

STATES OF JERSEY



DRAFT HEALTH AND SAFETY (WORK EXPERIENCE) (JERSEY) REGULATIONS 200

**Lodged au Greffe on 11th May 2006
by the Minister for Social Security**

STATES GREFFE



Jersey

DRAFT HEALTH AND SAFETY (WORK EXPERIENCE) (JERSEY) REGULATIONS 200

REPORT

These proposed Regulations are the result of a request of the former Education, Sport and Culture Committee to provide for students undertaking work experience to have the equivalent protection to that provided to employees under health and safety at work legislation.

Financial/manpower statement

These draft Regulations have no implications for the financial or manpower resources of the States.

Explanatory Note

These Regulations extend the effect of the Health and Safety at Work (Jersey) Law 1989, which provides amongst other things for securing the health, safety and welfare of persons at work.

The effect of the Regulations is to provide that while a person who is not an employee is obtaining work experience under a training course or programme, or training for employment, he or she will be regarded – for the purposes of the principal Law – as being at work and as employed by the person who is providing the training.

However, this will not apply in respect of work experience or training that is provided directly by an educational establishment on a course run by it.

A person will in any event only be treated as being at work if an actual employee, when obtaining work experience or receiving training under his or her contract of employment, would be regarded as being at work in those circumstances.

If passed, the Regulations would come into force 7 days after they are made.



Jersey

DRAFT HEALTH AND SAFETY (WORK EXPERIENCE) (JERSEY) REGULATIONS 200

Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in pursuance of Article 1 of the Health and Safety at Work (Jersey) Law 1989^[1], have made the following Regulations –

1 Interpretation

In these Regulations, unless the context otherwise requires –

“educational establishment” means a university, college, school or similar educational or technical institute;

“Law” means the Health and Safety at Work (Jersey) Law 1989;

“relevant training” means work experience provided pursuant to a training course or programme, or training for employment, or both, except where –

- (a) the immediate provider of the work experience or training for employment is an educational establishment and it is provided on a course run by the establishment; or
- (b) it is received under a contract of employment.

2 Meaning of “work” and “at work”

(1) For the purposes of the Law –

- (a) the meaning of the word "work" shall be extended to include relevant training;
- (b) a person who is being provided with relevant training is at work throughout the time (but only during the time) when he or she would be at work in the course of his or her employment if the person were receiving such training under a contract of employment.

(2) The meaning of “at work” shall be extended accordingly.

(3) In that connection, in the other relevant statutory provisions, “work” and “at work” shall be construed accordingly.

3 Meaning of expressions relating to employment

(1) For the purposes of the relevant statutory provisions, a person provided with relevant training shall be treated as being the employee of the person whose undertaking (whether carried on by the second person for profit or not) is for the time being the immediate provider to the first person of the training.

(2) “Employee”, “worker”, “employer” and related expressions in those provisions shall be construed

accordingly.

4 Citation and commencement

- (1) These Regulations may be cited as the Health and Safety (Work Experience) (Jersey) Regulations 200-.
- (2) These Regulations shall come into force on the seventh day after they are made.

