

2020.06.16

13 Deputy C.S. Alves of St. Helier of the Minister for Health and Social Services regarding the number of complaints received about a lack of adhere to Covid-19 Regulations on workplace restrictions (OQ.163/2020):

How many complaints, if any, have there been regarding a lack of adherence to the COVID-19 regulations on workplace restrictions both in respect of construction sites and other workplaces?

The Deputy of St. Ouen (The Minister for Health and Social Services):

To date there have been a total of 265 complaints, of which 225 were made directly to gov.je addresses and 40 to the Health and Safety Inspectorate. Building Control have received a further 9 enquiries which they have followed up with construction sites, but they were not formally recorded as complaints.

3.13.1 Deputy C.S. Alves:

Have there been any consequences as a result of the complaints? For example, have there been any permits revoked on construction sites?

The Deputy of St. Ouen:

I have not been advised of the revocation of any permits, but Building Control inspectors are keeping a watching brief on construction sites and when complaints have been received, they are educating, encouraging and explaining the advice as required and it would appear that matters have been remedied on that basis.

3.13.2 The Deputy of St. Martin:

While construction sites are less visible to the public, cafés are not. Is the Minister aware of any cases where officers have intervened? Because there seems to me and many others to be a huge discrepancy between the ways cafés and restaurants - cafés particularly those with alfresco - are looking at the regulations. Which officers would be responsible for policing that?

The Deputy of St. Ouen:

Yes, the majority of complaints have been about the lack of social distancing within both hospitality and retail and those are followed up by Environmental Health officers, who discuss the requirements with the businesses concerned and ensure that matters are rectified.

3.13.3 The Deputy of St. Martin:

I just ask the Minister, I am sure he is, but is he aware that it is incredibly unfair? Some cafés are spending a huge amount of money, time and resource of making sure they do the right thing, while others appear to be taking little notice.

The Deputy of St. Ouen:

They should of course be taking proper notice of the guidance and complaints can be made and complaints will be followed up. It is important that that guidance is observed for the health of all Islanders and I hope Islanders would not frequent places which are obviously breaching the guidance on social distancing.

3.13.4 Deputy M. Tadier:

Is there an evidential test that is used to look at the quality of the evidence submitted by, for example, members of the public? If someone thinks that a workplace or, for example, a building site

which might be 100 metres away and are not social distancing, what evidence is required before the inspectorate would intervene?

The Bailiff:

Minister, are you able to assist?

The Deputy of St. Ouen:

I am advised that in the case of building sites, building control inspectors or the Health and Safety Inspectorate would attend. In the case of other workplaces, Environmental Health officers would attend and would give advice, no doubt inform operators of the nature of the complaint and see what is being done to rectify the problem.

[11:00]

They would be looking with their eyes at the evidence that they can see and acting accordingly.

3.13.5 Deputy G.P. Southern:

How many of these 200-plus complaints have been upheld and remedial action taken immediately?

The Deputy of St. Ouen:

It is a case always before officers proceed to enforcement action, they will engage and educate and encourage. That is by far the better approach, rather than keeping a record of how much is upheld and how many are not upheld. In any workplace it is always good to be reminded of the rules and to have a review of them by somebody coming in from outside and just checking on what is going on.

3.13.6 Deputy G.P. Southern:

But there is, I assume - if the Minister would please tell us - a record of each of these complaints and an outcome, surely?

The Deputy of St. Ouen:

Yes, there is a record of the complaints being made which are then passed to relevant officers, who I am sure would make a record of how they have engaged with the workplace.

3.13.7 Connétable M.K. Jackson of St. Brelade:

Would the Minister confirm that the Environmental Health and Health and Safety Inspectorates have sufficient manpower to apply the laws presently prevailing?

The Deputy of St. Ouen:

I am advised that 12 environmental health officers are engaged in this task. The Building Control Inspectorate, I am not aware of the numbers there. It is no doubt an additional part of their workload but complaints are followed up and I am not aware of pressure on their numbers.

The Connétable of St. Brelade:

I thank the Minister.

3.13.8 Deputy C.S. Alves:

Is there a programme of regular monitoring or unscheduled visits of workplaces without complaints being submitted?

The Deputy of St. Ouen:

I believe that was the case in respect of construction sites, that when the regulations were introduced and the permit scheme put in place, there was provision made for building control inspectors and for health and safety inspectors to conduct unannounced visits, so I trust that work is going on. I do not believe there is any formal arrangement for other inspectors to visit, say, retail or hospitality premises, but insofar as these inspectors are at work and moving around the Island, they will no doubt be keeping their eyes and ears open.