

# Facilities Management Handbook on Critical Legislation

Guidance Note



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Published January, 2012

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## 1st Edition

January, 2012

Please note the detail outlined in this document is not a legal interpretation of the legislation. This document has been produced by the SCSi to act as a guidance and aid to ensure compliance with the legislation in place at the time of print. More detailed guidance is available from the HSA on [www.hsa.ie](http://www.hsa.ie), the EPA on [www.epa.ie](http://www.epa.ie) and government website [www.irishstatutebook.ie](http://www.irishstatutebook.ie)

## Foreword

The Facilities Committee of the SCSI is delighted to produce this Handbook for Facilities and Property Managers on the topic of Critical Legislation.

The objective of the handbook is to provide a good reference guide for our members on the legislation that applies to them during the course of their daily work. We have endeavoured to include all of the critical legislation that we believe is relevant however, it is important to note that this is a reference guide only and should be read in conjunction with the relevant HSA and legislative documents.

We have made the handbook as user friendly as possible. It is broken into seven sections, one of which is a quick reference guide at the front of the handbook.

We have purposely not produced a hard copy of the handbook as we wish that members will access the document from the SCSI website when they need to reference the document. This will ensure that our members are accessing the most up to date information at that point in time.

A lot of work has gone into developing the handbook. I would like to thank my colleagues on the committee for their assistance and in particular I wish to recognise the work of Jacquie Brett who was the author of the handbook. I would also like to thank the HSA for their invaluable feedback and advice on the handbook and commitment to assist with any future editions.

Finally, this is your handbook therefore we want your feedback on it in respect of its layout, user friendliness and accuracy. We hope that the handbook will be of assistance to you and commend it to you as a reference guide.

Yours sincerely,

**David O'Brien**  
**Chairman, SCSI Facilities Committee**

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# Section 1: Quick Reference Section

## 1.1 Accident/Dangerous Occurrence Reporting

*For Further information please contact the HSA website – [www.hsa.ie](http://www.hsa.ie)*

### Legislation:

#### Safety, Health & Welfare at work (General Application) Regulations 1993 – Part X

*This is the only part of the 1993 Regulations that still exists. Under the legislation, employers and the self employed have a duty to report accidents and dangerous occurrences that happen to themselves, their employees, or persons not in their employment where the accident occurs at their place of work or a place of work where they have control.*

#### **The following types of accidents must be notified to the Health & Safety Authority:**

- **General injuries involving employees and self-employed accidents**, where a person is injured at a place of work and cannot perform their normal work for more than 3 consecutive days, not including the day of the accident, are reportable.
- **Road traffic/vehicle accidents involving employees and self-employed**: *such accidents are reportable if the person was injured while driving or riding in the vehicle in the course of work, and cannot perform their normal work for more than 3 consecutive days, not including the day of the accident.*
- **General injuries involving members of the public**: accidents relating to the place of work or a work activity where a person requires treatment from a medical practitioner are reportable. It should be noted that accidents related to a medical treatment or a pre-existing medical condition are not reportable.
- **Road traffic/vehicle accidents involving members of the public**: *road traffic accidents are only notifiable if they relate to vehicle loads or to the construction or maintenance of roads or structures adjacent to roads.*

### Frequently Asked Questions:

***If I get injured on a Wednesday and return to work on Monday is it reportable?***

*Yes, because the person is absent from work for more than 3 consecutive days, the accident is reportable (even if the employee does not normally work on a week-end, the Saturday and Sunday are counted).*

***If I hurt my back on Monday and return to work on Thursday but am given light duties for the next week is it reportable?***

*Yes, even though you were not absent for more than 3 days you could not perform your normal work for more than 3 days*

***If I get injured on Monday and return to work on Thursday is it reportable?***

*No, you must be absent for more than 3 days, not including the day of the injury.*

***If I hurt my back on Monday and return to work on Thursday but am unable to work on Friday is it reportable?***

*No you were not out of work for more than 3 consecutive days.*

### ***How to Report an Accident to the Health & Safety Authority***

- You can go online to [www.hsa.ie](http://www.hsa.ie) and click on the "Report An Accident Online" icon.
- You can report an accident in **hard copy** on the pre-printed IR1 Form. The HAS only accepts the pre-printed forms published by the Authority. Photocopies are not acceptable.
- When notifying a Fatal Accident to the Authority, the responsible person must:
  - Supply the Authority with the name of the deceased, location of the accident and brief particulars of the accident, by the quickest practicable means.
  - Send a written report of the incident, on the approved form, to the Authority as soon as practicable.
  - The responsible person should ensure that no person disturbs the accident scene before the scene has been examined by an inspector and three clear days have elapsed since the accident after notification of the accident.
  - If an injured person dies within a year of the accident, the responsible person is required to notify the Authority in writing as soon as possible after the death comes to their knowledge, even if the incident has not previously been notified to the Authority.
  - The Gardaí should be notified immediately of all workplace accidents resulting in death.

It should be noted that in the case of an accident involving an employee at work the employer is responsible for reporting the accident.

In any other case (*if the injured person is self-employed or a member of the public*), the person responsible for reporting the accident is the person having control of the place of work at which the accident occurred, including persons providing training (*in the case of death or injury of a person receiving training for employment*).

If a self-employed person is fatally injured, the person who is the owner or tenant in the place of work is responsible for reporting the accident. If the fatally injured person is the tenant or owner of the place of work, the next of kin has the responsibility for reporting the accident.

### **Guidance Documents:**

Further information is available from the HSA website [www.hsa.ie](http://www.hsa.ie)

## 1.2 Asbestos

*For Further information please contact the HSA website – [www.hsa.ie](http://www.hsa.ie)*

### Legislation:

**Safety, Health & Welfare at Work (Exposure to Asbestos) Regulations 2006**

**Safety, Health & Welfare at Work (Construction) Regulations 2006**

*All types of asbestos are dangerous and concerns relating to the colour can be misleading. If you use or strip asbestos it is essential to discuss the work with the HSA.*

*There is a potential for exposure to asbestos in a variety of workplaces. Much asbestos cannot be easily identified from its appearance. The only way to be certain that a building or workplace has asbestos is to have an asbestos survey carried out by a competent person. The material has to be assessed and microscopically examined by a competent person.*

### **Asbestos was most commonly used as:**

- A spray coating on steel work, concrete walls and ceilings; for fire protection and insulation
- Insulation lagging in buildings and factories, on pipework and for boilers and ducts. Asbestos insulating board, such as Asbestolux and Marinite, used as wall preparations, fire doors, ceiling tiles etc.
- Asbestos cement products such as sheeting on walls and roofs, tiles, cold water tanks, gutters, pipes and in decorative plaster finishes.
- Asbestos bituminous products such as roofing felt, gutter linings, damp proof courses, mastics and adhesives for floor tiles and wall coverings.

*The people most at risk from exposure include general maintenance staff, construction workers, plumbers, electricians, fitters, cabling engineers, computer installers, demolition workers and asbestos removal workers. Asbestos Containing Materials (ACMs) can be inadvertently disturbed during maintenance; repair or refurbishment works on a building. Drilling, cutting or other disturbance of existing ACMs can release asbestos fibres into the air which can then be inhaled.*

### **Some Important Points:**

- Consider if there is likely to be ACMs in the workplace e.g. based on age of building.
- If so, you must identify ACMs using a competent surveyor, prior to any work which involves maintenance, repair or refurbishment work.
- Remove ACMs at risk of disturbance using a competent person or specialist contractor.
- You must use specialist asbestos removal contractors for work involving asbestos insulation, coatings and asbestos insulating board (AIB).
- Manage in place those ACMs which are in sound condition e.g. make sure all asbestos is clearly identified (labelled), sealed and protected against further damage.

### Guidance Documents:

Further information is available from the HSA website [www.hsa.ie](http://www.hsa.ie)

**Asbestos Advice** – [www.hsa.ie](http://www.hsa.ie)

**Information Sheet** – [www.hsa.ie](http://www.hsa.ie)

**Working with Asbestos Cement** – [www.hsa.ie](http://www.hsa.ie)

**Asbestos Information Pages** – [www.hse.gov.uk](http://www.hse.gov.uk)

**Free Asbestos Training Course** – [www.alison.com](http://www.alison.com)

*Asbestos contractors may be identified through the Golden Pages*

## 1.3 Boilers

For Further information please contact the HSA website – [www.hsa.ie](http://www.hsa.ie)

### 1.3.1 Commissioning Boilers

#### Legislation:

**Safety, Health & Welfare at work (General Application) Regulations 2007**

*Hot water boilers in workplaces are classed as work equipment in the context of the above regulations*

#### The legislation requires:

- Periodic thorough examination by a competent person must take place (*e.g. every 6 months*). Reports of these examinations must be kept available for inspection by the Health & Safety Authority Inspector.
- All required repairs to boilers must also be carried out by a competent person.
- Regular checks also need to be carried out as per recommended maintenance procedures.

#### Guidance Documents:

Further information is available from the HSA website [www.hsa.ie](http://www.hsa.ie) or from Government Publications [www.irishstatutebook.ie](http://www.irishstatutebook.ie)

Factories Act 1955 and as amended by the 1980 Safety & Industry Act.

### 1.3.2 Water Boilers / Café Sets

For Further information please contact the HSA website – [www.hsa.ie](http://www.hsa.ie)

*Water boilers provide hot water or steam, usually for making hot drinks. Pressure boilers are subject to statutory examination. The hot water and steam are provided from different outlets, the steam being injected into cold liquid to heat it. Water boilers can be heated by gas, electricity or steam.*

*They are usually fixed to a server with the boiler either mounted on the work surface or under the counter. There are three types:*

- *Bulk water boilers – basically a large kettle under no pressure*
- *Expansion boilers – provide boiling water at no pressure*
- *Pressure boilers – work at low pressure and provide boiling water and steam*

*Free standing beverage units such as pour and serve coffee makers, hot chocolate and other liquid concentrate appliances are also available.*

*The main hazards are burns and scalds.*

**Some Important Points:**

- Make sure the cold water supply is fully on before you light or switch on the equipment.
- Do not alter the heating control settings on automatic units.
- Keep the pressure gauge and safety devices clean.
- Keep the drip tray in position.
- Keep the receiving vessel up to the tap to stop splashing.
- Turn off and, if electrically heated, isolate the boiler before cleaning.
- Ensure steam safety valves vent away from the operator in a safe direction.
- Periodic thorough inspection by a competent person must be carried out on a steam generated unit. As a pressure vessel, this unit would be at risk of explosion.

**Guidance Documents:**

Further information is available from the HSA website [www.hsa.ie](http://www.hsa.ie) and use the checklist in the **Safety Toolkit & Short Guide to Work Equipment Regulations** – [www.hsa.ie](http://www.hsa.ie)

**1.3.3 Wood Pellet Feed Hoppers/Tanks**

*For Further information please contact the HSA website – [www.hsa.ie](http://www.hsa.ie)*

*Wood Pellet Boilers are commonly used in homes and businesses as an alternative to the oil or gas fired boilers. Wood pellets, the fuel source for these units, are normally housed in a large sealed hopper/tank that is either fitted with a screw feeder (auger) connected to the boiler, or the hopper/tank is mounted over the boiler for gravity feeding. Due to the enclosed nature of these hoppers/tanks the atmosphere inside can become oxygen depleted and a toxic atmosphere can accumulate.*

**The Following Actions should be taken**

- **DO NOT ENTER** or place your head into the wood pellet hopper under any circumstances. The unit can contain toxic gas.
- Ensure that your wood pellet hopper/tank and boiler has been installed and commissioned by a competent person. If in doubt, contact the supplier and/or manufacture and request assistance.
- Ensure that the boiler is cleaned and serviced by a competent person at the frequency required by the manufacturer's instructions.
- If any problems are encountered with the unit, such as, system not heating correctly, flue gas is flowing into the boiler room, turn the unit off and see assistance immediately.
- No personnel should enter the hopper/tank unless fully trained and competent in confined space entry procedures. The hopper/tank should be fully ventilated and controls put in place to ensure safe entry as per the HSA Code of Practice "Safe Work in Confined Spaces".
- Ensure boiler room is well ventilated at all times to ensure no inadvertent build up of toxic gases.

**Guidance Documents:**

Further information is available from the HSA website [www.hsa.ie](http://www.hsa.ie)

## 1.4 Chemical Safety & Explosive Atmospheres

For Further information please contact the HSA website – [www.hsa.ie](http://www.hsa.ie)

### 1.4.1 Chemical Safety

#### Legislation:

*Chemicals Act 2008*

*Chemicals (Amendment) Act 2010*

*REACH Regulation No. 1907/2006*

*CLP Regulation No. 1272/2008*

*Safety, Health & Welfare at Work Act 2005 – Sections 10, 15 and 20*

*Safety, Health & Welfare at Work (Chemical Agents) Regulations 2001*

*Safety Health & Welfare at work (Carcinogens) Regulations 2001*

*Safety, Health & Welfare at work (General Application) Regulations 2007, with respect to PPE*

Dangerous chemical agents can cause different types of harm including burns, respiratory problems and dermatitis. Some may cause cancer, affect the ability to reproduce or cause birth defects. The harm done depending on the substance can occur from a single short exposure or more long term contact.

#### Chemicals may exist in the form of

- Dusts, fumes, fibres (solids) e.g. flour dust, bitumen fumes and asbestos fibres
- Liquids, mists, e.g. liquid bleach and mineral oil mist
- Gases, vapours, e.g. carbon dioxide gas and solvent vapour

When using chemicals, ensure that you have the safety data sheet. Assess the risks as they apply in your workplace and to the way you use the substance.

Then decide whether the hazardous substance can be removed from use, substituted or controlled by other means e.g. example of specific controls – the specific hazardous chemical must be handled in a hood or workers must wear appropriate personal protective equipment.

Safety data sheets (SDS) is the main method for providing data on substances/mixtures up and down the supply chain and must contain information set out under 16 different headings. Some may appear complicated but you can find the most important information under the following sections:

- **Section 3: composition/information on ingredients**
- **Section 7: handling and storage**
- **Section 8: exposure controls and protection**
- **Section 15: the Risk(R) or Hazard(H) statements that describe the hazards**
- **Sections 4,5 & 6 contain useful information in case of emergency**

Exposure scenarios appended to SDSs should give advice on the safe management of the substance/mixture for your specific use(s). You need to advise your substance/mixture supplier or manufacturer of your use(s) so they can advise on appropriate risk management measures.

**Some Important Points:****Controlling the Risk**

- Chemicals should be stored securely in proper, signed, ventilated stores.
- Keep a copy of the Safety Data Sheet near the area where the chemical is used so it can be referred to whenever necessary
- Always keep chemicals in properly labelled containers.
- Always use chemicals in accordance with the manufacturer's instructions
- If possible, use a safer substance or process.
- Ventilate with fresh air.
- Practise good housekeeping to minimise accidental contact.
- Personal protective clothing and equipment should be worn and used appropriately.
- Local Exhaust Ventilation – to remove toxic fumes or dust at source.
- Safe handling and storage of chemical procedures.
- Minimising the length of exposure of the number of people exposed.

**Guidance Documents:**

Further information is available from the HSA website [www.hsa.ie](http://www.hsa.ie)

**Chemical Safety Sheet** – [www.hsa.ie](http://www.hsa.ie)

**Your Steps to Chemical Safety** – [www.hsa.ie](http://www.hsa.ie)

**Use Chemical Safely** – [www.hsa.ie](http://www.hsa.ie)

**Risk Assessment of Chemical Hazards** – [www.hsa.ie](http://www.hsa.ie)

**Safe use of Cleaning Chemicals in the Hospitality Industry** – [www.hse.gov.uk](http://www.hse.gov.uk)

**COMAH Regulations also known as Seveso Regulations**

*These Regulations give effect to the European Directive 96/82/EC. They apply only to locations where significant quantities of dangerous substances are stored. Approximately 85 such establishments have been identified in Ireland. The purpose of the Regulations is to ensure that, at locations where dangerous substances are handled in quantities above the specified thresholds; there will be a high level protection of people, property and the environment.*

**The legislation requires:**

- Preventing or minimising the risk of a major accident and
- Taking all the necessary measures to limit the consequences of such an accident, should it occur.

Further information is available from the HSA website [www.hsa.ie](http://www.hsa.ie) where the "A Short Guide to the European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations, 2006" is available to download.

## 1.4.2 Explosive Atmospheres

For Further information please contact the HSA website – [www.hsa.ie](http://www.hsa.ie)

### Legislation:

Safety, Health & Welfare at Work (General Application) Regulations 2007

S.I. No. 83/199 – European Communities (Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres) Regulations, 1999.

*This section deals with the risk of fire and explosion arising from the presence of flammable materials at the workplace. The legislation requires employers and the self-employed to carry out a risk assessment. Where an explosive atmosphere is likely to occur they must record the findings in the “explosion protection document”. Hazardous area classification is an integral part of the risk assessment process. Employers must ensure that the risk assessment is carried out by a competent person.*

### Does this section apply to all places of work?

*The section applies only to workplaces where there is a potential risk from explosive atmosphere.*

*This section does not apply to:*

- Areas used directly for medical treatment of patients
- Uses of appliances burning gaseous fuels in accordance with the Gas Appliance Directive
- Manufacture, handling, use, storage and transport of explosives or chemically unstable substances
- Mineral extractive industries
- Means of transport of which ADR applies

*Note that means of transport for use in a potentially explosive atmosphere are not excluded, for example, fork lift trucks.*

#### Some Important Points:

- Places must be classified into zones.
- Suitable equipment must be selected for explosive atmospheres.
- Explosion protection document must be prepared.
- Employers at same workplace must cooperate.
- Instructions and permits to work must be obtained where necessary.
- Contractors or other personnel should be advised as to the necessary control measures to be adhered to before entry into zoned areas.
- Work equipment brought into potentially explosive atmospheres must be verified as suitable by an authorised person within the facility.

### Guidance Documents:

Further information is available from the HSA website [www.hsa.ie](http://www.hsa.ie)

**Explosive Atmospheres at Places of Work** – [www.hsa.ie](http://www.hsa.ie)

## 1.5 Children & Young Persons

For Further information please contact the HSA website – [www.hsa.ie](http://www.hsa.ie)

### Legislation:

#### Safety, Health & Welfare at work (General Application) Regulations 2007

*Young people and children are at an increased risk from work due to their lack of experience and maturity.*

#### What does this section deal with?

*The conditions under which a child or young person is employed are dealt with in this section. Under the regulations, a child is defined as under 16 and a young person is defined as 16 to 18. The employer must carry out a risk assessment prior to a child or a young person starting employment, and when there is a major change of work practices.*

*The employer must ensure that risks to a child or young person or indeed to their development are assessed taking into account the increased risk from lack of maturity and experience. The employer must ensure that the appropriate preventative measures are taken and specifically, exposure to physical, biological and chemical agents or certain identified work situations or processes must be avoided.*

*Health surveillance must be provided by the employer where there is a risk to development. In the case of night work, an assessment of health and capabilities must be carried out. The employer must inform the child or young person of the results of the assessment and in the case of a child, the parent or guardian must also be informed.*

#### Does this section apply to all children and young persons?

Yes.

#### Some Important Points:

- No person under 18 can give signals or operate lifting equipment.
- A child or young person must not be employed
  - Where it is found the work is beyond physical or psychological capacity.
  - Where the work involves harmful exposure to dangerous agents or radiation.
  - Where a risk of accident exists due to insufficient attention to safety or lack of experience or training.
  - Where there is risk of exposure to extreme heat or cold or to noise or vibration.

