

## **Radon in the workplace**

### **Introduction**

This report has been prepared for the Environment Scrutiny Panel who are undertaking a review of radon.

The request for information on the legal controls for radon in the workplace was made by Public Health England's Centre for Radiation Chemical and Environmental Hazards, who have been appointed as expert advisers to the Environment Panel for the purpose of their review.

The report provides information on the legal requirements placed on employers under the Health and Safety at Work (Jersey) Law, 1989, and the Approved Code of Practice for Work with Ionising Radiation, ACoP 2, revised 2002.

### **Health and Safety at Work (Jersey) Law, 1989**

The Health and Safety at Work (Jersey) Law, 1989, (Law) is the main occupational health and safety law which applies in Jersey. The Law sets out the framework used by the States of Jersey, the Minister for Social Security and the Health and Safety at Work Inspectorate for dealing with health and safety issues at work.

Part 2 of the Law contains Articles 3 – 8 which place general duties on all those involved with working activities including employers, employees, the self employed, and those in control of premises.

Article 3(1) of the Law sets out a general duty on employers to ensure, so far as is reasonably practicable, the health, safety and welfare of his employees. Article 3(2) goes on to give examples to which that duty extends, including:

- (aa) The identification and assessment of risks to health and safety to which the employer's employees are exposed;
- (a) The provision and maintenance of plant and systems of work that are, so far as is reasonably practicable, safe and without risks to health;
- (b) Arrangements for ensuring so far as is reasonably practicable, safety and absence of risks to health in connection with the use, handling, storage and transport of articles and substances;
- (c) The provision of such information, instruction, training and supervision as is necessary to ensure, so far as is reasonably practicable, the health and safety of the employer's employees;
- (d) So far as is reasonably practicable as regards any place of work under the employer's control, the maintenance of it in a condition that is safe and without risks to health and the provision and maintenance of access to and egress from it that are safe and without such risks; and

- (e) The provision and maintenance of a working environment for his employees that is, so far as is reasonably practicable, safe, without risks to health, and adequate as regards facilities and arrangements for their welfare at work.

Article 3(3) of the Health and Safety at Work (Jersey) Law, 1989, requires employers with five or more employees to prepare a written health and safety policy which includes, under Article 3(3)(b), a written statement of significant risks identified by the employer under Article 3(2)(aa), and the measures that are taken to eliminate or reduce that risk.

### **Approved Code of Practice Work with Ionising Radiation**

Article 10 of the Law provides for the Minister for Social Security to approve codes of practice for the purpose of providing practical guidance on how the legal duty set out under Part 2 of the Law, or regulations made under the Law, can be met.

An Approved Code of Practice (ACoP) has a certain legal status in that it can be used as evidence in legal proceedings of the standard which an employer must achieve. Whilst employers are free to meet the legal duty placed on them by other means, these other means should be of at least an equivalent standard to that set out in the Approved Code of Practice.

The current Approved Code of Practice, Work with Ionising Radiation, ACoP 2, was approved on the 29<sup>th</sup> August 2002. The ACoP, which was developed with assistance from the UK Health and Safety Executive, is available free from the Social Security Department, or through the Health and Safety at Work Inspectorate's section of the States of Jersey website at:

<http://www.gov.je/Industry/HealthSafetyWork/HSI/Legislation/ApprovedCodesPractice/Pages/IonisingRadiationACoP.aspx>

The ACoP sets out guidance on the general principles and procedures, arrangements for the management of radiation protection, designated areas, classification and monitoring of persons, arrangements for the control of radioactive substances, articles and equipment and assessment of hazards, and contingency planning and emergency procedures.

In respect of radon, the ACoP applies to any work carried out in an atmosphere containing radon 222 at a concentration in air, averaged over any 24 hour period, exceeding 400Bq m<sup>-3</sup>, ( except where the concentration of the short-lived daughters of radon 222 in air, averaged over any 8 hour working period, does not exceed 6.24 x 10<sup>-7</sup> Jm<sup>-7</sup>)<sup>1</sup>.

Where such a concentration is identified the employer has a responsibility to notify the Health and Safety at Work Inspectorate and appoint a specialist Radiation Protection Advisor, who can advise the employer on the requirements of the ACoP<sup>2</sup>.

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<sup>1</sup> Paragraph 8

<sup>2</sup> Paragraph 14

Employers are also required to notify the Inspectorate of any overexposure to employees, or incidents of occurrences of radon in the workplace to which the ACoP applies<sup>3</sup>

### **Comment**

Health and Safety at Work legislation is intended to be self regulating, requiring those with responsibilities under the Law, in this case employers, to take proactive action to identify risks to the health and safety of their employees and others, and put in place appropriate control measures.

In respect of radon, the Inspectorate has only received limited notifications under the ACoP of either the intention to carry out work where radon was present, or where passive monitoring in a workplace over 3 months, corrected to winter, exceeded 400Bq m<sup>-3</sup>. In such instances the Inspectorate ensured that appropriate action was taken.

**Colin Myers**

**Director of Health and Safety  
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<sup>3</sup> Paragraph 26,27.