

Marine Infringement Penalty Strike System (MIPSS), for a safer harbour

It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all the employer's employees.

It shall be the duty of every employee while at work:

- a. to take reasonable care for his or her health and safety and the health and safety of other persons who may be affected by his or her acts or omissions at work; and
- b. as regards any duty or requirement imposed on his or her employer or any other person by or under any of the relevant statutory provisions, to co-operate with the employer or other person so far as is necessary to enable that duty or requirement to be performed or complied with.

Introduction

This Standard Operating Procedure has been introduced to ensure a method of addressing safety and security infringements, relating to the current COPs for marine traders operating on Ports of Jersey's estate and any infringements to the Health and Safety at Work (Jersey) Law 1989. Ports of Jersey is committed to keeping the Port of St Helier open, safe and secure.

The MIPSS procedure applies to all harbour users, who are holders of a harbour security access pass. This is inclusive of any 3rd party contractors. The MIPSS procedure is intended to deter harbour users from contravening any Standard Operating Procedures, Code of Practices and the Health and Safety at Work (Jersey) Law 1989.

The procedure is overseen by the Marine Operations Manager, Jersey Marinas and the Health, Quality, Safety and Environment Manager for Ports of Jersey.

The issuing of a MIPSS Strike

Harbour users who contravene the Harbour's Standard Operating Procedures or the Health and Safety at Work (Jersey) Law 1989 will be issued with a 'Strike'. The grade of Strike is dependent on the severity of the infringement (see Appendix 1).

The following Ports of Jersey staff are authorised to issue a Strike:

- Harbour Master
- Duty Acting Harbour Masters
- Health, Quality, Safety and Environment (HQSE) Manager
- Marine Operations Manager/Superintendent
- Boat Park Supervisor
- Marina Supervisors

A list of infringements and the Strike to be allocated is provided in the table shown in Appendix 1.

The individual's details and the nature of the infringement/offence will be logged in Ports of Jersey's Q-Pulse reporting system to be tracked.

A list of Strikes issued will be promulgated and discussed by the Harbours Management Team during the Safety Management System meeting. If the management team deem it necessary, a Safety Bulletin may be issued to all harbour users.

Any Black Strikes involving the Health and Safety at Work (Jersey) Law 1989 must be notified to the HQSE Manager.

Any Black Strikes involving the Security of the Port must be notified to the PFSO/Duty Acting Harbour Master.

In case of multiple infringements, the most serious infringement will be taken into consideration, when issuing a Strike.

Strikes may be issued verbally when required and will then be confirmed in writing by email to the individual or that individual's employer. The individual's employer will be notified by email of the infringement and the severity it carries, within 24 hours of the action being issued. The employer must acknowledge receipt of the email and confirm that appropriate action has been undertaken within seven days. If an extension to this is required, it will be considered upon written request.

CCTV can be used, if available, as evidence to assess an infringement/offence in support/defence of a Strike, subject to the current GDPR.

Appeals

Any appeal must be made to the Marine Operations Manager or HQSE Manager within seven days of the individual or employer receiving notification of the Strike. The appeal will be held within a month of the date of Strike being given.

The Harbours Management Team should be satisfied that the individual or employer has reasonable grounds for appeal before proceeding.

A written statement by the individual can be submitted in support of the appeal.

A member of the employer's Management Team may represent the individual at any appeal panel meeting. Appeals against and Strike will be considered by the MIPSS Appeal Panel, which will be made up of the Harbours Management Team but must include the HQSE Manager (Chair) and two other Harbour Managers, who have not been involved in the issuing of the Strike notice, that is up for appeal.

The MIPSS appeal panel has the right to reduce, maintain or increase the Strike severity issued when reviewed, in the event of an appeal. The decision of this panel is final.

Implications for Strikes issued:

Colour Code	Strike severity	Consequence
Yellow Strike	Minor infringement	Remains on record for rolling 12 months. Three yellow Strikes will elevate to an Orange Strike.
Orange Strike	Medium infringement	Suspension of access card for a minimum of one week maximum of two weeks. Remains on record for rolling 12 months two Orange Strikes will elevate to a Red Strike. One Orange and one Yellow will mean suspension of access card for a minimum of one week maximum of two weeks and the Individual will need to review the appropriate induction presentation. Strikes will remain on record for rolling 12 month period.
Red Strike	High infringement	Suspension of access card for a maximum of four weeks, while an investigation is carried out. Access maybe removed for longer or permanently depending on the infraction/offence. The Individual will need to review the appropriate induction presentation. Strike will remain on record for rolling 12 month period
Black Strike	Serious infringement	Immediate suspension of access card pending an investigation and outcomes. Strike will remain on record permanently.

Suspension of access cards means no access to the boat parks, outlying harbours or marinas to undertake paid work by the person/employer who has received the strike.

Appendix I

Infringement Penalty Strike System offence codes and strike allocations

Offence Code	Infringement/Offence	Strike
	Breach of the Health and Safety at Work (Jersey) Law 1989 where the offence is not listed	
	Assault or threat of assault against any other person	
	Being under the influence of alcohol or drugs	
	Blocking safe/emergency exit routes	
	Use of threatening words or behaviour	
	Failure to report an incident/accident on the Ports estate to Ports of Jersey	
	Failure to notify Ports of Jersey of any hot works or grit blasting	
	Not wearing correct PPE when required (incl. high visibility clothing, hard hat)	
	Unsafe working at height	
	In breach of Boat Park Standard Operating Procedures/where the infringement is not listed	
	Obstructing work area access/egress or premises doors/exits	
	Failure to Notify Ports of Jersey of subcontractors working on Ports of Jersey estate	
	Exceeding designated Speed limits	
	Vehicle parked on yellow hatching	
	Equipment stored incorrectly/causing an obstruction	
	Unsafe working practices	
	Failure to show Ports of Jersey Marine Trader Pass when asked	

Law enforcement officers may be requested to assist in the removal of persons believed to be under the influence of alcohol or drugs.