### Guidance Documents:

Further information is available from the HSA website [www.hsa.ie](http://www.hsa.ie)

**Protection of Children & Young Persons** – available to download from [www.hsa.ie](http://www.hsa.ie)

## 1.6 Display Screen Equipment

For Further information please contact the HSA website – [www.hsa.ie](http://www.hsa.ie)

### Legislation:

#### Safety, Health & Welfare at work (General Application) Regulations 2007

*This section deals with display screen equipment and (associated) workstations including work chairs, work desks and associated work equipment. Employers are required to evaluate workstations. Appropriate steps must be taken to control risks identified. A competent person with the necessary skills, training and experience must complete this analysis.*

*It is not sufficient to allow employees to use a software package to assess their workstations. The results of the workstation analysis must be shared and a written record kept of the analysis. Any changes to meet the requirements for equipment, environment and employee/computer interface must be recorded.*

#### Does this section apply to all display screen equipment and users?

*It should be noted that the provisions only relate to employees who habitually use display screen equipment (VDUs) as a significant part of their normal work*

*This section does not apply to:*

- *Cabs for vehicles or machinery*
- *Computer systems on a means of transport*
- *Systems mainly for public use*
- *Portable equipment not in prolonged use*
- *Calculators, cash registers and equipment with small data or measurement display*
- *Typewriters with a window*

#### Some Important Points:

- Employees are entitled to have their workstation assessed.
- Employees must be trained and given information.
- Employees must have periodic breaks or changes of routine, away from VDUs.
- Employees must be informed that they are entitled to eye and eyesight tests.
- Employees are entitled to eye and eyesight tests before working with VDUs and at regular intervals.
- Employees must be provided at no cost with spectacles required exclusively for display screens.
- It is not sufficient to allow employees to use a software package to assess their workstations.

### Guidance Documents:

Further information is available from the HSA website [www.hsa.ie](http://www.hsa.ie)

## 1.7 Electrically Powered Gates

### Legislation:

*Safety, Health & Welfare at Work Act 2005*

*European Communities (Machinery) Regulations 2008 (S.I. No. 407/2008)*

### Standards:

I.S. EN 12635:2002+A1:2008: Industrial, commercial and garage doors and gates – Installation and use.

I.S. EN 12604:2000: Industrial, commercial and garage doors and gates – Mechanical Aspects - Requirements

I.S. EN 12453:2000: Industrial, commercial and garage doors and gates – Safety in use of power operated doors – Requirements

*Every employer and the self-employed must ensure, so far as is reasonably practicable, the design, provision and maintenance of a safe means of access to and egress from a place of work and the design, provision and maintenance of machinery that are safe and without risk to health.*

***When identifying hazards associated with electrically powered gates, consideration should be given to the following:***

- Any points where persons may be injured by being crushed or becoming trapped.
- The forces required for closing/opening the gates and the forces generated by a gate when meeting a person or an obstacle.
- Hazards associated with the gates being activated automatically, or by another person (e.g. by sensor under the road surface which activates the gate when a car drives over it or by a remote button/key fob).
- Possible ways that the safe operating systems (such as key-pad or fob) could be defeated or by-passed or inappropriately operated, thus placing any person at risk.
- Where there is risk of exposure to extreme heat or cold or to noise or vibration.

***Hazards should be eliminated but where they cannot be eliminated then the following measures should be taken:***

- Create safety distances (e.g. between control panel and nearest danger point on the gate).
- Installing guards (e.g. fixed guard to cover mechanical trap points such as guide rollers or sprocket drives; operating the gate in hold to run mode).
- Limiting the forces.
- Installing sensitive protective equipment such as pressure sensitive strips, safety sensor flooring, light barriers or infra red detectors.
- Emergency release mechanisms should be fitted in case someone gets trapped.

### Guidance Documents:

Further information is available from the HSA website [www.hsa.ie](http://www.hsa.ie) or from the Health and Safety Executive in the UK [www.hse.gov.uk](http://www.hse.gov.uk)

Please note

There have been a number of children killed in the UK by powered gates in recent years. This is an area that is under review currently by the Health & Safety Authority.

## 1.8 Electricity

### Legislation:

#### **Safety, Health & Welfare at work (General Application) Regulations 2007**

*In general, the higher the supply voltage the higher the risk however, electricity at all voltages, if not managed in a safe way, can present significant hazards.*

*Electrical hazards include:*

- Electrical shock
- Burns sustained at the point of contact, or due to arcing
- Fires caused by overheating or explosions caused by the ignition of explosive atmospheres
- Injuries due to muscle spasm causing, for example, a fall from a ladder after contact with a live conductor

*This section deals with safe use of electrical equipment and installations and work on or near electrical equipment. It also imposes duties on persons who design, installs, maintains, use or are in control of electrical networks*

### *Does this section apply to all electrical equipment?*

*This section **does not apply** to:*

- Any electrical equipment or installation exclusively for electrical testing or research
- Medical electrical equipment
- Issues associated with radiation from electric sources or interference effects

#### **Some Important Points:**

- Do not work with electricity unless you are qualified and have sufficient practical experience in the work.
- Ensure electrical equipment is properly installed and kept in good condition.
- Connections such as plugs and portable equipment should be checked and maintained.
- Ensure equipment is inspected and tested as needed.

### Guidance Documents:

Further information is available from the HSA website [www.hsa.ie](http://www.hsa.ie)

## 1.9 FIRE

### Legislation:

**1981 Fire Services Act as amended by the 2003 Licensing of Indoor Events Act**

**Safety, Health & Welfare at Work Act 2005**

*The Safety, Health & Welfare at Work Act 2005 states that employers must "ensure, as far as is reasonably practicable, the safety, health and welfare at work of all employees".*

*Specifically, in relation to emergency plans and egress from an area in the event of an emergency, the 2005 Act states in Section 11 that:*

"Employers are required to prepare and revise adequate plans and procedures to be followed, and measures to be taken in the case of an emergency, and that employers must provide the necessary measures for fire fighting and evacuation of employees and any other individual present in the workplace"

*Section 11 is entirely devoted to emergencies and possible situations of serious and imminent danger.*

*Section 12 clarifies that:*

Considerations must be given to the safety of persons other than employees within the workplace. This section also states that everything reasonably practicable must be done to ensure that all individuals at the place of work must not be exposed to risks to their safety and health.

*Section 15 places obligations on landlord's who own (but are otherwise unconnected) with a workplace to ensure that there is safe access and egress from the place of work.*

*To comply with Section 19 of the Act, employers are required to carry out risk assessments for all. Health and Safety issues, including emergency egress, and to record these in the Safety Statement.*

*Sections 8, 9 and 10 of this Act require that sufficient information, training and supervision is provided to ensure the safety of employees, and also that such instruction, training etc. must take account of any employees with specific needs, to ensure their protection against dangers that may affect them.*

### Guidance Documents:

Further information is available from the HSA website [www.hsa.ie](http://www.hsa.ie)

Fire in the Work place – [www.hsa.ie](http://www.hsa.ie)

*This document provides information no:*

- Risk of Fire
- Fire Detection and Warning
- Emergency Escape
- Evacuating the Workplace & Fire Fighting
- Maintenance & Testing
- Management of Fire Risk

In addition to occupational safety and health legislation, there is also a significant body of legislation governing fire in all (non-work and occupational) situations. The basis of this legislation is the **1981 Fire Services Act** as amended by the **2003 Licensing of Indoor Events Act**. These Acts are generally enforced by the local authority fire officers who have powers to close places of assembly if they pose an unacceptable risk to those within.

**The Technical Guidance Building Regulations BS 9999-2008 and BS5588** also give much relevant guidance on the management of fire risk in any environment.

## 1.10 First Aid

### Legislation:

#### **Safety, Health & Welfare at work (General Application) Regulations 2007**

*The requirement to provide first-aid equipment at all places of work where working conditions require it is outlined in this section. Depending on the size and/or specific hazards of the place of work, trained occupational first aiders must also be provided.*

*It should be noted that apart from some exceptions, first-aid rooms must be provided where appropriate.*

*Information regarding the first-aid facilities and arrangements in place must be provided to employees and/or safety representatives.*

### *Does this section apply to all places of work?*

*The requirements for first-aid rooms do not apply to:*

- Means of transport outside undertaking or a place inside a means of transport
- A fishing boat
- A field, wood or agricultural or forestry land away from the undertaking's buildings

#### **Some Important Points:**

- Adequate and appropriate first-aid equipment must be provided.
- Emergency services telephone numbers must be displayed.

### Guidance Documents:

Further information is available from the HSA website [www.hsa.ie](http://www.hsa.ie)

## 1.11 Gas Safety

### Legislation:

*Safety, Health & Welfare at Work Act 2005 – Section 8*

*S.I. No 201/1990 – Dangerous Substances (Storage of Liquefied Petroleum Gas) Regulations, 1990*

### Standards:

*3213, Code of Practice of the Storage of LPG Cylinders and Cartridges*

*I.S. 3216, Code of Practice for the Bulk Storage of Liquefied Petroleum Gas*

*IS 820: Non-domestic gas installation*

*Liquefied Petroleum Gas (LPG) also known as Butane or Propane, is supplied as liquid under pressure and subsequently vaporised for use as a fuel. The main hazards are leakage (as a gas it will sink to the lowest possible level) followed by ignition (when mixed with air it is highly flammable and potentially explosive). The safety precautions vary depending on the quantity being stored and the containers used (i.e. cylinders, cartridges or bulk tanks). Advice on all aspects of sitting, storage and use should be sought from your LPG provider.*

#### Some Important Points:

- Ensure staff know where the gas shut off valve is and how to use it. It should be located in a safe area (away from cookers and heat) and clearly signposted.
- A local isolation valve/emergency shut off valve must be provided outside and must be clearly accessible. It must be labelled indicating its purpose and show the "on/off" position.
- Gas appliances, including boilers must be checked by a competent person on a periodic basis, in accordance with manufacturer's instructions or at least annually. Priority should be open flame systems where there is a risk of poor combustion or where flues pass through occupied spaces.
- Store all cylinders (full or empty) externally in a secure well ventilated compound. Do not store below ground level, or adjacent to openings into buildings or drains.
- Keep storage areas clear of combustible materials and ignition sources and clearly mark with warnings, no smoking and fire procedure signs.
- Provide and maintain suitable fire fighting equipment e.g. dry powder extinguishers and ensure it is readily accessible.
- Store cylinders in an upright position. Do not stack above 2.5 m high and leave sufficient space for access, cylinder removal and fire fighting.
- Ensure all work on gas appliances is carried out by a competent person. Check with providers for advice
- In rooms where LPG appliances are used, ensure plenty of high and low level ventilation and provide a readily accessible isolation point to switch off the supply quickly in the event of an emergency.
- Carry out visual checks for damage to pipe work and flexible hoses.

### Guidance Documents:

Further information is available from the HSA website [www.hsa.ie](http://www.hsa.ie) where the **LPG Content** is available to download.

**Gas safety in catering and hospitality** from [www.hse.gov.uk](http://www.hse.gov.uk)

**Putting Safety First – Natural Gas** from Board Gáis at [www.boardgais.ie](http://www.boardgais.ie)

**Presentation to Association of Irish Risk Management** at [www.flogas.ie](http://www.flogas.ie)

**I.S. 3213, Code of Practice of the Storage of LPG Cylinders and Cartridges** – available from NSAI

**I.S. 3216, Code of Practice for the Bulk Storage of Liquefied Petroleum Gas** – available from NSAI

**IS 820: Non-domestic gas installation** – available from NSAI

## 1.12 Legionnaires' Disease

### Legislation:

**Chapter 2: Safety, Health & Welfare at Work Act 2005**

**S.I. No. 248/1998 – Safety, Health & Welfare at Work (Biological Agents) (Amendment) Regulations, 1998**

**S.I. No. 146/1994 – Safety, Health & Welfare at Work (Biological Agents) Regulations, 1994.**

### Biological Agents

*Legionnaire's disease is a form of pneumonia caused by Legionella bacteria and it kills about 13% of those infected. People may get infected when they breathe in tiny water droplets (aerosols) or droplet nuclei (particles left after water has evaporated) contained with Legionella bacteria.*

### Some potential sources of aerosols containing Legionella bacteria are:

- Cooling towers and evaporative condensers, even if situated on the roof or in the grounds
- Spa pools/baths, whirlpool baths, Turkish baths, saunas and steam rooms
- Hot and cold water systems including showers, eye washes and taps
- Ornamental fountains and water features, particularly indoors
- Horticultural misting systems, lawn sprinklers
- Fire fighting systems, for example, sprinklers and reels
- Vehicle washes and power hoses
- Any plant/system containing water likely to be between 20oC and 50oC and which may release a spray or aerosol

**The risk of bacterial growth is compounded for any establishment containing any of these sources where the system is shut-down for extended periods of weeks/months and the water in the system is allowed to stagnate and/or not routinely flushed.**

### The likelihood of contracting Legionnaire's disease is related to:

- The level of contamination in the water source
- The ability of the water source to generate aerosols and
- The susceptibility of the person exposed to the contaminated water e.g. over 40 years of age, male, smokers or those immune-compromised

### Some Important Points:

- Identify and assess the risk, for example, systems in the workplace which contain/circulate water likely to be >20oC and < 50oC which may release a spray of droplets i.e. taps and shower heads.
- Implement and maintain a written control scheme.
- Keep an up to date schematic diagram of the water system. It should show, for example, all valves, pipe work, pumps, showers, water treatment plant sand dosing points.
- Cold water systems should be maintained <20oC. Stored hot water should be maintained at 60oC and distributed so that it reaches a temperature of 50oC within one minute at the outlets.
- Ensure systems are regularly flushed and run all taps and showers in rooms for several minutes at least once a week whether occupied or unoccupied.
- Eliminate stagnation in the water system – e.g. where possible remove dead legs and blind ends.

***Some Important Points continued...***

- Empty, disinfect and rinse water storage tanks annually.
- Control scale and corrosion and protect cold water storage vessels from contamination and thermal gain.
- Control the release of water spray/aerosols, e.g. use drift eliminators on cooling towers.
- Ensure equipment deterioration is detected and remedied in good time.
- Inhibit growth of bacteria physically, chemically or by other suitable methods.
- Keep cold pipes well separated from hot pipes and other heat
- All shower heads on a quarterly basis, with additional cleaning where usage is low
  - o Cooling towers and associated pipes at least twice a year
  - o Water heaters (calorifiers) once a year
  - o All water filters every one to three months
  - o The hot water system with a high level (50mg/l) of chlorine for 2 – 4 hours after work on water heaters and before the beginning of the season.
- Inspect water storage tanks, cooling towers and visible pipe work monthly. Ensure that all coverings are intact and firmly in place.
- Inspect the outside of cold water tanks at least once a year. Disinfect with 50mg/l chlorine and clean if containing a deposit or otherwise dirty.

**Guidance Documents:**

Further information is available from the HSA website [www.hsa.ie](http://www.hsa.ie) and the health Protection Surveillance Centre (HSPC) website [www.hspc.ie](http://www.hspc.ie)

**Legionnaire's Disease Information Sheet** – [www.hsa.ie](http://www.hsa.ie)

**National Guidelines for the Control of Legionellosis in Ireland 2009** – [www.hspc.ie](http://www.hspc.ie)

**Legionnaires Disease – Minimising the Risk – Checklist for Hotels and Other Accommodation Sites** – [www.hspc.ie](http://www.hspc.ie)

**Legionnaire's Disease Information** – [www.hse.gov.uk](http://www.hse.gov.uk)

## 1.13 Lifts

### 1.13.1 Passenger & Goods Lifts

#### Legislation:

**Chapter 2: Safety, Health & Welfare at Work (General Application) Regulations (S.I. No.299 and 732 of 2007)**

*Passenger and Goods Lifts including pavement hoists and dumb waiters are subject to requirements set out in the above legislation.*

#### **The legislation requires:**

- Lifts must have a periodic thorough examination by a competent person every 6 months. Reports of these examinations must be kept available for inspection of the Health & Safety Authority Inspector.
- All repairs required to lifts must also be carried out by a competent person.
- Under no circumstances should goods lifts be used for carrying passengers unless, they meet all the requirements for passenger lifts. All employees should be clearly instructed on the dangers of inappropriate use of goods lifts.
- Lifts which are not designed for lifting persons shall be clearly marked to this effect
- Employers are required to maintain a register of lifting equipment which shall also be kept available for inspection by a Health & Safety Authority Inspector.
- Employers who currently have either passenger or goods lifts on their premises should ensure that they have undergone the required thorough examination and that the risks associated with the use of such lifts are addressed in the Safety Statement to ensure these risks are controlled.

#### Guidance Documents:

Further information is available from the HSA website [www.hsa.ie](http://www.hsa.ie) or from Government Publications [www.irishstatutebook.ie](http://www.irishstatutebook.ie)

## 1.13.2 Installation

### Legislation:

#### ***The Safety, Health and Welfare at Work (Construction) Regulations 2006 (S.I. NO.504 of 2006)***

*The installation and commissioning of a lift comes within the scope of these Regulations and the client is obliged to appoint a competent Project Supervisor for the Design Process (PSDP) and a competent Project Supervisor for the Construction Stage (PSCS).*

*Maintenance and User Manuals along with Final Inspection records and EC Declarations of Conformity should form part of the safety file submitted to the Client on completion of the construction project.*

*Project supervisors need to take account of the EU Lifts Directive 95/16/EC as amended by the Machinery Directive 2006/42/EC, which is transposed into Irish Law by the European Communities (Lifts) Regulations 1998 to 2008. Please note some lift installations may be subject to the Machinery Directive rather than the Lifts Directive. Requirements exist for the design, certification, marking, installation and testing of lifts before they can legally be put into use. Conformity assessment procedures have to be followed which include the use of notified bodies. Notified bodies are legal entities appointed under European legislation for the purposes of conformity assessment under specific Directives.*

*Lift suppliers and installers need to be able to demonstrate that they are in compliance with these requirements including their use of Notified Bodies (Note these is generally a notified body associated with the lift design/manufacture and a notified body associated with the installers of the lifts).*

### Guidance Documents:

Further information is available from the HSA website [www.hsa.ie](http://www.hsa.ie) or from Government Publications [www.irishstatutebook.ie](http://www.irishstatutebook.ie)

**The European Communities (Lifts) Regulations 1998 to 2008 (S.I. No's 246 of 1998 and 406 of 2008)**  
**European Lifts Directives** – available to download from: <http://eur-lex.europa.eu/en/index.htm>

## 1.14 Explosive Atmospheres

### 1.14.1 Automatic Light Switches

#### Legislation:

*Adequate lighting is important to allow people to move around safely, particularly, where people are carrying items that may be hazardous. Many premises use automatic light switches to control costs so that lights are off unless someone is in the area.*

*It is important to ensure that the automatic light switch does not switch off while a person is present in the area for which illumination is required.*

#### **Some Important Points:**

- Automatic light switches should never be fitted where safety critical tasks are carried out.
- Automatic light switches should never be fitted where a loss of light is very likely to cause an accident or injury.
- Automatic light switches may not be suitable for staircases
- The motion sensor(s) that activate the light should be set to illuminate the area before a person enters it.
- The motion sensor(s) that activate the light should cover the entire area that the light illuminates. Any movement in any part of the area should switch the light on instantly.
- The sensor may cover an area where a person could be motionless for a time. Therefore, the timer should be set to switch to safeguard this situation
- All parts of the system must be properly maintained, e.g. regular cleaning of the motion sensor.

#### Guidance Documents:

Further information is available from the HSA website [www.hsa.ie](http://www.hsa.ie)

## 1.15 Manual Handling

### Legislation:

#### ***The Safety, Health & Welfare at Work (General Application) Regulations 2007***

*Manual handling is one of the main causes of injury at work. These injuries can lead to debilitating long-term illness and cause a great deal of pain and discomfort, with sufferers at times being forced to leave their job and in severe cases, are unable to work at all.*

*The section covers lifting, putting down, pushing, pulling, carrying or moving a load. A risk assessment must be carried out on all manual handling. The risk assessment should identify risks and controls, including both engineering and organisational, to avoid or reduce the risk of injury. This must be done in consultation with staff and the results must be recorded, controls put in place and the findings communicated to all staff.*

*Employees should be consulted when protective measures related to manual handling are taken. This could include information and training on new mechanical aids to handle heavy loads. Training needs to be specific to tasks but it is not a substitute for the reduction or avoidance of manual handling risks.*

#### ***Does this section apply to all manual handling?***

*No, this section only applies to transporting or supporting a load which, by reason of its characteristics or unfavourable conditions, involves risk, particularly of back injury, to employees.*

#### **Some Important Points:**

- Avoid handling loads wherever possible
- Carry out risk assessments for manual handling activities and make sure all work is planned, organised and carried out by a competent person.
- Take steps to avoid, prevent or reduce risks.
- Choose the right work equipment.
- Manual handling training is only part of an approach primarily focused on ergonomic controls.
- Manual Handling training should be relevant to the specific nature of the hazards involved (i.e. equipment handling, patient handling etc.).
- Manual Handling training should be provided by a competent person.
- Training should be provided to staff where the use of mechanical aids is required.
- Refresher training should be provided at least once every two years.

