



**Ports Infringement Penalty Strike System (PIPSS), 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 SOP's for the Elizabeth Terminal and the New North Quay, 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 PIPSS procedure applies to all harbour users, who are holders of a harbour security access pass. This is inclusive of any 3<sup>rd</sup> party contractors. The PIPSS procedure is intended to deter harbour users from contravening any Standard Operating Procedures and the Health and Safety at Work (Jersey) Law 1989.

The procedure is overseen by the Port Operations Manager and the Health, Quality, Safety and Environment Manager.



## **The issuing of a PIPSS 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
- Operations Manager
- Port Operations Manager

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

The individual's details and the nature of the infringement/offence will be logged in the Ports of Jersey 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 in to 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 24hrs of the action being issued. The employer must acknowledge receipt of the email and confirm that appropriate action has been undertaken within 7 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 Port Operations Manager or HQSE Manger within 7 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 PIPSS 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 PIPSS 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.

Strike severity	Colour code
Minor infringement	
Medium infringement	
High infringement	
Serious infringement	
Colour Code	Consequence
Yellow Strike	Remains on record for rolling 12 months. 3 yellow Strikes will elevate to an Orange Strike.
Orange Strike	Suspension of access card for a minimum of 1 week maximum of 2 weeks. Remains on record for rolling 12 months 2 Orange Strikes will elevate to a Red Strike. One Orange and one Yellow will mean suspension of access card for a minimum of 1 week maximum of 2 weeks and the Individual will need to review the appropriate induction presentation. Strikes will remain on record for rolling 12 month period.
Red Strike	Suspension of access card for a maximum of 4 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	Immediate suspension of access card pending an investigation and outcomes. Strike will remain on record permanently.



## Appendix I

### Infringement Penalty Strike System offense codes and strike allocations

Offence Code	Infringement/Offence	Strike
1	Breach of the Health and Safety at Work (Jersey) Law 1989 where the offence is not listed.	Black
2	Assault or threat of assault against any other person	
3	Unauthorised access to Restricted Areas	
4	Being under the influence of alcohol or drugs <sup>i</sup>	
5	Blocking safe/emergency exit routes.	Red
6	Unsecured loads resulting in an accident/incident/damage or injury	Red
7	Use of threatening words or behaviour	Red
8	Driving with unsecure load likely to fall/has fallen	Orange
9	Failure to report an incident/accident to the Ports of Jersey	Orange
10	Not wearing correct PPE when required (incl. high visibility clothing, hard hat)	Orange
11	Unsafe working at height	Orange
12	In breach of Harbours Standard Operating Procedures/where the infringement is not listed.	Yellow
13	Driving in the wrong direction on roadway/in the wrong lane.	Yellow
14	Failure to comply with signs/markings	Yellow
15	Failure to display working top light or beacon when required	Yellow
16	Obstructing work area access/egress or premises doors/exits	Yellow
17	Exceeding designated Speed limits	Yellow
18	Vehicle parked on yellow hatching	Yellow
19	Equipment stored incorrectly/causing an obstruction	Yellow

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