777)	180	0.42%
All types of incidents reported in private sector	89	50%
All types of incidents reported in the public sector*	89	50%
Incidents involving males	88	52%
Incidents involving females	80	48%

Incidents involving females	80	48%
<b>% of Reported Incidents by Population 2021</b>	Reports	%
Number of incidents reported in period - 259		
Percentage of incidents by total resident population (84,069)	259	0.31%
Percentage of incidents by economically active (44,875)	259	0.58%
All types of incidents reported in private sector	78	31%
All types of incidents reported in the public sector*	175	69%
Incidents involving males	131	54%
Incidents involving females	112	46%

<b>% of Reported Incidents by Population 2022</b>	Reports	%
Number of incidents reported in period - 189		
Percentage of incidents by total resident population (84,069)	189	0.22%
Percentage of incidents by economically active (44,875)	189	0.42%
All types of incidents reported in private sector	59	32%
All types of incidents reported in the public sector*	127	68%
Incidents involving males	108	59%
Incidents involving females	75	41%

<b>% of Reported Incidents by Population 2023</b>	Reports	%
Number of incidents reported in period - 212 (up to 13/12/24)		
Percentage of incidents by total resident population (84,069)	212	0.25%
Percentage of incidents by economically active (44,875)	212	0.47%
All types of incidents reported in private sector	63	31%
All types of incidents reported in the public sector*	141	69%
Incidents involving males	112	57%
Incidents involving females	84	43%

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**Table 4: Summary of reported incidents by gender and public/private sectors (%)**

Year	Males		Females		Public		Private	
	%	No.	%	No.	%	No.	%	No.
<b>2023</b>	57	112	43	84	69	141	31	63
<b>2022</b>	59	108	41	75	68	127	32	59
<b>2021</b>	54	131	46	112	69	175	31	78
<b>2020</b>	52	88	48	80	50	89	50	89
<b>Av. 2020-23</b>	<b>55</b>	<b>439</b>	<b>45</b>	<b>351</b>	<b>65</b>	<b>532</b>	<b>35</b>	<b>289</b>

*\*Public sector includes Government Departments, schools, health services and local authorities. Reported incidents relating to patients, service users and pupils are included in the figures.*

**Table 5: RIDDOR reports received by reporting category (IOM v UK)**

<b>2020</b>	Isle of Man		UK	
	Reports	Per 100,000	Reports	Per 100,000
Total reported injuries /illnesses (% population)	162	195 (0.19%)	83,542	125 (0.12%)
Reported fatal accidents	2	2.4	203	0.3
Reported major injuries	49	59	14,117	21
Reported Injuries over 3 day absence (7 day UK)	84	101	37,112	53
Reportable Covid 19 infections	27	32	32,110	49

<b>2021</b>	Isle of Man		UK	
	Reports	Per 100,000	Reports	Per 100,000
Total reported injuries /illnesses (% population)	229	272 (0.27%)	75,040	112 (0.11%)
Reported fatal accidents	0	0	211	0.32
Reported major injuries	78	92	17,352	26
Reported Injuries over 3 day absence (7 day UK)	140	166	45,129	67
Reportable Covid 19 infections	11	13	12,348	18.5

<b>2022</b>	Isle of Man		UK	
	Reports	Per 100,000	Reports	Per 100,000
Total reported injuries /illnesses	170	202 (0.2%)	63,990	96 (0.09%)
Reported fatal accidents	2	2.3	203	0.3
Reported major injuries	60	71	17,725	26
Reported Injuries over 3 day absence (7 day UK)	106	126	42,920	64
Reportable Covid 19 infections	2	2.3	3,142	5.1

<b>2023 – (up to 13 Dec 23)</b>	Isle of Man		UK *	
	Reports	Per 100,000	Reports	Per 100,000
Total reported injuries /illnesses	185	220 (0.2%)		*No details released
Reported fatal accidents	1	1.2		
Reported major injuries	55	65		
Reported Injuries over 3 days absence (7 day UK)	127	151		
Reportable Covid 19 infections	2	2.3		



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<b>Table 6: KEY STATISTICS BY EMPLOYMENT SECTOR 2020 - 2023</b>		
<b>Premises type/work sector</b>	<b>Visits*</b>	<b>RIDDORS**</b>
Human health and social care activities <sup>1</sup>	31	241
Educational establishments	19	205
Couriers, mail, transport, warehousing etc.	106	64
Construction	359	51
Arts, entertainment and recreation	28	27
Shops, retail etc.	22	2
Agriculture, forestry, horticulture and fishing	34	23
Utilities - Water supply, sewerage, waste management	15	17
Accommodation and food service activities	7	16
Public administration and defence; compulsory social security; prison	57	16
Utilities - Electricity, gas etc	127	15
Manufacturing	24	12
Motor vehicle repair and sales	19	6
Financial and insurance activities	1	5
Mining and quarrying	18	4
IT and communication	6	4
Other activities not classified elsewhere	0	1
Professional, scientific and technical activities	6	0
Domestic activities, homeworkers etc	2	0
<b>Totals</b>	<b>881*</b>	<b>734**</b>

\*Up to 5 Nov 2023; \*\* up to 13 Dec 2023

<sup>1</sup> The Inspectorate is responsible for the regulation of the health and safety in health and care establishments including hospitals and nursing homes, whereas in the UK, although this sector is regulated by the HSE, the Care Quality Commission undertake regulatory activities on their behalf.

### Other notifications to the Inspectorate (up to 5 Nov 23)

	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>Total</b>
<b>Asbestos licencing</b>	n/a	n/a	63	52	115
<b>CDM</b>	199	73	140	105	517
<b>Demolitions</b>	57	42	42	62	203
<b>Event safety</b>	10	n/a	n/a	n/a	10
<b>Thorough Examinations</b>	44	37	35	20	136
<b>Totals</b>	<b>310</b>	<b>152</b>	<b>280</b>	<b>239</b>	<b>981</b>

### Head of Health and Safety Comments

The team of inspectors are committed to playing a major role in improving health and safety standards in the workplace, the statistics demonstrate that with their involvement and proactive engagement with organisations the number of reported incidents can be reduced.

The current standards can only be maintained where the Inspectorate continues to be adequately resourced and funded, remaining at arm's length from Departmental control and consequential restrictions.

## REPORT OF THE HEALTH AND SAFETY AT WORK INSPECTORATE 2020 - 2023

Following their involvement in a major investigation two team members have been presented with a Police Award, presented by the Chief Constable and Lieutenant Governor, something that the whole team are extremely proud of and a demonstration of the team's commitment to their roles.

As the Head of Health and Safety I am proud of the way our small team of inspectors, who, as a frontline service, have been consistent in their commitment to reducing risk and helping to protect the Island's population, despite unprecedented challenges over last four years particularly the extreme workload created by the Coronavirus pandemic.

I would like to take this opportunity to pass on my gratitude to the Inspectorate team and the broader Department for their continued support.

Robert Greaves  
Head of Health and Safety

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Further information can be found at:

<https://www.gov.im/categories/business-and-industries/health-and-safety-at-work/>

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