### Guidance Documents:

Further information is available from the HSA website [www.hsa.ie](http://www.hsa.ie) or from Government Publications [www.irishstatutebook.ie](http://www.irishstatutebook.ie)

**Safety Toolkit & Short Guide to Manual Handling Regulations** – available to download from [www.hsa.ie](http://www.hsa.ie)

**Full Guidance on Manual Handling Regulations** – available to download from [www.hsa.ie](http://www.hsa.ie)

**Guide on Manual Handling Risk Assessment in the Hospitality Sector** – available to download from [www.hsa.ie](http://www.hsa.ie)

**Preventing Back Pain & Other Aches and Pains to Kitchen & Food Service Staff** – available to download from [www.hse.gov.uk](http://www.hse.gov.uk).

**Health & Safety for Waiting Staff** – available to download from [www.hse.gov.uk](http://www.hse.gov.uk)

## 1.16 Night Work & Shift Work

### Legislation:

#### ***The Safety, Health & Welfare at Work (General Application) Regulations 2007***

*Night workers are defined as employees who normally work at least 3 hours between midnight and 7 a.m. the following day for at least 50% of their annual working time.*

#### ***What does this section deal with?***

*This section deals with the specific requirements which apply when employees are employed on night work. It should be noted that an employer is required to carry out a risk assessment to determine whether night work involves special hazards or heavy physical or mental strain. The employer must ensure protection from and prevention of risks to a night worker or a shift worker.*

*The employer must offer an assessment of the adverse effects of night working to the health of an employee before he/she starts night work. This assessment must be free of charge and a programme of regular interval assessments should be put in place.*

*A registered medical practitioner, or their nominee, will assess whether night work is having, or may have, a negative impact on health. They will inform the employer and the employee whether or not the employee is fit or unfit to perform night work.*

*Should the employee be found to be unfit for night work because of working conditions, the person who carried out the assessment may suggest changes which would result in him or her being fit for the work.*

*Should a night worker become unwell for reasons connected with night work, the employer must reassign the employee to other duties whenever this is possible.*

#### ***Does this section apply to all night work and shift work?***

*This section **does not** apply to:*

- *Those not covered by the rest and maximum working time rules of the Organisation of Working Time Act 1997*
- *A member of the Defence Forces, the Garda Siochana, some transport employees*
- *Those who control their own working hours*
- *A family employee working on a farm or in a private house*

#### ***Some Important Points:***

- Health assessment must be offered to night workers.
- Day work must be offered in case of illness due to night work.

### Guidance Documents:

Further information is available from the HSA website [www.hsa.ie](http://www.hsa.ie)

**Night Work & Shift Work** – available to download from [www.hsa.ie](http://www.hsa.ie)

## 1.17 Noise

### Legislation:

#### *The Safety, Health & Welfare at Work (General Application) Regulations 2007*

It should be noted that you may be at risk if you:

- You have to shout to be clearly heard by someone 2 meters away
- Your ears are still ringing after leaving the workplace
- The noise is intrusive – like a vacuum cleaner – for most of the day
- You work in a noisy industry e.g. construction
- There are noises due to impacts i.e. hammering

### *What does this section deal with?*

This section deals with the risks from exposure to noise at work. When noise exposure exceeds the exposure action value (80Db (A)), information, training, and hearing protection must be provided

*If the upper exposure action value (85Db (A)) is exceeded:*

- Technical and/or organisational measures should be established and implemented to reduce exposure to noise
- Access should be restricted
- Warning signs and hearing protection must be provided
- Hearing protection must be worn
- Hearing checks should be provided

### **Some Important Points:**

- Consider other methods of work which eliminate or reduce exposure
- Choose appropriate equipment, emitting the least possible noise
- Provide adequate information and training on equipment
- Consider noise reduction by technical means, such as shields, enclosures and sound absorbent coverings, or damping or isolation
- Organise work to reduce noise by limiting duration and intensity of exposure, and appropriate work schedules with rest periods

### Guidance Documents:

Further information is available from the HSA website [www.hsa.ie](http://www.hsa.ie)

## 1.18 Personal Protective Equipment (PPE)

### Legislation:

#### ***The Safety, Health & Welfare at Work (General Application) Regulations 2007***

*This section deals with the selection, assessment, conditions of use and compatibility, maintenance and replacement, information and training regarding Personal Protective Equipment (PPE) provided. It should be noted that the fundamental principle is that PPE should only be used as a last resort. Employers should ensure that all other risks are eliminated or adequately controlled and PPE is used appropriately.*

*Does this section apply to all personal protective equipment?*

#### ***It should be noted that Personal Protective Equipment (PPE) does not include:***

- Ordinary working clothes and uniforms not specifically designed to protect employees
- Personal protective equipment for the purposes of road transport
- Sports equipment
- Self-defence equipment or deterrent equipment or
- Portable devices for detecting and signalling risks and nuisances

#### ***Some Important Points:***

- PPE should only be used as a last resort.
- Employees must be primarily safeguarded by eliminating risks at source, through technical or organisational means or by collective protection.
- Collective protective measures covering numbers of employees such as reducing the noise from a machine must have priority over measures applying to individual employees.
- PPE only protects the wearer.
- With PPE, theoretical levels of protection are seldom reached in practice.
- With PPE, actual levels of protection are difficult to assess.
- To cater for the physical differences in employees, more than one type or size of PPE should be available.
- Use of PPE always restricts the wearer to some degree e.g. in movement.
- PPE may be uncomfortable to wear and cause irritation.
- In some cases, the individual wearing PPE psychologically feels more protected than he or she actually is (i.e. PPE can offer a false sense of security).

### Guidance Documents:

Further information is available from the HSA website [www.hsa.ie](http://www.hsa.ie) and the publication Safety Toolkit & Short Guide to Personal Protective Equipment – available to download from [www.hsa.ie](http://www.hsa.ie)

## 1.19 Pregnant, Post Natal & Breastfeeding Employees

### Legislation:

#### **Safety, Health & Welfare at work (General Application) Regulations 2007**

*The earliest stages of pregnancy are the most critical for the developing child, with this in mind; it is in the employee's interest to inform her employer that she is pregnant as soon as possible.*

#### *What does this section deal with?*

*This section deals with the specific requirements which apply when an employee informs her employer that she is pregnant (and provides an appropriate medical certificate). On receipt of this notification, the employer must assess the specific risks and take action to ensure that she is not exposed to anything harmful as outlined in Part A of Schedule 8. The employer has a duty to identify the type, quantity and duration of exposure to any agent, process or working condition.*

*Schedule 8 lists the physical, biological, chemical agents, processes and working conditions known to endanger pregnant or breastfeeding employees and the developing child*

- **Part A** is for pregnant, post natal and breastfeeding employees
- **Part B** is for pregnant employees only, and
- **Part C** is for breastfeeding employees only

*Where there is a risk the employer **must***

- Adjust the working conditions and/or hours of work
- Provide suitable alternative work
- Assist the employee in receiving health and safety leave

#### *Does this section apply to all pregnant, post natal and breastfeeding employees?*

*This section applies when an employee informs her employer that she is pregnant and provides and the appropriate medical certificate.*

#### **Some Important Points:**

- Pregnant, post natal and breastfeeding employees must be able to lie down to rest in appropriate conditions.
- Unless the risk assessment indicates that there will be no risk to the safety or health of the employee or the developing child, employees who are breastfeeding must not work with lead and lead substances or carryout underground mining work.
- Where risk assessment reveals a risk and it is not practicable to use protective or preventive measures adjust temporarily working conditions or hours so that exposure to such risk is avoided.
- Where adjustment of work or hours is not feasible provide other work which does not present a risk.
- In this regulation "night work" means at least 3 hours normal work between 11 p.m. and 6 a.m. on the next day or at least 25% of monthly working time in that period.

### Guidance Documents:

Further information is available from the HSA website [www.hsa.ie](http://www.hsa.ie)

**Pregnant, Post Natal & Breastfeeding Employees** – available to download from [www.hsa.ie](http://www.hsa.ie)

## 1.20 Risk Assessment

### Legislation:

#### **Safety, Health and Welfare at Work Act 2005**

*Section 19 of the Act requires that employers and those who control workplaces to any extent must identify the hazards in the workplaces under their control and assess the risks to safety and health at work presented by these hazards.*

*Employers must examine and write down these workplace risks and what to do about them. Ultimately, assessing risk means that anything in the workplace that could cause harm to your employees, other employees and other people (including customers, visitors and members of the public) must be carefully examined. This allows you to estimate the magnitude of risk and decide whether the risk is acceptable or whether more precautions need to be taken to prevent harm.*

*Employers are required to implement any improvements considered necessary by the risk assessment. The aim is to ensure that no one gets hurt or becomes ill.*

*However, it is important to remember that, in identifying hazards and assessing risks, employers should only consider those which are generated by work activities. There is no need to consider every minor hazard or risk that we accept as part of our lives.*

*The results of any risk assessments should be written into the safety statement.*

#### **Some Important Points:**

Some Common Methods of controlling Risk Are:

- Replacing a hazardous system e.g. using mechanical aids to reduce or eliminate the need for manual handling.
- Replacing a substance with a less hazardous substance e.g. replacing a flammable with a non-flammable substance.
- Designing the workplace to reduce risk e.g. providing guardrails around roof-mounted equipment or designated walkways and crossing points through areas with moving vehicles.
- Ensuring a clean and tidy workplace to prevent trips and slips.
- Extracting or containing the hazard at source e.g. providing a fume cupboard with extraction.
- Adapting the work to the individual e.g. providing adjustable height tables or chairs to reduce muscle injuries.
- Ventilating an area of the workplace where extraction at source is not possible.
- Isolating the process or the worker e.g. switching off and isolating machines before repairs or alterations are carried out.
- Safeguarding machinery e.g. providing interlocked guards that switch off the machine if someone tries to gain entry to dangerous parts of it.
- Providing adequate training and supervision.

**Some Important Points:**

Some Common Methods of controlling Risk Cond....

- Establishing emergency planning procedures, including first aid.
- Providing protective equipment, clothing or signs (they should be used only as a last resort after all other ways of eliminating the hazard have been fully explored).
- Setting up adequate health surveillance programmes including pre-placement or regular health checks where appropriate.
- Analysing and investigating accidents (including ill-health) and dangerous occurrences.
- Using permit-to-work systems or safe working procedures.
- Putting in place adequate welfare facilities.
- Establishing other polices as appropriate e.g. eradicate bullying etc.

The Health & Safety Authority has set up an initiative "Taking Care of Business" which is aimed at small businesses. It has developed a very useful tool which will help you to identify the hazards in your workplace and will assist you in making your workplace safer. The BeSMART system will help you to generate your own Risk Assessment & Safety Statement which should be done in consultation with your employees. This is no cost product which is a great tool for any business.

**Guidance Documents:**

Further information is available from the HSA website [www.hsa.ie](http://www.hsa.ie)

**Guidelines on Risk Assessment and Safety Statements** – available to download from [www.hsa.ie](http://www.hsa.ie)

**Safety Statement & Risk Assessment – Frequently Asked Questions** – available to download from [www.hsa.ie](http://www.hsa.ie)

**BeSMART** – available to download from [www.hsa.ie](http://www.hsa.ie)

## 1.21 Roof Work

### Legislation:

#### **Safety, Health & Welfare at work (General Application) Regulations 2007**

*These regulations place specific duties on employers in regard to working at height:*

#### **Some Important Points:**

Employers must ensure:

- All work at height is properly planned and organised.
- A risk assessment is carried out for all work conducted at height.
- Appropriate work equipment is selected and used.
- People working at height are competent.
- Equipment used for work at height is properly inspected and maintained.
- Risks from fragile surfaces are properly controlled.

Always assume the roof to be fragile unless confirmed otherwise by a competent person.

The Health & Safety Authority has investigated many incidents with recent fatal accidents involving falling through asbestos sheeting and falling through roof lights.

### Guidance Documents:

Further information is available from the HSA website [www.hsa.ie](http://www.hsa.ie)

**Code of Practice for Safety in Roof work** – available to download from [www.hsa.ie](http://www.hsa.ie)

## 1.22 Safety Signs

### Legislation:

#### **Safety, Health & Welfare at work (General Application) Regulations 2007**

*This section deals with signs (including signboards acoustic, verbal or signals). Signboards use a combination of shape, colour and a symbol or pictogram. Signboards should not contain text as the symbols or pictograms should be understood independently of the literacy or language ability. Only information authorised in Regulations may be displayed on safety signs at workplaces. Employees must be provided with information and instruction. Where there is a risk because of traffic, signs should be put in place.*

#### **Does this section apply to all safety signs?**

*This section **does not apply** to signs used for*

- The placing on the market of dangerous substances and preparations, products or equipment.
- Regulating road, rail, inland waterway, sea or air transport

#### **Some Important Points:**

- Where hazards cannot be avoided, employers must assess and reduce the risk.
- Where hazards cannot be avoided, or reduced, employers must put in place the appropriate signage.
- Safety signs must never be a substitute for necessary protective measures.
- The risk assessment and safety statement should identify necessary signs.
- The objective of the system of safety signs is to draw attention rapidly and unambiguously to specific hazards.
- Safety signs may only be used to give information related to safety.
- The effectiveness of safety signs is dependent of provision of full information.

### Guidance Documents:

Further information is available from the HSA website [www.hsa.ie](http://www.hsa.ie)

**Safety Signs at a Place of Work 2010** – available to download from [www.hsa.ie](http://www.hsa.ie)

## 1.23 Safety Statement

### Legislation:

#### **Section 20 - Safety, Health & Welfare at Work Act 2005**

*This legislation requires that an organisation produces a written programme to safeguard:*

- The safety and health of employees while they work
- The safety and health of other people who might be at the workplace, including customers, visitors and members of the public

*The safety statement represents a commitment to their safety and health and health.*

*The Safety Statement should state how the employer will ensure their safety and health and state the resources necessary to maintain and review a safety and health laws and standards. The statement should influence all work activities, including:*

- The selection of competent people, equipment and materials
- The way work is done
- How goods and services are designed and provided

*It is essential to write down the safety statement and put in place the arrangements needed to implement and monitor it. The Safety Statement must be available to staff, and anyone else, showing that hazards have been identified and the risks assessed and eliminated or controlled.*

#### **Some Important Points:**

What should be covered in the Safety Statement?

- Specify how the safety and health of all employees will be secured and managed.
- Specify the hazards identified and risks assessed.
- Give details of how the employer is going to manage his or her safety and health responsibilities, including a commitment to comply with legal obligations, the protective and preventive measures taken, the resources provided for safety and health at the work place and the arrangements used to fulfil these responsibilities.
- Include the plans and procedures to be used in the event of an emergency or serious danger.
- Specify the duties of employees, including the co-operation required from them on safety and health matters.
- Include the names and job titles of people appointed to be responsible for safety and health or for performing the tasks set out in the statement.
- Contain the arrangements made for appointing safety representatives and for consulting with and the participation by employees on safety and health matters, including the names of the safety representatives and the member of the safety committee, if appointed.

**Some Important Points:**

What should be covered in the Safety Statement Continued...?

- Be written in a form, manner and language that will be understood by all.
- Include a review mechanism.
- Have a regard to the relevant safety and health legislation.
- 

The Safety Statement can refer to specific procedures contained in other documents such as:

- Quality Manuals.
- Operating Instructions.
- Company Rules.
- Manufacturers' Instructions.
- Company Safety & Health Procedures

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**Guidance Documents:**

Further information is available from the HSA website [www.hsa.ie](http://www.hsa.ie)

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**Safety Statement & Risk Assessment – Frequently Asked Questions** – available to download from [www.hsa.ie](http://www.hsa.ie)

**BeSMART** – available to download from [www.hsa.ie](http://www.hsa.ie)

## 1.24 Slips, Trips & Falls

### Legislation:

#### **Safety, Health & Welfare at work (General Application) Regulations 2007**

*Slips, trips and falls account for a considerable proportion of work-related accidents. About 20% of these incidents result in an absence of more than one month, so the consequences are potentially serious.*

*Slips, trips and falls:*

- Are very common
- Are very common in sectors not regarded as very dangerous
- Often result in lengthy absence
- Can be prevented easily

*Slips are caused by the presence of substances such as water, grease, oil etc on the floor arising from work or in some cases the weather. Slip hazards can be found on both wet and dry surfaces.*

*Trips can be caused by such features as electric cables or air hoses, curled-up carpets, uneven floor surfaces and steps, or discarded work items.*

#### **Some Important Points:**

- Spills:
  - o Deal with spills straight away
  - o Use absorbent material to soak up the spill
  - o Locate absorbent materials near likely spills
  - o Avoid using a wet-cleaning approach that may just spread the potential danger area
  - o Consider nominating one person each shift to be responsible for spills
  - o Consider using spill kits
  - o Identify areas at high risk from spills
- High Risk Areas:
  - o Transition areas e.g. entrance areas
  - o Level changes e.g. steps, slopes
  - o Sources of liquid e.g. sink areas
  - o Cables and hoses
  - o Poorly maintained flooring
  - o Mats, rugs
  - o Slippery surfaces
- Over-used Warning Signs:
  - o Warning signs, such as warning triangles, do not provide a physical barrier to keep people away from wet floors

**Some Important Points:**

- Environmental Hygiene:
  - o Adopt a “Clean as you Go” Policy
  - o Keep floors and access routes clear
  - o Keep messy operations away from pedestrian routes
  - o Ensure cleaning staff received proper training, instruction and demonstrations
  - o Clean floors at times where there is little or no traffic
  - o Cordon off the floor area being cleaned, using barriers,
  - o Where possible dry clean instead of wet cleaning
  - o Remove excess liquid to assist the floor drying process
- Safety Footwear:
  - o The employer must ensure personal protective equipment (PPE) is provided where risks cannot be avoided or sufficiently limited by other means and this equipment must be appropriately maintained
  - o Consider undertaking a trial before purchasing footwear e.g. footwear marked “slip resistant” may not perform well in your work place
  - o Avoid: open-toe shoes; sandals; flip flops; heels, high heels’ smooth soles and clogs with no ankle strap/grip
- Slippery surfaces:
  - o Identify slippery surfaces – as a rule of thumb, high gloss, highly reflective = high risk. Tests can scientifically assess the slipperiness of floors
  - o Consider changing or treating floor surfaces – this might include addition of slip resistant materials e.g. non slip tiling in reception/foyer areas
  - o Methods such as non-slip strips may assist
  - o Chemical treatment (etching) may be possible
  - o Pay particular attention to areas that may become slippery during severe weather. Grit or salt may be helpful to deal temporarily with snow or ice

**Guidance Documents:**

The HSA recommends the following publications:

**Stop slips and Trips – Get a Grip** – [www.hsa.ie](http://www.hsa.ie)

**Preventing slips and trips in the work place** – [www.hse.gov.uk](http://www.hse.gov.uk)

**Preventing slips and trips in kitchens and food service** - [www.hse.gov.uk](http://www.hse.gov.uk)

**Health & Safety for Waiting Staff** - [www.hse.gov.uk](http://www.hse.gov.uk)

**Safety footwear guide in Stop slips in kitchens** – [www.hse.gov.uk](http://www.hse.gov.uk)

**Slips, Trips & Falls Resource Centre** – [www.hse.gov.uk](http://www.hse.gov.uk)

**Slip-Resistance Testing of Footwear for Use at Work** – [www.hse.gov.uk](http://www.hse.gov.uk)

**Safe use of Cleaning Chemicals in the Hospitality Industry** – [www.hse.gov.uk](http://www.hse.gov.uk)

**How to Apply the Directive 89/686/EEC - PPE Guidelines** – <http://ec.europa.eu/enterprise>

**Use Chemicals Safely** – [www.hsa.ie](http://www.hsa.ie)

**Risk Assessment of Chemical Hazards** – [www.hsa.ie](http://www.hsa.ie)

## 1.25 Staff Security

### Legislation:

*The Safety, Health & Welfare at Work Act, 2005*

*The Safety, Health & Welfare at Work (General Application) Regulations 2007*

*Robbery of stock or cash and difficult customers can expose staff to a risk of violence. It is recommended by the HSA that the following safeguards are put in place.*

#### **Some Important Points:**

- If you send out deliveries, limit the amount of cash carried by delivery drivers and make this public information.
- Avoid establishing a predictable banking routine for example; cash is lodged at the same time each week.
- Watch staffing levels and ensure a male/female balance especially at night.
- Lock and secure the workplace appropriately.
- Use properly planned cash handling systems e.g. consider a system where an off-site person holds the second key for cash holding devices.
- Train staff to recognise warning signs and handle themselves and the situation.
- Consider the use of alarms and CCTV, e.g. panic alarms, no movement alarms etc.
- Avoid lone working where possible.
- Wear appropriate dress code – clip on tie, no scarves, no large earrings etc.
- Report all incidents.
- Do not resist an attacker – comply with their instructions.
- Technically any manager/bar person who has to carry out "security type activities" i.e. refusal of admission, monitoring and control of customer behaviour on the premises, should be trained and licensed in accordance with the Private Security Authority.

*The Health & Safety Authority has investigated many incidents with recent fatal accidents involving falling through asbestos sheeting and falling through roof lights.*

### Guidance Documents:

**Guidelines for Employers, Employees & Clients involved in the Cash in Transit Industry** – available to download from [www.hsa.ie](http://www.hsa.ie)

**Lone Workers** content at [www.hsa.ie](http://www.hsa.ie)

**The Private Security Authority** – [www.psa.gov.ie](http://www.psa.gov.ie)

## 1.26 Vibration

### Legislation:

#### ***Safety, Health & Welfare at work (General Application) Regulations 2007***

*Exposure to power tools can lead to a number of ailments. Hand-held power tools cause hand-arm vibration while whole body vibration is caused by vibration transmitted through the seat or feet by machines and vehicles.*

#### ***What does this section deal with?***

*This section deals with the risk of exposure to vibration at work and the measures necessary to avoid adverse health effects.*

*The Regulations include requirements for an employer to:*

- To assess the vibration risk to employees
- Assess the exposure above the daily exposure limit value (ELV) – take immediate action to address the issue
- Assess the exposure above the daily exposure action value (EAV) and if so:
  - o Introduce control measures to eliminate or reduce daily exposure
  - o Health surveillance must be provided to employees who continue to be exposed
- Provide information and training to employees on risks and controls
- Keep a record of risk assessment and controls
- Review and update their risk assessment regularly

#### ***Does this section apply to all noise at work?***

*Where equipment in use first provided before 6 July, 2007 does not permit compliance with the exposure limit values the regulations apply on and after:*

- 6th July 2010 for all work equipment
- 6 July 2014 for all work equipment, used in agriculture and forestry only

#### ***Some Important Points:***

- Ensure mechanical vibration is eliminated at source or reduced to a minimum.
- Choose appropriate equipment generating the minimum vibration.
- Provide adequate training and information on working methods.
- Ensure adequate maintenance programmes.
- Arrange appropriate health surveillance.
- Organise work to reduce exposure.
- Provide gloves to keep hands warm.

### Guidance Documents:

Further information is available from the HSA website [www.hsa.ie](http://www.hsa.ie)

**Control of Vibration at Work** – available to download from [www.hsa.ie](http://www.hsa.ie)

## 1.27 Waste Management: A Brief History of the Legislation

### 1.27.1 A Brief History of the Legislation

#### Legislation

##### Pre 1990

Limited legislation in this area:

- Litter Act 1982
- Public Health Orders

*The emphasis was on Local Authority permits with no external regulation*

##### 1990 – 1996

*In the period 1990 to 1996 the rapid industrial indevelopment in Ireland together with pressures from the EU emphasised the need to develop a modern waste policy in Ireland. In 1992 the Environmental Protection Agency, EPA was established with responsibility for:*

- A system of integrated pollution control
- Criteria for the selection, management, operation, termination of landfill sites
- Establishment of a national waste database

*In this period the **1994 National Recycling Strategy** was published setting an overall target of diverting 20% of municipal waste from landfill through recycling by 1999. In 1993, the recycling rate was 7%. The principle of producer responsibility was adopted here.*

*Another development in this period was the **EU Directive 94/62/EC 1994 on packaging waste** was issued with the following outcomes:*

- Set recycling rates for member states
- Aimed at preventing packaging waste by: Reduction, Reuse and Recycling.

##### **1996 Waste Management Act:**

*The act along with various regulations (22 No.0 made pursuant to it, provides a comprehensive intricate legal framework for the management and control of waste. Earlier regulations were geared towards hazardous waste producers and licensing e.g. Movement of Hazardous Waste Regulations, 1998.*

*Later regulations have also focused on the end consumer eg.*

- Environmental Levy (Plastic Bag) Regulations, 2001
- Waste Management (Packaging) Regulations, 2003 – Replaces 1997 Regulations
- Waste Management (Waste Electrical and Electronic Equipment) WEEE Regulations, 2005 – Amended 2008
- Waste Management (Registration of Brokers and Dealers) 2008.

## 1.27.2 Primary Waste Legislation

### Legislation

The Primary Waste Legislation can be identified as follows

- 1996 Waste Management Act
- 2001 Waste Management (Amendment)
- Protection of the Environment Act, 2003

*These are the primary legislative instruments that govern the recycling and disposal of waste in Ireland. The Acts and subordinate Regulations enable the transposition of existing and future European Union Policy and/or Directives on waste management into Irish law.*

### Main Objectives:-

- More effective organisation of public authority functions, redefined roles for the Minister, EPA and Local Councils
- Enabling measures designed to improve performance in relation to the prevention and recovery of waste
- Comprehensive regulatory framework for the application of higher environmental standards, in response to EU and national requirements.
- Develop meaningful and comprehensive waste management planning

### Responsibilities of Relevant Parties under the Act:

- **EPA:**
  - o Making and reviewing of the National Waste Management Plan
  - o Integrated licensing of all significant waste recovery and disposal activities including all landfills
  - o Establish and maintenance of a National Waste Database
  - o Authorization of waste imports
- **Local Authorities:**
  - o Making and regularly reviewing Waste Management Plans ( Non Hazardous Waste)
  - o Control of commercial waste collection activities
  - o Authorisation of waste exports and internal movement of hazardous waste
  - o Waste Permitting of small scale recovery and disposal activities
  - o General enforcement of the 1996 Act
  - o Ensuring adequate waste collection, recovery and disposal arrangements.
- **Minister for Environment:**
  - o Issue policy direction to the EPA and Local authorities
  - o Make regulations in relation to measures to promote waste prevention and recovery
- **Waste Management Planning.**
  - o Local/ Regional Waste Management plans
  - o EPA National Hazardous Waste Management Plan
  - o 2001 Waste Management (Amendment) Act 2001, to facilitate early conclusion of waste management plans.

### 2001 Waste Management (Amendment) Act

To accelerate the waste management planning process. Additional measures introduced include:

- A levy of up to €0.19 on the supply of plastic bags by retailers and potentially the extension of the levy to other products.
- A levy on the landfill of waste of not more than €19 per tonne initially with annual increases of not more than €5 per annum.
- Establishment of an environmental fund for the development of Waste Management Infrastructure and Environmental Education (e.g. waste recovery activities and awareness initiatives)
- A change in the Litter Act that increases on the spot fines to 127.

### Protection of the Environment Act, 2003

- Introduced to ensure Ireland's compliance with IPPC Directive
- EPA has statutory powers over LA in relation to environmental protection
- Audit of LA Operations
- Issue advice and recommendations
- Issue a direction to LA ~specification by specific time

## 1.27.3 The Waste Management (Food Waste) Regulations 2009

### Legislation

#### *The Waste Management (Food Waste) Regulations 2009*

*This legislation requires commercial premises to:*

- Segregate and separately store all food waste arising on their premises
- Separate collection of the segregated food waste by an authorised waste collector.

*These regulations apply to business producing*

- more than 50kg of food waste per week

*The Regulations are designed to promote the segregation and beneficial use of food arising from the commercial sector thus reducing the amount of biodegradable waste going to landfill. This in turn will enable Ireland to achieve its targets set down in the EU Landfill Directive 1993/31/EC/*

### *Who is subject to the Regulations?*

*The Regulations will be applicable to a wide range of premises including:*

- Restaurants, Bistros, Cafés, Public Houses, etc.
- Canteen
- Industrial or office buildings where food waste is produced
- Hotels, Guest Houses and Hostels
- Shops and Supermarkets selling food
- Deli Counters
- Healthcare Sectors (Hospitals, Nursing Homes)
- Schools, Colleges, Universities, Training Centres and State Buildings
- Local Authority Offices, Garda Stations, Prisons and Army/Air/Navy Barracks
- Stations, Airports, Ports, Harbours and Marinas
- Events/Exhibitions where food waste is produced

### *How to be Compliant*

*The Regulations came into effect on 1st July 2010. If you produce more than 50kg of food waste per week from 1st July 2010, you **are legally required** to segregate in order to be compliant with the regulations. Examples of food waste which must be separated from General and Recyclable bins are; Fruit, Vegetables, Paper Napkins, Paper Towels, Teabags, Coffee grinds, Eggshells, Bread, Cheese, Dairy and Cooked Meat only.*

*All authorised waste collectors are required to obtain **a signed declaration from customers producing food waste on their premises**. This declaration must state that the food waste will be source segregated and presented for collection in compliance with the requirements of the Waste Management (Food Waste) Regulations 2009 (Article 7).*

## 1.28 Work At Height

### Legislation:

#### **Safety, Health & Welfare at work (General Application) Regulations 2007**

*Work at height means a place where a person could be injured by falling, even at or below ground level. It also includes access and egress from such places. Deaths and injuries caused by falls from height are a significant percentage of workplace fatalities and serious injuries each year.*

*This section deals with all work at height where there is a risk of personal injury. It provides a fundamental framework, based on risk assessment, applicable to the wide range of work activities carried out at height. It sets out the key requirements for safe working at height and provides guidance on equipment.*

*A risk assessment must take into account all reasonably foreseeable activities involving work at height. Suitable control measures must be in place to prevent against the risk of fall from height (or fall of materials from height).*

#### **Does this section apply to all work at height?**

*This does not apply access to or egress from any place by a staircase in a permanent place of works.*

#### **Some Important Points:**

- Avoid work at height where it is reasonably practicable.
- Use work equipment or other measures to prevent falls where you cannot avoid working at height.
- Prevent anyone falling a distance liable to cause personal injury.
- Ensure all work at height is properly planned, organised, supervised and carried out.
- Ensure the place where work at height is done is safe.
- Ensure all work at height takes account of weather conditions.
- Ensure those involved in work at height are instructed and trained.
- In selecting equipment give collective protection priority over personal protection.
- Ensure equipment for work at height is appropriately inspected.
- Ensure the risks from fragile surfaces are properly controlled.
- Ensure injury from failing objects is prevented.
- Ensure employees are consulted.

### Guidance Documents:

Further information is available from the HSA website [www.hsa.ie](http://www.hsa.ie) or from the Health and Safety Executive in the UK [www.hse.gov.uk](http://www.hse.gov.uk)

## 1.29 Work Equipment

### Legislation

#### **Safety, Health & Welfare at work (General Application) Regulations 2007**

*This section deals with the use of work equipment including lifting equipment at work. The definition of work equipment, i.e. “any machinery, appliance, apparatus, tool or installation for use at work” is all inclusive. It ranges from complex machinery such as a printing machine to hand tools such as a hammer. This section details the requirements to ensure work equipment can be used without risk including information and instruction, maintenance, control devices, guarding, inspection and examination, vehicle safety, lifting equipment and lifting accessories.*

#### **Does this section apply to all work places?**

*Yes, this section covers the use of work equipment in all work sectors, including requirements for lifting equipment. The regulations apply to the use of work equipment; they do not cover the duties of manufacturers and others who place equipment on the market for the first time. It should be noted that those who hire equipment need to be aware of the requirements.*

#### **Some Important Points:**

- Make sure staff receives proper training and instruction.
- Have equipment regularly maintained and inspected.
- Ensure proper controls are in place and machines are properly guarded.
- Follow detailed requirements for vehicles.
- Provide safe traffic routes.
- Maintain lifting equipment and accessories and make sure that detailed requirements are followed.
- Have lifting equipment properly examined and inspected and maintain records.
- Ensure risk assessments address the hazards, risk and required control measures associated with the safe use of work equipment.
- Ensure staff is advised of all relevant risk assessments.

#### **Guidance Documents:**

**Use of Work Equipment** – available to download from [www.hsa.ie](http://www.hsa.ie)

## 1.30 Working in Confined Spaces

### Legislation

#### ***Safety, Health & Welfare at Work (Confined Spaces) Regulations 2001***

*These regulations cover all work in relation to confined spaces. Regulation 5 states that:*

- A person shall not carry out work in confined spaces if it is reasonably practical that it could be avoided.
- If the work must be carried out Hazard Identification and Risk Assessment must be carried out prior to the work commencing
- A person shall not enter a confined space unless there is a system of work in place that has been planned, organised, performed and maintained so as to render that work safe and without risk to health
- Anyone entering a confined space must be provided with appropriate information, training and instruction appropriate to the particular characteristics of the proposed work activities

Regulation 6 states that:

- A person shall not enter a confined space unless suitable emergency arrangements have been made which are appropriate to the confined space in question
- The emergency arrangements shall include:
  - o All practicable measures necessary to ensure the health and safety of those taking part in the rescue
  - o The provision of a suitable and reliable means of raising the alarm in the event of an emergency
  - o Having all necessary rescue equipment nearby and in well maintained, good condition
  - o The provision of information, instruction and training to all involved in rescue procedures
  - o The provision of equipment and training for resuscitation procedures if there is a foreseeable risk that they will be needed

#### ***Are there any exemptions from the Safety Health and Welfare (Confined Spaces) Regulations 2001?***

*Yes, the Regulations do not apply to any place below ground in a mine (as defined by the Mines and Quarries Act 1965) or to any diving operations.*

#### **Guidance Documents:**

Further information is available from the HSA website [www.hsa.ie](http://www.hsa.ie)

**Working in Confined Spaces** - available to download from [www.hsa.ie](http://www.hsa.ie)

**Code of Practice Working in a Confined Space** – available to download from [www.hsa.ie](http://www.hsa.ie)

## 1.31 Working in Freezing Weather Condition

### Legislation

#### **Safety, Health & Welfare at Work (General Application) Regulations 2007**

*With the unprecedented weather conditions we have experienced over the past winters, construction work has become more hazardous than ever. Employers need to be more vigilant than ever with Risk Assessments being reviewed as extreme low temperatures greatly change and usually increase the risks associated with most external construction work*

**The following areas of work are particularly adversely affected by extreme cold conditions:**

- Work at Height
- This work should only be undertaken if absolutely necessary and sufficient additional controls are in place e.g. de-icing of platforms.
- Slips, Trips & Falls
- Walkways should be cleared of ice and snow with regular gritting/salting. Ensure hoses etc are not left running in areas as the excess water will freeze and cause a further slip hazard.
- Construction Plan Operation
- Caution should be exercised when accessing and exiting construction plants. Wheel grips may be slippery and compromise. It is essential that adequate welfare facilities are in place e.g. place to warm up, change/dry clothes and get hot drinks.

**The following should be noted when risk assessing and planning for construction work in extreme cold weather conditions:**

- Wearing the proper clothes/PPE may be the most significant precaution to reducing cold stress. Layering of clothes is the most effective approach
- Drink plenty of fluids, preferably warm and sweet.
- Increase calorie intake to combat for heat loss due to heat loss from cold conditions.
- Consider the introduction of warm-up breaks especially if the wind velocity increases or temperature drops.
- Avoid the cold if you are becoming exhausted or immobilised.
- Engineering controls (such as a heaters, equipment handles, and insulating material) can be effective.
- Select the warmest hours of the day to carry out work if possible.
- Adopt buddy system (working in pairs) to monitor one another in the difficult conditions.
- Educate employees on symptoms of cold-related stresses: heavy shivering, severe fatigue etc.

### Guidance Documents:

Further information is available from the HSA website [www.hsa.ie](http://www.hsa.ie)

## 1.32 Workplace

### Legislation

#### **Safety, Health & Welfare at work (General Application) Regulations 2007**

*This section deals with the physical environment at the place of work and sets out the welfare facilities that should be provided. The employer must ensure that the physical environment is adequate. Work areas should be large enough to be safe and healthy and be adequate with regard to stability, ventilation, fresh air, temperature and lighting. Pedestrians and vehicles must be able to circulate safely. Traffic routes, entrances and exits must be kept clear. Floors, walls, ceilings, roofs, doors and gates, loading bays and ramps must be safe. Adequate toilet, washing and welfare facilities must be provided. Employees working outdoors should be protected against bad weather, slippery conditions etc. Arrangements for pregnant and breastfeeding employees to lie down must be available. Where necessary, the workplace must be organised to take account of workers with disabilities.*

#### **Does this section apply to all work places?**

*This section does not apply to:*

- means of transport used outside the undertaking
- construction sites
- extractive industries
- fishing boats
- fields of forestry undertaking away from buildings

#### **Some Important Points:**

- Emergency exits must be kept clear.
- Emergency lighting must be provided as appropriate.
- Appropriate fire fighting equipment must be provided.
- Appropriate ventilation must be provided.
- Adequate cleaning arrangements must be in place.
- Drinking water must be provided.
- Minimum temperature must be 17.5 degrees for office type works.

#### **Guidance Documents:**

Further information is available from the HSA website [www.hsa.ie](http://www.hsa.ie)

**Safety, Health & Welfare at work Act 2005**

*A major cause of transport accidents is poor workplace design and layout. Careful examination and planning of the workplace and traffic routes will result in a lower risk of such accidents. Under the legislation, there is a legal requirement on the employer and any person who has control of any extent of the workplace, to carry out a written risk assessment by a competent person. As part of the risk assessment, transport hazards must be identified and assessed. Work place vehicles and plant movements have been identified as high-risk activities in all sectors. They are associated with a high level of fatal and serious injuries to workers.*

**Some Important Points:**

- Separate vehicles and pedestrians.
- Have clearly defined traffic routes.
- Car parking spaces should be clearly indicated and located away from the main entrance and emergency exits.
- The speed limit for traffic should be clearly indicated and monitored.
- Avoid reversing as far as possible.
- Ensure vehicles are maintained in proper condition.
- Ensure only authorised personnel use vehicles.
- Maintain a list of authorised personnel.

**Guidance Documents:**

Further information is available from the HSA website [www.hsa.ie](http://www.hsa.ie)

**Workplace Transport Risk Assessment Information Sheet** – [www.hsa.ie](http://www.hsa.ie)

**Workplace Transport Checklist** – [www.hsa.ie](http://www.hsa.ie)

**Professional Driver Checklist** – [www.hsa.ie](http://www.hsa.ie)

**Use of Mobile Machinery on Construction Sites Information Sheet** - [www.hsa.ie](http://www.hsa.ie)

**All – Terrain Vehicles (ATVs) in Agriculture and Forestry Information Sheet** - [www.hsa.ie](http://www.hsa.ie)

**The European Agency for Safety and Health a Work (Fact Sheet) Preventing Vehicle Transport Accidents at the Workplace** – [www.hsa.ie](http://www.hsa.ie)

# Section 2: Safety, Health & Welfare at Work Act 2005

## 2.0 Safety, Health & Welfare at Work Act, 2005

### 2.1 Introduction

*The Safety Health & Welfare at Work Act, 2005 was enacted on the 1st September 2005.*

*The Act places responsibility for occupational health and safety on all stakeholders. It develops the role of employers, employees and Government in framing and implementing occupational safety and health policy in Ireland.*

*An important development under this Act is that it has defined the term "reasonably practicable" as follows:*

"For the purposes of the relevant statutory provisions, "reasonably practicable", in relation to the duties of an Employer, means that the Employer has exercised all due care by putting in place the necessary protective and preventative measures, having identified the hazards and protective and preventive measures, having identified the hazards and assessed the risks to safety and health likely to result in accidents or injury to health at the place work concerned and where putting in place of any further measures is grossly disproportionate having regard to the unusual, unforeseeable and exceptional nature of any circumstance or occurrence that may result in an accident at work or injury to health in the place of work."

### 2.2 The Main Elements of the Act are:

**Part 2: General Duties**

**Part 3: Protective & Preventative Measures (including Safety Statement & Risk Assessment)**

**Part 4: Safety Representatives & Safety Consultation with a Company/Organisation**

### 2.3 Part 2: General Duties

**Chapter 1: Duties of the Employer**

**Section 8 of the 2005 Act:**

*This duty now requires that the employer introduce preventative measures in respect of any activity, such as improper conduct or behaviour that would likely to endanger the Health & Safety of Employees, imposing a supervisory duty of the employer, involving ongoing monitoring, and if necessary, disciplinary action of individual employees.*

*The employer must ensure that in regard to the design, provision and maintenance of a place of work:*

- i. It is in a condition that is safe and without risk to health and Safety
- ii. It has a safe means of both entry and exit from it; and
- iii. It operates plant and machinery, and uses other articles, in a manner which is safe and without risk to the Health & Safety of the Employees.

*In regard to the use of plant and machinery, the employer must ensure that the employees do not use any article or substance, which would expose the latter to noise, vibration, ionising, or other form of radiation. The employer must provide the following within the Company/Organisation in order to meet their Health & Safety obligations:*

- i. A safe system of work;
- ii. Maintenance of proper welfare facilities;
- iii. Instruction, training and supervision to employees in regard to Health & Safety
- iv. Drafting and implementation of Safety, Health & Welfare at Work measures in order to protect the Safety, Health and Welfare of Employees
- v. Personal protective clothing and equipment for employees
- vi. Drafting and implementation of appropriate Emergency/Accident Plans and Procedures
- vii. Reporting of Accidents & Dangerous Occurrences to the Health & Safety Authority, HSA; and
- viii. Engagement of services of a "Competent Person" for the purpose of ensuring the general Health & Safety of all employees at the place of work.

**Section 9 of the 2005 Act:**

*This section specifies the nature of information that has to be provided by the employer to the employee with regard to Workplace Health and Safety and it requires that the form and manner of which the information is provided must be that which is reasonably likely to be understood by the employee(s) concerned.*

*An example might be where an employee does not have English as his/her first language then the information should be provided in a language that the employee is sure to understand. Similarly, this is also extended to personnel to may have a disability or impairment requiring alternative methods of communication to be utilised.*

**Section 10 of the 2005 Act:**

*This section provides for the appropriate instruction, training and supervision of employees as follows:*

- i. That it is given in a form manner or appropriate language, which is likely to be understood;
- ii. That employees receive appropriate time off from work without loss of remuneration;
- iii. That appropriate and adequate Health and Safety training is provided;
- iv. That in any form of supervision the employee's capabilities are taken into account;
- v. Those employees with any specific susceptibility to any health condition or disease etc. are protected against those specific dangers.

*This section also states that the employer has to ensure that training is provided:*

- During the Induction Process after recruitment;
- In the event of a transfer of an employee to another department, or a change of task assigned to that employee;
- Following the provision by the employer of the new work equipment or induction of a new system of work;
- On the introduction of new technology;
- Employees received, during time off from their work, (where appropriate and without loss of remuneration), adequate safety, health and welfare training including and in particular, information and instructions relating to specific tasks to be performed by the employee and the measures to be taken in an emergency;

- Every employer who uses the services of Fixed-Term employees or a temporary employee shall ensure that the employee receives the training appropriate to the work which he or she is required to carry out, having regard to this or her qualifications and experience.

**Section 11 of the 2005 Act:**

*This section deals with emergencies, serious and imminent dangers present in the workplace. Every employer is required to:*

- Draw up emergency plans and procedures
- Provide the appropriate safety equipment
- Instigate safety measures
- Establish appropriate contacts with emergency services in respect of first aid, fire fighting, rescue and medical services in general.

*It also states that the employer should appoint employees to implement the plans and procedures, as well as ensuring that they have appropriate training and adequate equipment to undertake these tasks. In addition, it is necessary to ensure that these plans are reviewed periodically and tested and communicated to all relevant personnel.*

## 2.4 Part 2: General Duties

### Chapter 2: General Duties of Employees & Person in Control of Places of Work

**Section 13 of the 2005 Act:**

*This section outlines the distinct duties placed on the employees as follows:*

*The employee is to ensure that while at work, he/she:*

- Complies with all statutory provisions and takes reasonable care to protect his/her safety, health and welfare, as well as that of any other person who may be affected by the employee's acts or omissions;
- Is not under the influence of any intoxicant while at the work place;
- Submits to any appropriate, reasonable and proportionate medical or other assessments if reasonably required to do so by his/her employer;
- Co-operates with the employer, in order to comply with any statutory provision/requirement;
- Attends any necessary safety training introduced by his/her employer;
- Does not engage in any improper conduct that will endanger the safety, health and welfare of themselves, or of any other person;
- Makes appropriate use of any article or substance provided for the protection of his/her safety, health and welfare at work, including personal protective equipment, having regard to the training and instructions given by his/her employer; and
- Reports to the employer details of any defect in the place or system of work, including personal protective equipment, or contravention of a statutory provision of which the employee is, or becomes, aware of.

**Section 14 of the 2005 Act:**

*A more general duty, which would apply to any person in the place or work, apart from employees, is set out in this section. It prohibits the interference with, or misuse of, anything provided to protect the safety, health and welfare to all persons at work, in connection with work activities.*

**Section 15 of the 2005 Act:**

*The section states that any person who controls a non-domestic place of work, at which non-employees are working, or controls access and exit from that workplace, or any article or substance, including Personal Protective Equipment (PPE), used at that workplace, is to ensure that they are safe, and without risk to the safety, health and welfare of all persons present in that specific place of work.*

**2.5 Part 2: General Duties****Chapter 3: General Duties of Other Person****Section 16 of the 2005 Act:**

*Very interestingly, this section outlines the duties place on the designers, manufacturers, importers and suppliers of articles and substances used in the workplace. The act requires that such articles or substances in question:*

- i. Are safe and without risk to health and safety of employees and persons at work.
- ii. Comply with relevant statutory provisions.
- iii. Undergo the appropriate level of testing and examination.
- iv. Have sufficient information provided with them to ensure safe use, and have any revised information as to the use of the article and substance provided to them; and
- v. That if rented or leased out, the articles or substances are maintained in a safe condition, and comply with relevant statutory provisions.

*It should be noted that the information to be provided is to cover not only the actual use of the article or substance, but also its safe insulation, use, maintenance, cleaning, dismantling or disposal.*

*The onus is on the manufacturer, importer or supplier of an article or substance, for use in the workplace, to ensure that it is:*

- i. Safe and without risk to health and safety when properly used at the place of work.
- ii. Subjected to appropriate levels of testing and examination.
- iii. Supplied with adequate information as to its safe use; and
- iv. Compliant with the relevant statutory provision, including any EU Directive.

*The information to be provided must include details as to the identification of the risks posed by the properties of the article or substance. Details of any tests or examinations that have already been carried out as to its safe use are also to be provided, together with the conditions required to ensure its safe use, handling, processing, storing, transportation or disposal, without risk to health and safety.*

**Section 17 of the 2005 Act:**

*The duties of persons who commission, procure, design or construct workplaces are set out in this section. Every work place has to be designed, constructed, maintained, as well as to be generally compliant with all relevant statutory provisions, and be safe without risk to health and safety of employees in the workplace.*

This is an important section with regard to the health and safety obligations of the employer.

Section 18 places an obligation on the employer to ensure that one or more competent person(s) are appointed to carry out specified functions to ensure the prevention of risks of safety, health and welfare at work. This is a specific provision requiring that the employer appoint a “**Competent Person**” as the organisation’s Safety Officer.

A “**Competent Person**” is defined as someone who “... **having taken account of the size of hazards of the organisation in which he/she works, possesses the necessary training, knowledge and experience appropriate to the nature of the work to be undertaken**”.

The employer must ensure that the employee(s) appointed as a “competent person” are allowed sufficient time off from work, without loss of remuneration, to enable them to perform their duties. The Act also states that the employer needs to ensure that arrangements are put in place ensuring adequate co-operation between the safety officer and the safety representatives.

Section 18 also states that if there is a person who is more experience and has greater knowledge from outside of the organisation then such person(s) should be appointed to the position instead. Where such an appointment is made, the employer has to provide the appointee with the following information:

- i. Factors affecting or suspected to affect safety, health and welfare of employees.
- ii. Risks to health and safety.
- iii. Protective a preventative activities and measures put in place in regard to the place of work and the nature of the activity.
- iv. Evacuation and emergency plans; and
- v. Numbers of part-time or fixed-term employees.

#### **Section 19 of the 2005 Act:**

*This section refers to Hazards in the workplace. The employer has to identify hazards in the workplace, the risks resulting from those hazards and a written risk assessment of the risks of the health and safety of the workforce. The risk assessment is to be reviewed at least annually, or if there has been a significant change in the activity at the place of work or anywhere there is any other reason to believe it is no longer valid. The employer is obliged to implement all improvements considered necessary to improve health and safety in the work place, on the basis of the risk assessment.*

- i. The hazards identified and the risks assessed.
- ii. The preventive and protective measures as well as resources provided for protecting safety, health and welfare at work.
- iii. The plans and procedures to be followed and the measures to be taken in the event of an emergency or serious and imminent danger.
- iv. The duties of employees, including the obligation to co-operate with the employer and any other person who has responsibility for health and safety.
- v. The identification of all personnel, including job title or position, engaged in tasks pursuant to the safety statement; and
- vi. The arrangements as regards the appointment of safety representatives and the consultation process to be undertaken with the employees, through the safety representatives.

*The safety statement is to be brought to the attention of all employees and any other person who may be exposed to the work place risks e.g. contractors. This should be done at least annually, and also after any amendment, and on the occasion of newly recruited employees, and where any other person(s) who may be exposed to any specific risk to which the safety statement applies.*

*In the case of a particularly serious risk, the employer is to bring the following details to the attention of any employee or person so affected:*

- i. The risk identified.
- ii. The risk assessment; and
- iii. The protective and preventative measures taken in accordance with the relevant statutory provisions in relation to the risk.

It is a requirement that the safety statement be displayed prominently in the workplace, and is available for inspection by all employees at any time.

**Section 21 of the 2005 Act:**

*This section requires employers who share a place of work to co-operate in complying with and implementing health and safety provisions and to coordinate their preventive activities and keep each other and their respective employees, and safety representatives (if any), informed about the risks of safety, health and welfare arising from the work, including the exchange of safety statements or relevant extracts of them relating to hazards and risks to employees.*

**Section 22 of the 2005 Act:**

*Section 22 covers the issue of health surveillance. Here, the employer is to ensure that health surveillance appropriate to the risks to health and safety, identified in the risk assessment, is made available to all employees.*

**Section 23 of the 2005 Act:**

*Section 23 deals with the issue of medical fitness to work. In the event that the employees are required to perform work that gives rise to "serious risk" to the safety, health and welfare at work of the employees, the employer must ensure that all such employees are to be medically assessed by a registered medical practitioner. There is no definition of "serious risk" but it would probably relate to risks revealed under the risk assessment, or those posed whenever the employer introduces a new work process.*

Where an employee is informed by the medical practitioner that he/she is unfit for work under the medical examination requirement (section 23 of the act) or became aware themselves of a condition that would expose themselves or any other fellow employee to risk injury, then the employer is to be informed immediately.

**Section 24 of the 2005 Act:**

This Section outlines the provision for joint health and safety agreements which are entered into by the employee's Trade Union and the Representative Group of which the employer will be a member. This agreement may then be presented to the Health & Safety Authority (HSA) for approval. Approval may be granted, once the HSA has established that the parties are substantially representative of the employers and employees and that the agreement does not contravene any relevant statutory provision.

## 2.7 Part 4: Safety Representation & Safety Consultation

### Safety Representatives

**Section 25 of the 2005 Act:**

Section 25 makes provision for the appointment by all employees of a safety representative to act as their nominated representative in regard to ongoing consultation with employer concerning health and safety at work. The safety representative has an important role to play in the workplace in regard to:

- i. Investigation of accidents and dangerous occurrences at work.
- ii. Investigation of complaints by employees as to safety, health and welfare at work.
- iii. Accompanying an inspector from the Health & Safety Authority, either on a general tour of the workplace, or in the aftermath of an accident or dangerous occurrence.
- iv. Making oral and written representations to employers or inspectors in regard to matters of health and safety, including the investigation of accidents or dangerous occurrences.
- v. Receiving advice and information from HSA inspectors on issues of general health and safety at work, as well as to both consult and liaise with other safety representatives in the place of work, or other places of work under the control of the employer.

The employer must also co-operate and co-ordinate with the safety representative with regard to the regularity of workplace inspections.

**Section 26 of the 2005 Act:**

Under Section 26 of the Act the whole consultative process between employer and employee is set out. This not only covers the drafting of a Risk Assessment and as a result the Safety Statement, but also the setting up of the Safety Committee. The Safety Committee comprises of the Managing Directors (or appropriate management appointee), the Safety Officer (or competent person) and the safety representatives.

The Safety Committee will have the responsibility for the continual review of both protective and preventative measures in place with regard to health and safety at the workplace.

## Section 3: Safety, Health & Welfare at Work (General Application) Regulations, 2007

### 3.0 Safety, Health & Welfare at Work (General Application) Regulations 2007

#### 3.1 Introduction

***Safety, Health & Welfare at Work (General Application) Regulations, 2007.***

*These Regulations were introduced to consolidate and update existing legislation into a comprehensive set of regulations. The term "general application" means the various parts and sections of the regulations apply to all employment.*

*Most sections apply to all work sectors. An important exception is the section on the workplace which does not apply to the construction, mining or quarrying sectors. It should be noted that the regulations place obligations on employers, employees and others.*

#### 3.2 Sections Governed by the Regulations:

- Workplace
- Work Equipment
- Personal Protective Equipment
- Manual Handling
- Display Screen Equipment
- Electricity
- Work at Height
- Noise
- Vibration
- Children & Young Persons
- Pregnant, Post Natal and Breastfeeding Employees
- Night Work and Shift Work
- Safety Signs
- First Aid
- Explosive Atmospheres

*Please see "Section 1: Quick Reference Section" for further information on these specific sections.*

# Section 4: Safety, Health & Welfare at Work (Construction) Regulations, 2006

## 4.0 Safety, Health & Welfare at Work (Construction) Regulations, 2006

### 4.1 Introduction

*The Safety Health & Welfare at Work Construction Regulations 2006 was enacted on the 6th November, 2006.*

*The main elements of these regulations define*

- Duties of the Client
- Duties of the Project Supervisor for the Design Process (PSDP)
- Duties of the Project Supervisor for the Construction Stage (PSCS)
- The Safety File
- The Safety & Health Plan

### 4.2 What is a Client?

*The Regulations define a **Client** as:*

Any person engaged in trade, business or other undertaking, which commissions or procures the carrying out of a construction project for the purpose of such trade, business or undertaking.

*Construction* is broadly defined and includes; maintenance, repair, redecoration, fitting out, alteration, structural cleaning as well as civil engineering and engineering construction work.

A *Project* includes the preparation, design, planning and construction activities.

*You are a **Client** if you:*

- Are a pub owner and carry out repair or maintenance work to your premises;
- Build a cattle shed or a milking parlour;
- Build a house for sale, letting or guest keeping;
- Extend on to your private dwelling for the purposes of carryout out business trade or other undertaking;
- Extend a supermarket or
- Commission, decommission, dismantle or repair building services (mechanical, electrical etc) which are normally fixed to a structure.

*It should be noted that you are not considered to be a Client if you build or extend your private family dwelling for family use only.*

### 4.3 Duties of Client:

- Notify details of Projects to Health & Safety Authority (HSA)
- Appoint in writing competent Project Supervisor Design Process (PSDP)
- Appoint in writing competent Project Supervisor Construction Stage (SCS)
- Keep Safety File available

#### 4.4 What is a PSDP?

*The Regulations define a PSDP as:*

A competent Project Supervisor for the Design Process.

*The client must appoint in writing a competent Project Supervisor Design Process (PSDP). The Client must be satisfied that the appointed party is competent to carry out the duties under the Regulations and this can be achieved through reasonable enquires such as:*

- Membership of professional bodies.
- Knowledge of design and construction, particularly in relation to the nature of the project
- Safety and health qualifications, training (degree, diploma, continual professional development).
- Safety and health experience on similar projects.
- Knowledge of preparing a Safety File.
- Sufficient staff with qualifications, training and experience, both within the company and from other sources, relevant to the project.
- Evidence of a functioning safety management system.
- Evidence of Regulatory Compliance.

#### 4.5 Duties of A PSDP:

- Take account of "General Principles of Prevention" when designing and estimating time.
- Prepare preliminary Safety & Health Plan.
- Provide any relevant information on Safety File to the PSCS.

#### 4.6 What is a PSCS?

*The Regulations define a PSCS as:*

A competent Project Supervisor for the Construction Stage.

*The client must appoint in writing a competent Project Supervisor for the Construction Stage (PSCS). The Client must be satisfied that the appointed party is competent to carry out the duties under the Regulations and this can be achieved through reasonable enquires such as:*

- Membership of professional bodies.
- Knowledge of design and construction, particularly in relation to the nature of the project.
- Safety and health qualifications, training (degree, diploma, continual professional development).
- Safety and health experience on similar projects.
- Knowledge of preparing a Safety File.
- Sufficient staff with qualifications, training and experience, both within the company and from other sources, relevant to the project.
- Evidence of a functioning safety management system
- Evidence of Regulatory Compliance

#### 4.7 Duties of A PSCS:

- Develop a Safety & Health Plan
- Notify details of project to the Health & Safety Authority (HSA)
- Prepare Safety File
- Co-Ordinate Health & Safety
- Ensure General Site Safety

#### 4.8 What is The Safety File?

The Safety File is maintenance manual for the buildings or works and is intended to include general arrangement drawings used for the purpose of construction, wiring diagrams, maintenance instructions etc. It is important to note that these drawing are not "as built drawings". The file also includes equipment details, maintenance schedules, info on lifts, window cleaning, and location of services.

*It is the duty of the PSCS (Project Supervisor for Construction Stages) to co-ordinate the provision of the necessary information for delivery to the PSDP (Project Supervisor Design Phase) who will deliver the completed file to the client as a **Safety File** at the time of the completion of the works.*

*It is the duty of the Client to keep the Safety File for use on the future maintenance or alteration of the building and if a Client's legal interest in the building is passed onto a purchaser or tenant then the Client must pass the Safety File on to that person.*

#### 4.9 What is The Safety & Health Plan?

The Safety & Health Plan is an overview of the project. It outlines particular risks, general arrangements, accident and emergency procedures. Information and training for site workers and welfare.

*The plan may be divided into two phases as follows:*

- **Preliminary Safety and Health Plan – Design Process**

**Contents May include:**

- o General description of project
- o Names of Project Supervisors Design Process, Project Design Team and Safety Co-ordinators
- o Design Criteria and Risk Assessments
- o Project duration / time factors / phasing of work and basis for establishing these
- o Existing Safety File from client
- o Information on Particular Risks
- o Information on other activities on, or adjacent to, site
- o The existing environment
- o Public safety issues – special arrangements
- o Arrangements for communications with the Project Supervisor Construction Stage
- o Arrangements for compiling the Safety File
- o Client safety requirements
- o Detailed locations of existing utilities and services for site welfare

- **Safety and Health Plan – Construction Stage**

**Contents May include:**

- o *Description of project, incl. activities adjacent to the site*
- o *Preliminary Health & Safety Plan*
- o *Safety document (e.g. scaffold inspection etc)*
- o *Names of CR1 duty holders*
- o *Particular Risk Activities – and controls*
- o *Hazard Identification, Risk Assessments & Method Statements*
- o *Communication and Co-Ordination arrangements*
- o *Welfare and Emergency Procedures and arrangements*
- o *Procedures for the recording of accident, dangerous occurrences, etc*
- o *Arrangements for the provision of inductions, information and training*
- o *Arrangements for monitoring of site activities, Safety Awareness Cards/Certificates (e.g. FÁS Safe Pass) and Construction Skills Cards/Certificates (e.g. FÁS CSCS)*

## Section 5: Legislation Listing – September 2010

### 5.0 Legislation Listing – September, 2010

This section covers:

- 5.1 Acts
- 5.2 Regulations & Orders
- 5.3 Codes of Practice
- 5.4 Other Relevant Legislation
- 5.5 Annex

## 5.1 Acts:

Chapter, No. & Year	Title
1882 c.22	<b>Boiler Explosions Act 1882</b>
1890 c.35	<b>Boiler Explosions Act 1890</b>
No. 10 of 1955	<p><b>Factories Act 1955</b></p> <ul style="list-style-type: none"> <li>• <i>Amended by the Safety in Industry Act 1980</i></li> <li>• <i>Partly repealed by the Safety Health &amp; Welfare at Work Act 1980 and through:</i> <ul style="list-style-type: none"> <li>○ <i>S.I. No. 237 of 1989</i></li> <li>○ <i>S.I. No 357 of 1995</i></li> <li>○ <i>S.I. No 138 of 2001</i></li> <li>○ <i>S.I. No 300 of 2007</i></li> </ul> </li> </ul> <p><i>The repealed provisions include Sections: 10 to 14, 17 to 19, 24, 25, 27, 28, 30, 33 to 35, 36(5) [as inserted by sections 25 of the Safety in Industry Act, 1980] 37, 44, 45 [as amended by sections 7 and 22 of the Safety in Industry Act 1980] 46, 47 [as amended by section 22 of the Safety in Industry Act 1980], 48 [as substituted by sections 23 of the Safety in Industry Act 1980], 49, 52, 53 (2) and (3), 54, 55, 56, 57, 59(3), 60 to 61, 64 to 66, 67(2), 68 to 72 to 75, 78, 81, 83 to 85, 86(1) (b), (d), (f), (g), (i), (k) and (l) 90 to 95, 98, 107, 110 to 116, 119 to 122, 124, 125 and 127</i></p>
No.7 of 1965	<p><b>Mines &amp; Quarries Act 1965</b></p> <ul style="list-style-type: none"> <li>• <i>Partly repealed by the Safety, Health and Welfare at Work Act 1989 and through S.I. No. 237 of 1989 and S.I. No. 357 of 1995</i></li> <li>• <i>The Safety, Health &amp; Welfare at Work Act 2005 (Quarries) (Repeals and Revocations) (Commencement) Order 2008 (S.I. No. 29 of 2008) activated the repeal of the Mines and Quarries Act 1965 (No. 7 of 1965) in so far as that Act relates to quarries [including Sections 23 to 29, 91 to 97 and 133(2) and (3)] and revoked all Regulations, Orders and Rules made under that Act as they relate to quarries, from 1 May 2008 when those provisions were replaced by the Safety Health and Welfare at Work (Quarries) Regulations 2008 (S.I. No. 28 of 2008)</i></li> </ul>
No.10 of 1972	<p><b>Dangerous Substances Act 1972</b></p> <ul style="list-style-type: none"> <li>• <i>Section 52 amended under Section 41 of the Organisation of Working Time Act 1997.</i></li> <li>• <i>Act partly repealed by the Safety, Health and Welfare at Work Act, 1989 and through S.I. No. 103 of 1990 and S.I. No. 357 of 1995.</i></li> </ul>
No. 21 of 1979	<b>Dangerous Substances (Amendment) Act 1979 (Section 2 repealed)</b>

<b>No. 9 of 1980</b>	<b>Safety in Industry Act 1980</b>
	<ul style="list-style-type: none"> <li>• <i>Amended the Factories Act 1955.</i></li> <li>• <i>Act partly repealed by the Safety, Health &amp; Welfare at Work Act 1989 and through S. 1. No. 237 of 1989, S.I. No. 357 of 1995 and 2001 and S.I. No 300 of 2007.</i> <i>The repealed provisions include:</i> <ul style="list-style-type: none"> <li>○ <i>In Section 2, the definitions of "prohibition notice, safety committee, safety delegate and safety representative"</i></li> <li>○ <i>Paragraphs (a) and (b) of the definition of "specified premises", Sections 9 to 16, 19, 22, 23, 26, 28, 29, 34 to 39, 41, 42 (2) and (3), 44, 45, 49, 50, 53 and 55.</i></li> <li>○ <i>From 1 November 2007, Sections 28 and 29 repealed through the Safety, Health &amp; Welfare at Work Act 2005 (Repeals) (Commencement) Order 2007 (S.I. No. 300 of 2007) and replaced by certain provisions of Chapter 2 (Use of Work Equipment) of Part 2 of S.I. No. 299 of 2007.</i></li> </ul> </li> </ul>
<b>No. 18 of 1987</b>	<b>Safety, Health &amp; Welfare (Offshore Installations) Act 1987</b>
	<ul style="list-style-type: none"> <li>• <i>Safety, Health and Welfare (Offshore Installations) Act 1987 as amended by the Energy (Miscellaneous Provisions) Act 1995 (No.35 of 1995)</i></li> <li>• <i>Section 39 amended under Section 41 of the Organisation of Working Time Act 1997. Act partly repealed by the Safety, Health and Welfare at Work Act 1989 and through S. 1. No. 357 of 1995</i></li> </ul>
<b>No. 20 of 1997</b>	<b>Organisation of Working Time Act 1997</b>
	<ul style="list-style-type: none"> <li>• <i>Inter alia, amended Section 52 of the Dangerous Substances Act 1972 as previously amended by</i> <ul style="list-style-type: none"> <li>○ <i>Section 58(j) of the Safety, Health and Welfare at Work Act 1989 and</i></li> <li>○ <i>Section 39 of the Safety, Health and Welfare (Offshore Installations) Act 1987</i></li> </ul> </li> </ul>
<b>No.28 of 1997</b>	<b>Chemical Weapons Act 1997</b>
<b>No. 43 of 1998</b>	<b>Carriage of Dangerous Goods by Road Act 1998</b>
	<ul style="list-style-type: none"> <li>• <i>As amended by the Road Transport Act 1999 – No. 15 of 1999</i></li> </ul>

**No. 10 of 2005****Safety Health and Welfare of Work Act 2005**

Amendments incorporated through Regulation 2 of the European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2006 (S.I. No. 74 of 2006)

Part 2 of Schedule 2 of the Act was amended:

- (a) *By deleting the following from column (2) where it appears opposite "2000" in column (i) – European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2000 (S.I. No. 476 of 2000)"*
- And
- (b) *By inserting a new line at the end of the Part containing –*
- (i) In column (1), "2006" and
- (ii) In column (2), "*European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2006*"

Amendments incorporated through Section 37 of the Chemical Act 2008 (No.13 of 2008)

- (i) In Section 34(1), the insertion of paragraph (dd) after paragraph (d):\_ "*(dd) to perform the functions conferred on the Authority by the Chemicals Act 2008*"
- (ii) In Schedule 6, paragraph 5, the substitution of "paragraph 4" for " paragraph 3"
- *The Act came into operation on 1 September 2005, except the provisions of section 4(2), other than as that subsection applies to the repeal of the Safety, Health and Welfare at Work Act 1989 – see also Annex 1. The Safety Health & Welfare at Work Act 2005 (Commencement) Order 2005 (S.I. No. 328 of 2005) refers.*
  - *See also the Safety, Health & Welfare at Work Act 2005 (Repeals) (Commencement) Order 2007 (S.I. No. 300 of 2007)*

**No. 13 of 2008****Chemicals Act 2008**

- *Came into operation on 15 July 2008. The Chemicals Act 2008 (Commencement) Order 2008 (S.I. No. 273 of 2008 refers)*

## 5.2 Regulations & Orders

### Regulations & Orders Made Under the Safety, Health & Welfare at Work Act 2005:

- 
- 2005**
- Safety Health & Welfare at Work Act 2005 (Commencement Order 2005 (S.I. No. 328 of 2005)
  - *Brought the Safety, Health & Welfare at Work Act 2005 into operation on 1 September, 2005 except the provisions of Section 4(2), other than as that subsection applies to the repeal of the Safety, Health & Welfare at Work Act 1989*
  - Safety Health & Welfare at Work Act 2005 (Appeals Form) Rules 2005 (S.I. No 548 of 2005)
- 
- 2006**
- Safety, Health & Welfare at Work (Exposure to Asbestos) Regulations 2006 (S.I. No. 386 of 2006)
  - Safety Health & Welfare at Work (Construction) Regulations 2006 (S.I. No 504 of 2006)
- These Regulations were signed by the Minister on 28 September 2006 and came into operation from 6 November 2006. The Regulations replaced and revoked the Safety Health & Welfare at Work (Construction) Regulations 2001 (S.I. No. 481 of 2001) and the Safety, Health & Welfare at Work (Construction) (Amendment) Regulations 2003 (S.I. No. 277 of 2003), except for Regulations 4 and 6 of the 2001 Regulations as they apply to Project Supervisors appointed prior to the commencement of the 2006 Regulations and Regulations 80 to 123 of the 2001 Regulations relating to lifting appliances and lifting equipment, which remained in operation until 1 November 2007 when they were revoked and replaced by certain provisions of Chapter 2 (Use of Work Equipment) of Part 2 of S.I. No. 299 of 2007*
- 
- 2007**
- Safety, Health & Welfare at Work (General Application) Regulations 2007 (S.I. No. 299 of 2007)  
*Came into operation on 1 November 2007*
  - Safety Health & Welfare at Work Act 2005 (Repeals) (Commencement) Order 2007 (S.I. No. 300 of 2007)  
*Came into operation on 1 November 2007, repealing Sections 33 to 35 and 115 and 116 of the Factories Act 1955 and Sections 28 and 29 of the Safety in Industry Act 1980.*
- Safety, Health & Welfare at Work (General Application) (Amendment) Regulations 2007 (S.I. No. 732 of 2007)  
*Came in to operation on 12 November, 2007*
- 
- 2008**
- Safety, Health & Welfare at Work (Quarries) Regulations 2008 (S.I. No. 28 of 2008)  
*Came into operation on 1 May 2008, other than Regulations 13(c), 16(b) and Schedule, which come into operation on 1 November 2009.*
  - Safety, Health and Welfare at Work Act 2005 (Quarries) (Repeals and Revocations) (Commencement) Order 2008 (S.I. No. 29 of 2008)  
*Came into operation on 1 May, 2008*
  - Safety, Health and Welfare at Work (Construction) (Amendment) Regulations 2008 (S.I. No. 130 of 2008)  
*Came into operation partly from 2 May 2008, with the remaining provisions coming into operation on 6 July 2009*
  - Safety, Health & Welfare at Work (Construction) (Amendment) No.2) Regulations 2008 (S.I. No. 423 of 2008)  
*Inter alia, amended Regulations 97 of S.I. No. 504 of 2006. Made on 30 October 2008 and coming into operation on 6 July 2009*
- 
- 2010**
- Safety, Health and Welfare at Work (General Application) (Amendment) Regulations 2010 (S.I. No. 176 of 2010 re. Artificial Optical Radiation)  
*Came into operation from 29 April, 2010*
-

## Regulations & Orders Made Under the Safety, Health & Welfare at Work Act 1989 (No.7 of 1989):

**Note:** In accordance with Section 4(4) of the Safety, Health & Welfare at Work Act 2005 (No.10 of 2005), the following Regulations continued in force as if they had been made under the 2005 Act

- 
- 1989**
- Safety, Health & Welfare at Work Act 1989 (Commencement) Order 1989 (S.I. No. 236 of 1989)
  - Safety Health & Welfare at Work Act 1989 (Repeals) Order 1989 (S.I. No. 237 of 1989)
  - District Court (Safety, Health & Welfare at Work Act 1989) Regulations 1989 (S.I. No. 275 of 1989)
- 
- 1990**
- Safety, Health & Welfare at Work Act 1989 (Repeals) Order 1990 (S.I. No. 103 of 1990)
- 
- 1993**
- Safety, Health & Welfare at Work (General Application) Regulations 1993 (S.I. No. 44 of 1993).  
*From 1 November 2007, all provisions – except Part X and the Twelfth Schedule relating to the notification of accidents and dangerous occurrences – are revoked and replaced by various provisions of S.I. No. 299 of 2007*
- 
- 1994**
- Safety, Health and Welfare at Work (Biological Agents) Regulations 1994 (S.I. No. 146 of 1994)  
*Amended by S.I. No. 248 of 1998*
- 
- 1995**
- Safety, Health & Welfare at Work (Signs) Regulations 1995 (S.I. No. 132 of 1995)  
*From 1 November 2007, revoked and replaced by Chapter 1 of Part 7 of S.I. No. 299 of 2007, subject to an exemption in relation to certain signs in place before 1 November 2007, until 1 January 2011*
  - Safety, Health & Welfare at Work Act 1989 (Repeals and Revocations) Order 1995 (S.I. No. 357 of 1995)
- 
- 1997**
- Safety, Health & Welfare at Work (Extractive Industries) Regulations 1997 (S.I. No. 467 of 1997)  
*From 1 May, 2008 the provisions of these Regulations relating to quarries were revoked and replaced by those of the Safety, Health & Welfare at Work (Quarries) Regulations 2008 (S.I. No. 28 of 2008)*
- 
- 1998**
- Safety, Health and Welfare at Work (Biological Agents) (Amendment) Regulations 1998 (S.I. No. 248 of 1998)  
*Amends S.I. No. 146 of 1994*
- 
- 1999**
- Safety, Health & Welfare at Work (Fishing Vessels) Regulations 1999 (S.I. No. 325 of 1999)
- 
- 2001**
- Safety, Health & Welfare at Work (Carcinogens) Regulations 2001 (S.I. No. 078 of 2001)
  - Safety, Health & Welfare at Work (Confined Spaces) Regulations 2001 (S.I. No. 218 of 2001) – Associated Code of Practice also refers.
  - Safety, Health & Welfare at Work Act, 1989 (Repeal of Section 38 of Factories Act 1955) (Commencement) Order 2001 (S.I. No. 219 of 2001)  
*Safety, Health & Welfare at Work (Construction) Regulations 2001 (S.I. No. 481 of 2001)*
- Note:**  
*Amended by S.I. No. 277 of 2003 and by S.I. No. 318 of 2006. From 6 November 2006, revoked and replaced by S.I. No. 504 of 2006, other than Regulations 4 and 6 as they apply to a PSDS or PSCS appointed under the 2001 Regulations for transitional periods up to 6 May 2008 and 6 May 2009 and Regulations 80 to 82, 84 to 86 and 88 to 123*  
*From 1 November 2007, Regulations 80 to 123 were revoked and replaced by certain provisions of Chapter 2 (Use of Work Equipment) of Part 2 of S.I. No. 299 of 2007*
- Safety, Health & Welfare at Work (Chemical Agents) Regulations 2001 (S.I. No. 619 of 2001)  
*Revoked and replaced S.I. No. 445 of 1994*
-

- 2005** • Safety, Health and Welfare at Work (General Application)(Amendment)(Revocation) Regulations 2005 (S.I. No. 392 of 2005)

**Note:**

*These Regulations came into operation on 31 August 2005 and they revoked those provisions of the Safety, Health & Welfare at Work (General Application) Regulations 1993 (S.I. No. 44 of 2003) - as amended by the Safety, Health & Welfare at Work (General Application) (Amendment No.2) Regulations 2003 – that were incorporated in the Safety, Health & Welfare at Work Act 2005 ( No. 10 of 2005)*

## Regulations & Orders Made Under the Chemicals Act 2008:

- 2008** • Chemicals Act 2008 (Commencement) Order 2008 (S.I. No. 273 of 2008)

## Regulations & Orders Made Under the Factories Act 1955

- 1906** • Locomotive Regulations 1906 SR&O No. 679
- 1939** • Cellulose Solutions Regulations 1939 SR & O No. 385
- 1956** • Factories Act, 1955 (Commencement) Order 1956 (S.I. No. 160 of 1956)
- Factories Act, 1955 [Commencement of Section 22 (2) and 33(4) and (7)] Order 1956 (S.I. No. 161 of 1956)
  - Factories Act 1955 (Commencement of Section 34 and 35) Order 1956 (S.I. No. 162 of 1956)
  - Factories Act 1955 (Building Operations, Engineering Works, Docks etc.) (Modifications) Regulations 1956 (S.I. No. 163 of 1956)
  - Factories (Certificate of Fitness of Young Persons) Regulations 1956 (S.I. No. 165 of 1956)
  - Home Work Order, 1911 (Variation) Order 1956 (S.I. No. 168 of 1956)
  - Factories (Preparation of Steam Boilers for Examination) Regulations 1956 (S.I. No. 174 of 1956)
  - Chains, Ropes and Lifting Tackle (Register) Regulations 1956 (S.I. No. 178 of 1956)
  - Factories (Notification of Industrial Diseases) Regulations 1956 (S.I. No. 181 of 1956)
  - Factories (Report of Examination of Steam Boiler) Regulations 1956 (S.I. No. 183 of 1956)
  - Factories (Report of Examination of Steam Receivers) Regulations 1956 (S.I. No. 184 of 1956)
  - Factories (Report of Examination of Air Receivers) Regulations 1956 (S.I. No. 185 of 1956)
  - Factories Act 1955 (Birth Certificate) Regulations 1956 (S.I. No. 248 of 1956)
- 1957** • Factories Act, 1955 (Commencement of Section 34 and 35) Order 1957 (S.I. No. 260 of 1957)
- 1958** • Factories Act, 1955 (Hygrometers) Regulations 1958 (S.I. No. 160 of 1958)
- 1960** • Docks (Safety, Health and Welfare) Regulations 1960 (S.I. No. 279 of 1960)
- Regulations 8 to 12 revoked*
- From 1 November 2007, Regulations 22 to 35 and 37 and 38 and the Schedule are revoked and replaced by certain provisions of Chapter 2 (Use of Work Equipment) of Part 2 S.I. No. 299 of 2007*

## Regulations & Orders Made under the Factories Act 1955 continued...

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- 1961 • Factories (Adaption of Regulations) Regulations 1961 (S.I. No. 247 of 1961)

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  - 1965 • Docks (Safety, Health & Welfare) (Forms) Regulations 1965 (S.I. No. 63 of 1965)

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  - 1972 • Factories (Woodworking Machinery) Regulations 1972 (S.I. No. 203 of 1972)
  - Factories Act, 1955 (Application of Section 76 to Certain Diseases) Regulations 1972 (S.I. No. 262 of 1972)

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  - 1973 • Factories (Miscellaneous Orders and Regulations) (Revocation) Order 1973 (S.I. No. 94 of 1973)
  - Factories (Refractory Materials) Regulations 1973 (S.I. No. 246 of 1973)
  - Factories (Celluloid) Regulations 1973 (S.I. No. 277 of 1973)

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  - 1974 • Factories (Abrasive Blasting of Surfaces) Regulations 1974 (S.I. No. 357 of 1974)  
*Regulation 11 has been revoked*

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  - 1975 • Factories (Non-Ferrous Metals) (Melting and Founding) Regulations 1975 (S.I. No. 237 of 1975)  
*Regulation 15 has been revoked*
  - Factories (Wool and Hair Processing) Regulations 1975 (S.I. No. 272 OF 1975)  
*Regulation 30 has been revoked*
  - Shipbuilding and Ship-Repairing (Safety, Health & Welfare) Regulations 1975 (S.I. No. 322 of 1975)  
*Regulations 49, 70, 76 to 81 and 87 to 90 have been revoked*  
*From 1 November 2007 the definitions of "lifting equipment" and "lifting gear in Regulation 3(1) and Regulations 32 to 48 are revoked and replaced by certain provisions of Chapter 2 (Use of Work Equipment) of Part 2 of S.I. No. 299 of 2007*

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  - 1976 • Factories Lead Process(Medical Examination) Regulations 1976 (S.I. No. 45 of 1976)

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  - 1978 • Factories (Report of Examination of Air Receivers) (Amendment) Regulations 1978 (S.I. No. 357 of 1978)
  - Factories (Report of Examination of Steam Receivers) (Amendment) Regulations 1978 (S.I. No. 358 of 1978)
  - Factories (Report of Examination of Steam Boiler) (Amendment) Regulations 1978 (S.I. No. 359 of 1978)

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  - 1981 • Factories Act 1955 (Definition of "Work of Engineering Construction") Regulations 1981 (S.I. No. 58 of 1981)

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## Regulations & Orders Made Under the Safety in Industry Act 1980

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- 1981**
- Safety in Industry Act 1980 (Commencement) Order 1981 (S.I. No. 59 of 1981)
  - Safety in Industry Act (Section 34) Commencement) Order 1981 (S.I. No. 248 of 1981)
  - Safety in Industry (Diving Operations) Regulations 1981 (S.I. No. 422 of 1981)
  - Safety in Industry (Operations at Unfenced Machinery) Regulations 1981 (S.I. No. 423 of 1981)
  - Safety in Industry Act (Commencement) (No.2) Order 1981 (S.I. No. 424 of 1981)
  - Safety in Industry (Vehicle Lifting Tables and Other Lifting Machines) (Register of Examinations) Regulations 1981 (S.I. No. 426 of 1981)
- 
- 1982**
- Safety in Industry (Abrasive Wheels) Regulations 1982 (S.I. No. 30 of 1982)
  - Safety in Industry Act (Commencement) Order 1982 (S.I. No. 259 of 1982)
- 
- 1983**
- Safety in Industry (Fees of Certifying Doctors) Regulations 1983 (S.I. No. 256 of 1983)
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## Regulations & Orders Made Under the Mines & Quarries Act 1965

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- 1970**
- Mines & Quarries Act 1965 (Commencement) Order 1970 (S.I. No. 73 of 1970)
  - Mines (Managers and Officials) Regulations 1970 (S.I. No. 74 of 1970)  
*Part of Regulation 29(3) has been revoked – See S.I. No. 357 of 1995*
  - Mines and Quarries (Notification of Dangerous Occurrences) Order 1970 (S.I. No. 76 of 1970)
  - Mines (Surveyors and Plans) Regulations 1970 (S.I. No. 78 of 1970)
- 
- 1971**
- Mines (Locomotive) Regulations 1971 (S.I. No. 238 of 1971)
- 
- 1972**
- Mines (Explosives) Regulations 1972 (S.I. No. 123 of 1972)
  - Mines (Fire and Rescue) Regulations 1972 (S.I. No. 226 of 1972)  
*Regulations 25(c), 28 (1) (a), 28 (1) (c), 28 (1) (e) and 37 (2) (a) partly revoked and the second schedule revoked – see S.I. No. 357 of 1995.*
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- 1973**
- Mines (Mechanically Propelled Vehicles) Regulations 1973 (S.I. No. 153 of 1973)
- 
- 1974**
- Mines and Quarries (General Register) Regulations 1974 (S.I. No. 97 of 1974)  
*The words “and quarries” wherever they appear, in Regulation 4 the words “and quarry” and in Regulations 5 to 9 and the Schedule the words “or quarry” wherever they appear revoked by the Safety, Health & Welfare at Work Act 2005 (Quarries) (Repeals and Revocations) (Commencement) Order 2008 (S.I. No. 29 of 2008) from 1 May 2008.*
- 
- 1975**
- Mines (General) Regulations 1975 (S.I. No. 331 of 1975)  
*Regulations 31, 60, 67 and 70 to 72 have been revoked*
- 
- 1977**
- Tara Mine (Winding) Regulations 1977 (S.I. No. 14 of 1977)
- 
- 1979**
- Mines (General) (Amendment) Regulations 1979 (S.I. No. 279 of 1979)
- 
- 1987**
- Mines (Safety Training) Regulations 1987 (S.I. No. 85 of 1987)
- 
- 1991**
- Employment Equality Act 1977 (Employment of Females on Underground Work in Mines) Order 1989 (S.I. No. 153 of 1991)
-

## Regulations & Orders Made Under the Dangerous Substances Acts 1972 and 1979

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- 1979**
- Dangerous Substances Act 1972 (Commencement) Order 1979 (S.I. No. 297 of 1979)
  - Dangerous Substances Act 1972 (Licensing Fees) Regulations 1979 (S.I. No 301 of 1979)
  - Dangerous Substances Act 1972 (Retail and Private Petroleum Stores) Regulations 1979 (S.I. No. 311 of 1979)  
*Amended by S.I. No. 303 of 1988 and, most recently, by S.I. No. 630 of 2006.*
  - Dangerous Substances Act 1972 (Oil Jetties) Regulations 1979 (S.I. No. 312 of 1979)
  - Dangerous Substances Act 1972 (Petroleum Bulk Stores) Regulations 1979 (S.I. No 313 of 1979)  
*Part of Regulation 45 (I), Regulation 79 and Schedule 6 have been revoked – see S.I. No. 357 of 1995*
- 
- 1988**
- Dangerous Substances (Method and Apparatus for Testing Petroleum) Regulations 1988 (S.I. No. 128 of 1988)
  - Dangerous Substances (Retail and Private Petroleum Stores) (Amendment) Regulations 1988 (S.I. No. 303 of 1988)  
*Amended S.I. No. 311 of 1979 and amended, most recently by S.I. No. 630 of 2006*
- 
- 1990**
- Dangerous Substances (Storage of Liquefied Petroleum Gas) Regulations 1990 (S.I. No. 201 of 1990)  
*Associated Code of Practice also refers.*
- 
- 2008**
- Dangerous Substances (Retail and Private Petroleum Stores) (Amendment) Regulations 2008 (S.I. No. 593 of 2008)  
*From 1 January 2009. Replaced S.I. No. 630 of 2006 and amends S.I. of 311 of 1979*
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## Regulations & Orders Made Under the Safety, Health & Welfare (Offshore Installations) Act 1987

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- 1990**
- Safety, Health & Welfare (Offshore Installations) Act 1987 (Commencement) Order 1990 (S.I. No. 274 of 1990)
- 
- 1991**
- Safety, Health & Welfare (Offshore Installations) (Installation Managers) Regulations 1991 (S.I. No. 13 Of 1991)
  - Safety, Health & Welfare (Emergency Procedures) Regulations 1991 (S.I. No. 14 of 1991)
  - Safety, Health & Welfare (Offshore Installations) (Life-Saving Appliances) Regulations 1991 (S.I. No. 15 of 1991)
  - Safety Health & Welfare (Offshore Installations ) (Operations) Regulations 1991 (S.I. No. 16 of 1991)  
*Regulations 23(2)(a) to (e) revoked by S.I. No. 318 of 2006*
-

## Regulations Made Under the European Communities Act 1972

- 1992 & 1995** • European Communities (Appliances Burning Gaseous Fuels) Regulations 1992 (S.I. No. 101 of 1992) as amended by the European Communities (Appliances Burning Gaseous Fuels) (Amendment) Regulations 1995 (S.I. No. 150 of 1995)
- 1993** • European Communities (Personal Protective Equipment) Regulations 1993 (S.I. No. 272 of 1993) as amended by the European Communities (Personal Protective Equipment) (Amendment) Regulations 1994 (S.I. No. 13 of 1994), the European Communities (Personal Protective Equipment) (CE Marking) Regulations 1994 (S.I. No. 457 of 1994) and the European Communities (Personal Protective Equipment) (Amendment) Regulations 1997 (S.I. No. 81 of 1997).
- 1998** • European Communities (Lifts) Regulations 1998 (S.I. No. 246 of 1998)  
*Amended by the European Communities (Lifts) (Amendment) Regulations 2008 (S.I. No. 406 of 2008)*
- 1999** • European Communities (Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres) Regulations 1999 (S.I. No. 83 of 1999)
- European Communities (Pressure Equipment) Regulations 1999 (S.I. No. 400 of 1999)
- 2001** • European Communities (Safety Advisers for the Transport of Dangerous Goods by Road and Rail) Regulations 2001 (S.I. No.6 of 2001)
- NOTE:**  
*From 31 July 2006, these Regulations were revoked, in so far as they relate to the transport of dangerous goods by road, by the European Communities (Carriage of Dangerous Goods by Road) (ADR Miscellaneous Provisions) Regulations 2006 (S.I. No. 406 of 2006)*
- European Communities (Machinery Regulations 2001 ( S.I. No. 518 of 2001)  
*To be revoked and replaced from 29 December 2009 – see S.I. No. 407 of 2008*
- 2003** • European Communities (Classification , Packaging, labelling and Notification of Dangerous Substances) Regulations 2003 (S.I. No. 116 of 2003)  
*Revoked S.I. No. 393 of 2000.*  
*Amended by S.I. No. 25 of 2006 and from 15 July 2008, amended by S.I. No. 272 of 2008*
- European Communities (Dangerous Substances and Preparations) (Marketing and Use) Regulations 2003 (S.I. No. 220 of 2003)  
*Revoked and replaced S.I. No. 107 of 2000*  
*Amended by S.I. No. 503 of 2003 S.I. No. 852 of 2004, S.I. No. 364 of 2006, S.I. No. 746 of 2007 and S.I. No. 371 of 2008*
- European Communities (Dangerous Substances and Preparation) (Marketing and Use) (Amendment) Regulations 2003 (S.I. No. 503 of 2003)
- 2004** • European Communities (Classification, Packaging and Labelling of Dangerous Preparations) Regulations 2004 (S.I. No. 62 of 2004)  
*Revoked and replaced S.I. No. 272 of 1995 and S.I. No. 354 of 1998. Amended by S.I. No. 76 of 2007 from 1 March 2007. From 15 July 2008 amended by S.I. No. 271 of 2008.*
- European Communities (Transportable Pressure Equipment) Regulations 2004 (S.I. No. 374 of 2004)
- European Communities (Dangerous Substances and Preparations) (Marketing and Use) (Amendment) Regulations 2004 (S.I. No. 852 of 2004)  
*These Regulations amend Schedules 1 and 3 of the European Communities (Dangerous Substances and Preparations) (Marketing and Use) Regulations, 2003 (S.I. No. 220 of 2003), as previously amended by the European Communities (Dangerous Substances and Preparations) (Marketing and Use) (Amendment) Regulations 2003 (S.I. No. 503 of 2003)*

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- 2006**
- European Communities (Classification, Packaging, Labelling and Notification of Dangerous Substances) (Amendment) Regulations 2006 (S.I. No. 25 of 2006)  
*Came into operation on 25 January 2006 and amended S.I. No. 116 of 2003)*
  - European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2006 (S.I. No. 74 of 2006)  
*Came into operation on 15 February 2006 and revoked and replaced S.I. No. 476 of 2000 and S.I. No. 402 of 2003)*
  - European Communities (Dangerous Substances and Preparations) (Marketing and Use) (Amendment) Regulations 2006 (S.I. No. 364 of 2006)  
*These Regulations were signed by the Minister on 11 July 2006 and they amend Schedules 1 and 3 of the European Communities (Dangerous Substances and preparations) (Marketing and Use) Regulations 2003 (S.I. No. 220 of 2003), as previously amended by the European Communities (Dangerous Substances and Preparations) (Marketing and Use) (Amendment) Regulations 2003 (S.I. No. 503 of 2003) and the European Communities (Dangerous Substances and Preparations) (Marketing and Use) (Amendment) Regulations 2004 (S.I. No. 852 of 2004)*  
  
*Regulation 3(1) (a) and Schedule A to the Regulations came into operation from 15 June 2007. Regulation 3(1) (b) and Schedule B to the Regulations came into operation from 1 January 2010. Regulation 3(1) (c) and 4 and Schedule C to the Regulations came into operation from 16 January 2007. Regulation 5 and Schedules D to O to the Regulations came into operation from 24 August 2007*  
  
*From 11 July 2006, the Regulations also amend Paragraphs (h), (i) and (j) of Regulation 4(1) of S.I. No. 503 of 2003 and Schedule 3 of S.I. No. 220 of 2003, as amended by S.I. No. 503 of 2003, substituting "toxic to reproduction" for "toxic for reproduction" in each place where it occurs.*
- 
- 2007**
- European Communities (Classification, Packaging and Labelling of Dangerous preparations) (Amendment) Regulations 2007 (S.I. No. 76 of 2007)  
*Amended S.I. No. 62 of 2004 from 1 March 2007*
  - European Communities (Carriage of Dangerous Goods by Road) (ADR Miscellaneous Provisions) Regulations 2007 (S.I. No. 289 of 2007)  
*These Regulations, which revoked and replaced (S.I. No. 406 of 2006) came into operation on 13 June 2007 and supplement the Carriage of Dangerous Goods by Road Regulations 2007 (S.I. No. 288 of 2007)*
  - *These Regulations were signed by the Minister on 8 November, 2007 and they amend Schedule 1 to the European Communities (Dangerous Substances and Preparations) (Marketing and Use) Regulations 2003 (S.I. No. 220 of 2003), as last previously amended by the European Communities (Dangerous Substances and Preparations) (Marketing and Use) (Amendment) Regulations 2006 (S.I. No. 364 of 2006)*
  - *Regulations 3(1)(a) and Schedule A to the Regulations came into operation from 8 November 2007 and Regulations 3(1)(b) and Schedule B to the Regulations came into operation from 27 June 2008.*
-

- 2008**
- European Communities (Export and Import of Certain Dangerous Chemicals) (Industrial Chemicals) (Enforcement) (Revocation) Regulations 2008 (S.I. No. 269 of 2008)  
*From 15 July 2008 revoked S.I. No. 395 of 2002*
  - European Communities (Detergents) (Revocation) Regulations 2008 (S.I. No. 270 of 2008)  
*From 15 July 2008 revoked the European Communities (Detergents) Regulations 2005 (S.I. No. 844 of 2005)*
  - European Communities (Classification, Packaging and Labelling of Dangerous Preparations) (Amendment) (Regulations 2008 (S.I. No. 271 of 2008)  
*From 15 July 2008 amended S.I. No. 62 of 2004 as last previously amended by S.I. No. 76 of 2007*
  - European Communities (Classification, Packaging, Labelling and Notification of Dangerous Substances) (Amendment) Regulations 2008 (S.I. No. 272 of 2008)  
*From 15 July 2008 amended S.I. No. 116 of 2003 as last previously amended by S.I. no. 25 of 2006)*
  - European Communities (Dangerous Substances and Preparations) (Marketing and Use) (Amendment) Regulations 2008 (S.I. No. 371 of 2008)  
*These Regulations were signed by the Minister on 16 September 2008 and come into operation on 3 April 2009. They amend Schedule 1 to the European Communities (Dangerous Substances and Preparations) (Marketing and Use) Regulations 2003 (S.I. No. 220 of 2003), as last previously amended by the European Communities (Dangerous Substances and Preparations) (Marketing and Use) (Amendment) Regulations 2007 (S.I. No. 746 of 2007)*
  - European Communities (Lifts) (Amendment) Regulations 2008 (S.I. No. 406 of 2008)  
*These regulations were signed by the Minister on 17 October 2008 and they came into operation on 29 December 2009. The Regulations transpose Article 24 of Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC of 29 June 1995. (The Other provisions of that Directive are transposed into Irish law by the European Communities (Machinery) Regulations 2008 (S.I. No. 407 of 2008)*
  - European Communities (Machinery) Regulations 2008 (S.I. No. 407 of 2008)  
*These Regulations were signed by the Minister on 17 October 2008 and they came into operation on 29 December 2009, except that as regards portable cartridge operated fixing and other impact machinery which are in conformity with existing provisions in force at 17 May 2006, the Regulations came into operation on 29 June 2011. Subject to this, the Regulations revoke and replace the European Communities (Machinery) Regulations 2001 (S.I. No. 518 of 2001 from 29 December 2009*

## Regulations Made Under the Chemical Weapons Act 1997

- 2001**
- Chemical Weapons (Licensing of Scheduled Toxic Chemicals and Precursors) Regulations 2001 (S.I. No. 054 of 2001)

## Regulations Made Under the Carriage of Dangerous Goods by Road Act 1998

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- 2001** • Carriage of Dangerous Goods by Road Act, 1998 (Commencement) Order 2001 (S.I. No. 495 of 2001)
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- 2007** • Carriage of Dangerous Goods by Road Regulations 2007 (S.I. No. 288 of 2007)  
*These Regulations, which revoked and replaced S.I. No. 405 of 2006, came into operation on 13 June 2007.*
- *The Regulations are supplemented by the European Communities (Carriage of Dangerous Goods by Road) (ADR Miscellaneous Provisions) Regulations 2007 (S.I. No. 289 of 2007), which also came into operation on 13 June 2007*
  - Carriage of Dangerous Goods by Road Act 1998 (Appointment of Competent Authorities) Order 2007 (S.I. No. 290 of 2007)  
*This Order, was revoked and replaced S.I. No. 407 of 2006, came into operation on 13 June 2007*
  - Carriage of Dangerous Goods by Road Act 1889 (Appointment of Competent Authorities) Order 2007 (S.I. No. 290 of 2007)  
*This Order was revoked and replaced S.I. No. 407 of 2006, came into operation on 13 June 2007.*
  - Carriage of Dangerous Goods by Road (Fees) Regulations 2007 (S.I. No. 291 of 2007)  
*These Regulations, which revoked and replaced S.I. No. 408 of 2006, came into operation on 13 June 2007.*
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### 5.3 Codes of Practice:

#### *Codes of Practice – Section 60(7) of the Safety, Health and Welfare at Work Act 2005*

- “(7) Notwithstanding the repeal of the Act of 1989 by Section 4, a code of practice in operation immediately before the commencement of that section continues to be a code of practice as if prepared and published under this section.”

#### Codes of Practice (Approved or Published by the Health & Safety Authority)

##### 1997 Re Dangerous Substances (Storage of Liquefied Petroleum Gas) Regulations 1990 (S.I. No. 201 of 1990)

The Health & Safety Authority, in accordance with Section 30 of the Safety, Health & Welfare at Work Act 1989, for the purpose of providing practical guidance on the provisions of these Regulations, has approved the following standards published by the **National Standards Authority of Ireland** as Codes of Practice:

- (i) Code of Practice for the Storage of LPG Cylinders and Cartridges I.S. 3213: 1987 as amended by Amendment No. 1 : 1990, dated 20<sup>th</sup> September, 1990 and by Amendment No. 2 : 1993, dated 22<sup>nd</sup> September, 1993;
- (ii) Code of Practice for Bulk Storage of Liquefied Petroleum Gas – I.S. 3216: 1988, Part 1, General Requirements as amended by Amendment No. 1 : 1989, dated 18<sup>th</sup> October, 1989 and by Amendment No 2 : 1996, dated 9<sup>th</sup> December, 1996; *and*
- (iii) Code of Practice for the Bulk Storage of Liquefied Petroleum Gas – I.S. 3216: Part 2 : 1989, Installation at Automotive Dispensing Facilities as amended by Amendment No. 1 : 1994, dated 27<sup>th</sup> May, 1994 and by Amendment No. 2 : 1996, dated 9<sup>th</sup> December, 1996

These Codes of Practice as amended came into effect from 1<sup>st</sup> August, 1997

##### 2001 Code of Practice on Preventing Accidents to Children and Young Persons in Agriculture

This Code of Practice, which came into effect on 20 July, 2001, provided practical guidance as to the observance of the provisions of the Safety, Health & Welfare at Work Act, 1989, the Safety, Health & Welfare at Work (General Application) Regulations 1993, and the Safety, Health and Welfare at Work (Children and Young Persons) Regulations 1998, relating to the protection of the safety and health of children and young persons on farms.

#### NOTE:

The Code became formally obsolete from 1 November 2007 on the revocation of the remaining provisions of the Safety, Health & Welfare at Work (General Application) Regulations 1993 (S.I. No. 44 of 1993), other than Part X and the Twelfth Schedule relating to the notification of accidents and dangerous occurrences, but its provisions still provide good practical advice.

### 2003 Code of Practice for Managing Safety & Health in Forestry Operations

This Code of Practice provided practical guidance as to the observance of the provisions of the Safety, Health and Welfare at Work Act 1989 and the Safety, Health & Welfare at Work (General Application) Regulations 1993 for forestry operations. In particular, the Code provided guidance on Section 7 (General duties of employers and self-employed to persons other than their employees) and Section 8 (General duties of persons concerned with places to work to persons other than their employees) of the 1989 Act and Regulation 6 (Duty to co-operate) of the 1993 Regulations.

The Code of Practice came into effect on 1 July 2003.

**NOTE:**

This Code became formally obsolete from 1 November 2007 on the revocation of the remaining provisions of the Safety, Health & Welfare at Work (General Application) Regulations 1993 (S.I. No. 44 of 1993), other than Part X and the Twelfth Schedule relating to the notification of accidents and dangerous occurrences, but its provisions still provide good practical advice.

### 2005 Code of Practice for Avoiding Danger from Underground Services

This Code of Practice provided practical guidance as to the observance of Regulations 3 to 6 and 21 of the Safety, Health & Welfare at Work (Construction) Regulations 2001 (S.I. No. 481 of 2001) which, inter alia, require that :

*"Adequate precautions are taken in any excavation, shaft, earthwork, underground works or tunnel to .... Avoid risk to persons at work arising from possible underground dangers such as underground cables or other distribution systems, the circulation of fluids or the presence of pockets of gas, by undertaking appropriate investigations to locate them before excavation beings ....."*

The Code of Practice also provided practical guidance as to the observance of Section 8 of the Safety, Health & Welfare at Work Act 1989 in respect of relevant excavation work.

The aim of the Code of Practice was to improve the level of safety with which excavation work is carried out. In particular, it aimed to reduce the incidence of damage to underground services and, in doing so, to minimise risk to personnel who are involved in carrying out this work.

This Code of Practice came into effect on 15 February, 2005

**NOTE:**

This Code is formally obsolete since the Safety, Health and Welfare at Work (Construction) Regulations 2001 (S.I. No. 481 of 2001) was revoked and replaced but its provisions still provide good practical advice.

### 2005 Code of Practice for Safety in Roofwork

This Code of Practice provided practical guidance to roofing companies, clients, designers and specifiers, project supervisors (*design and construction stage*), safety representatives, anyone carrying out roofwork, safety consultants and advisors on the requirements and prohibitions set out in Section 10 of the Safety, Health & Welfare at Work Act 1989 (No. 7 of 1989) and Regulations 3, 4, 5, 6, 9 and 14, Part 13 and Regulation 129 of the Safety Health & Welfare of Work (Construction) Regulations 2001 (S.I. No. 481 of 2001).

This Code of Practice came into effect on 22 August 2005.

**NOTE:** This Code is formally obsolete since the Safety, Health & Welfare at Work (Construction) Regulations 2001 (S.I. No. 481 of 2001) were revoked and replaced but its provisions still provide good practical advice.

## 2006 Code of Practice for Preventing Injury and Occupational Ill Health in Agriculture

This code of Practice provides practical guidance to people at work in the agriculture sector with respect to the observance of the Safety, Health & Welfare at Work Act 2005 (No. 10 of 2005), in accordance with section 20(8) of the Act. The Code, in particular, provides practical guidance on the provisions of sections 19 and 20 of the Act relating to hazard identification and risk assessment and the safety statement, respectively.

This Code of Practice came into operation on 1 November 2006.

## 2007 Code of Practice for Employers and Employees on the Prevention and Resolution of Workplace Bullying

This Code of Practice provides practical guidance for employers on identifying and preventing bullying at work arising from their duties under Section 8(2)(b) of the Safety, Health & Welfare at Work Act 2005 as regards

*"managing and conducting work activities in such a way as to prevent, so far as is reasonably practicable, any improper conduct or behaviour likely to put the safety, health and welfare at work of his or her employees at risk"*

The Code also applies to employees in relation to their duties under Section 13(1)(e) of the 2005 Act to

*"Not engage in improper conduct or behaviour that is likely to endanger his or her own safety, health and welfare at work or that of any other person".*

The Code of Practice came into Operation on 1 May 2007 and from that date it replaced the Code of Practiced entitled "*Code of Practice on the Prevention of Workplace Bullying*" which was issued by the Authority in March 2002 in accordance with the Safety, Health & Welfare at Work Act 1989.

## 2008 Code of Practice for Contractors with Three or Less Employees

This Code of Practice provides practical guidance as to the observance of the Safety, Health & Welfare at Work Act 2005, including in particular the provision of sections 19 and 20 of the Act, and the provisions of the Safety, Health and Welfare at Work (Construction) Regulations 2006 (S.I. No. 504 of 2006). It came into operation on 2 April 2008

## 2008 Code of Practice for Access and Working Scaffolds

This Code of Practice came into operation on 1 January 2009. The aim of the Code of Practice is to provide practical guidance to scaffold erectors, contractors, and users of scaffolding on the requirements and prohibitions set out in the relevant statutory provisions. In particular, but not exclusively, the Code of Practice provides practical guidance as to the observance of the provisions of:

- (i) Chapter 1 of Part 2 (*Sections 8 to 12 in relation to the general duties of employers*) and Chapter 2 of Part 2 (*Sections 13 to 14 in relation to the general duties of employees etc.*) of the Safety, Health & Welfare at Work Act 2005 (No.10 of 2005);
- (ii) Part 2 (*Regulations 6 to 23 in relation to design and management*), Part 3 (*Regulations 24 to 29 in relation to the general duties of contractors and others*) and Part 4
  - *Regulation 30 in relation to site safety and access to construction sites,*
  - *Regulation 35 in relation to protection from falling material and protective safety helmets,*
  - *Regulation 40 in relation to lighting of work places*
  - *Regulation 42 in relation to projecting nails and lose material*
  - *Regulation 43 in relation to construction of temporary structures and*
  - *Regulation 44 in relation to avoidance of danger from collapse of structures*

Of the Safety, Health & Welfare at Work (Construction) Regulations 2006) (S.I. No. 504 of 2006) and

- (iii) Chapter 2 of Part 2 (*Regulations 27 to 59 in relation to the use of work equipment*)  
 Chapter 3 of Part 2 (*Regulations 62 to 67 in relation to personal protective equipment*)  
 Part 3 (*Regulations 74 to 93 in relation to electricity*) and  
 Part 4 (*Regulations 94 to 119 in relation to work at height*)  
 Of the Safety, Health and Welfare at Work (General Application) Regulations 2007 (S.I. No. 299 of 2007) as amended by the Safety, Health & Welfare at Work (General Application) (Amendment) Regulations 2007 (S.I. No. 732 of 2007).

This Code of Practice replaces the Code of Practice entitled "*Code of Practice for Access and Working Scaffolds*" issued by the Authority in 1999 in accordance with the Safety, Health and Welfare at Work Act 1989.

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#### 2010 Code of Practice for Avoiding Danger from Underground Services

This Code of Practice provides practical guidance as to the observance of Part 5 of the Safety, Health & Welfare at Work (Construction) Regulations 2006 (S.I. No. 504 of 2006) as amended by the Safety, Health & Welfare at Work (Construction) (Amendment) Regulations 2008 (S.I. No. 130 of 2008) and the Safety, Health & Welfare at Work (Construction) (Amendment) (No.2) Regulations 2008 (S.I. No. 423 of 2008) which, inter alia, requires that adequate precautions are taken in any excavation, shaft, earthwork, underground works, or tunnel to avoid risk to persons at work arising from possible underground dangers. Such dangers include underground cables or other distribution systems, the circulation of fluids and the presence of pockets of gas, and appropriate investigations to locate them must be undertaken before excavation begins. The Code of Practice also provides practical guidance as to the observance of Sections 19 and 20 of the Safety, Health & Welfare at Work Act 2005 in respect of relevant excavation work.

This Code of Practice came into effect on 11 January 2010 and it replaced the "*Code of practice for Avoiding Danger from Underground Services*" issued by the Health & Safety Authority in 2005 in accordance with the Safety, Health and Welfare at Work Act 1989.

Notice of the issue of this Code of Practice was published in the Irish Oifigiúil on Friday 8 January 2010.

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#### 2010 2010 Code of Practice for the Safety Health & Welfare at Work (Chemical Agents) Regulations 2001 (S.I. No. 619 of 2001)

This Code of Practice provides practical guidance as to the observance of Regulations 4(1)(e), 4(5)(d), 6(1)(c), (d) and (e) and 9 (1) (b) of the Safety, Health & Welfare at Work (Chemicals Agents) Regulations 2001, in relation to occupational exposure limit values (OELVs) for a number of chemical agents as listed in Schedule 1 to the Code, having regard to the provisions of the Safety, Health & Welfare at Work Act 2005.

This Code of Practice came into operation on 4 May 2010 and from that date it replaced the "*2007 Code of Practice for the Safety, Health & Welfare at Work (Chemical Agents) Regulations 2001 (S.I. No. 619 of 2001)*" which was issued in accordance with the Safety, Health & Welfare at Work Act 2005.

Notice of the publication of this Code of Practice, and with withdrawal of the 2007 Code of Practice, was published in the Irish Oifigiúil on 30 April 2010

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## 2010 Working on Roads Code of Practice for Contractors with Three or Less Employees

The aim of this Code of Practice is to improve the level of safety and health among small scale employers and contractors (*employing three or less employees*) engaging in road works.

The Code of Practice provides practical guidance as to the observance of the provisions of the Safety, Health & Welfare at Work Act 2005, including in particular, the provisions of Sections 19 and 20 of the Act and the provisions of the Safety, Health and Welfare at Work (Construction) Regulations 2006 (S.I. No. 504 of 2006)

This Code of Practice came into operation on 4 May 2010 and notice of its publication was published in the Irish Oifigiúil on 30 April 2010

## 2010 Code of Practice for the Design and Installations of Anchors

The aim of this Code of Practice is to provide practical guidance to designers, specifiers and installers of metal anchors on the requirements and prohibitions set out in the relevant statutory provisions. In particular, but not exclusively, this code of practice provides practical guidance as to the observance of the provisions of:

- (i) Chapter 1 of Part 2 (*Sections 8 to 12 in relation to the general duties of employers*) and Chapter 2 of Part 2 (*Sections 13 to 15 in relation to the general duties of employees etc.*) of the Safety, Health & Welfare at Work Act 2005 (No. 10 of 2005).
- (ii) Part 2 (*Regulations 6 to 23 in relation to design and management*), Part 3 (*Regulations 24 to 29 in relation to the general duties of contractors and others*) and Part 4:
  - *Regulation 30 in relation to site safety and access to construction sites*
  - *Regulation 35 in relation to protection from falling material and protective safety helmets*
  - *Regulation 40 in relation to lighting of workplaces*
  - *Regulation 42 in relation to projecting nails and loose material*
  - *Regulation 43 in relation to construction of temporary structures and*
  - *Regulation 44 in relation to avoidance of danger from collapse of structure*
 of the Safety, Health & Welfare at Work (Construction) Regulations 2006 (S.I. No. 504 of 2006)
- (iii) Chapter 2 of Part 2 (*Regulations 27 to 61 in relation to the use of work equipment*) Chapter 3 of Part 2 (*Regulations 62 to 67 in relation to personal protective equipment*) Part 3 (*Regulations 74 to 93 in relation to electricity*) and Part 4 (*Regulations 94 to 119 in relation to work at height*) of the Safety, Health & Welfare at Work (General Application) Regulations 2007 (S.I. No. 299 of 2007) as amended by the Safety, Health & Welfare at Work (General Application) (Amendment) Regulations 2007 (S.I. No. 732 of 2007).

This Code of Practice came into operation on 17 May 2010 and notice of its publication was published in the Irish Oifigiúil of 14 May 2010

## 2010 Code of Practice for Working in Confined Spaces

This Code of Practice provides practical guidance as to the observance of the provisions of the Safety, Health & Welfare at Work (Confined Spaces) Regulations 2001 (S.I. No. 218 of 2001).

The Code of Practice came into operation on 17 May 2010. It replaced the Code of Practice entitled "*Code of Practice for Working in Confined Spaces*" issued by the Health & Safety Authority in 2001 in accordance with the Safety, health and Welfare at Work Act 1989.

Notice of the issue of this Code of Practice was published in the Irish Oifigiúil on 14 May 2010

## 5.4 Other Relevant Legislation:

### Enterprise, Trade and Employment (Alteration of Name of Department and Title of Minister) Order 2010 (S.I. No. 185 of 2010)

This Order, which was made on 27 April 2010 provides that-

- (a) The name of the Department of State, the former name of which was the Department of Enterprise, Trade and Employment, is altered to that of the Department of Enterprise, Trade and Innovation, and
- (b) The title of Minister having charge of the Department of State, whose former title was Minister for Enterprise, Trade and Employment, is altered to that of the Minister for Enterprise, Trade and innovation.

### Enterprise, Trade and Innovation (Delegation of Ministerial Functions) (No.2) Order 2010 (S.I. No. 333 of 2010)

This Order, which was made on 29 June 2010, delegates to Dara Calleary, Minister of State at the Department of Enterprise, Trade and Innovation the powers and duties of the Minister for Enterprise, Trade and Innovation under the Acts and Instruments specified in the Order, including the Safety, Health & Welfare at Work Act 2005 and the Chemicals Act 2008.

## 5.5 Annex:

### Annex 1: Section 4 Safety, Health & Welfare at Work Act 2005 – Repeals & Savings

Section 4(1) of the 2005 Act provides for the repeal of provisions of the Organisation of Working Time Act 1997, which are overtaken by provisions in the 2005 Act.

Subject to the making of Commencement Orders under Section 1(2) of the 2005 Act, Section 4(2) of the Act repeals the following enactments:

- Boiler Explosions Act 1882
- Boiler Explosions Act 1890
- Mines & Quarries Act 1965
- Dangerous Substances Acts 1972 and 1979
- Safety in Industry Acts 1955 and 1980
- Safety, Health & Welfare (Offshore Installations) Acts 1987 and 1995
- Safety, Health & Welfare at Work Act 1989

The repeal of the Safety, Health & Welfare at Work Act 1989 was activated, from 1 September 2005 by the Safety, Health and Welfare at Work Act 2005 (Commencement) Order 2005 (S.I. No. 328 of 2005).

Section 33 to 35 and 115 and 116 of the Factories Act 1955 and Sections 28 and 29 of the Safety in Industry Act 1980 are repealed from 1 November 2007 through the Safety, Health and Welfare at Work Act 2005 (Repeals) (Commencement) Order 2007 (S.I. No. 300 of 2007).

It is intended that the repeal of the provisions of the other statutes listed above which are not already repealed through Orders made under the 1989 Act or the 2005 Act, will be activated, over time, by Commencement Order(s), made under Section 1(2) of the 2005 Act, as they are reviewed and rationalised and, in some cases, replaced by Regulations and Codes of Practice Under the 2005 Act.

### Annex 2: Safety, Health & Welfare at Work (General Application) Regulations 1993 (S.I. No. 44 of 1993 as amended (at 22 July 2008))

The provisions of the Safety, Health & Welfare at Work (General Application) Regulations 1993 (S.I. No. 44 of 1993), referred to in columns (1) and (2) of Part A of the attached Schedule were revoked from 31 August 2005, under the Safety, Health & Welfare at Work (General Application) (Amendment) (Revocation) Regulations 2005 (S.I. 392 of 2005). The purpose of those revocations was to avoid duplication or overlapping between those provisions and the equivalent provisions in the Safety, Health & Welfare at Work Act 2005 (No.10 of 2005) referred to in column (3) of Part A of the attached Schedule.

The Safety, health and Welfare at Work (General Application) (Amendment No. 2) Regulations 2003 (S.I. No. 53 of 2003) were also revoked from 31 August 2005, under S.I. No. 392 of 2005.

The remaining provisions of the General Application Regulations 1993 (other than Part X and the Twelfth Schedule relating to the notification of accidents and dangerous occurrences, which remained in place) and the Safety, Health and Welfare at Work (General Application) (Amendment) Regulations 2001 (S.I. No. 188 of 2001) were revoked from 1 November 2007 under the Safety, Health and Welfare at Work (General Application) Regulations 2007 (S.I. No. 299 of 2007).

In addition, other Regulations and Orders (*which are part of the "relevant statutory provisions" as defined in the 2005 Act*) are revoked and replaced from 1 November 2007 by the General Application Regulations 2007 and are listed at Part B of the attached Schedule.

## Annex 2: Safety, Health & Welfare at Work (General Application) Regulations 1993 (S.I. No. 44 of 1993 as amended (at 22 July 2008))

### Schedule: Part A

Column (1) Regulation of or Schedule to the Safety, Health & Welfare at Work (General Application) Regulations 1993	Column (2) Extent of Revocation (From 31 August 2005)	Column (3) Equivalent Provision of the Safety, Health and Welfare at Work Act 2005 (From 1 September 2005)
Regulation 2(1) - Interpretation	The definitions of <ul style="list-style-type: none"> <li>• "fixed term employee"</li> <li>• "temporary employee"</li> <li>• "temporary employment business"</li> </ul>	Section 2(1) – Interpretation – definitions of: <ul style="list-style-type: none"> <li>• "fixed term employee"</li> <li>• "temporary employee"</li> <li>• "temporary employment business"</li> </ul>
Regulation 5 – General Duties of Employer – (as amended by the Safety Health & Welfare at Work (General Application) (Amendment) Regulations 2003 – S.I. No. 53 of 2003)	The whole Regulation	Section 8 – General Duties of Employer
Regulation 6 – Duty to Co-operate	The whole Regulation	Section 21 – Duty of employers to co-operate
Regulation 7 – Financial Cost	The whole Regulation	Section 8(5) – General Duties of Employer
Regulation 8 – Protective and Preventive Services – (as amended by the Safety, Health & Welfare at Work (General Application) (Amendment) Regulations 2003 (S.I. No. 53 of 2003)	The whole Regulation	Section 11 – Emergencies and serious and imminent dangers
Regulation 9 - Emergency Duties – (as amended by the Safety, Health and Welfare at Work (General Application) (amendment) Regulations 2003- S.I. No. 53 of 2003)	The whole of Paragraph (1)	Section 11 – Emergencies and serious and imminent dangers.
Regulation 10 – Risk Assessment	The whole Regulation	Section 19 – Hazard identification and risk assessment and Section 20 – Safety Statement
Regulation 11 – Information	The whole Regulation	Section 9 – Information for employees
Regulation 12 – Consultation and Participation of Employees	The whole Regulation	Section 25 – Safety Representatives and Section and Section 26 – Consultation and participation of employees, safety committees
Regulation 13 – Training	The whole Regulation	Section 10 – Instruction, training and supervision of employees
Regulation 14 – Duties of Employees	The whole Regulation	Section 13 – Duties of Employee
Regulation 15 – Health Surveillance	Paragraphs (1) (a) and (b), (2) and (3).	Section 22 – health Surveillance
First Schedule – General Principles of Prevention	The whole Regulation	Schedule 3 – General Principles of Prevention

## Annex 2: Safety, Health & Welfare at Work (General Application) Regulations 1993 (S.I. No. 44 of 1993 as amended (at 22 July 2008))

### Schedule: Part B

#### *Other Regulations & Orders Revoked & Replaced from 1 November 2007 by the General Application Regulations 2007 (S.I. No. 299 of 2007)*

- i. Factories (Report of Examination of Hoists and Lifts) Regulations 1956 (S.I. No. 182 of 1956)
- ii. Factories Act 1955 (Hoists and Lifts) (Exemption) Order 1957 (S.I. No. 80 of 1957)
- iii. Factories Act 1955 (Lifts) (Exemption) Order 1960 (S.I. No. 129 of 1960)
- iv. Regulations 22 to 35 and 37 and 38 and the Schedule to the Docks (Safety, Health & Welfare) Regulations 1960 (S.I. No. 279 of 1960)
- v. Factories Act 1955 (Hoistways)(Exemption) Order 1962 (S.I. No. 211 of 1962)
- vi. Quarries (Electricity) Regulations 1972 (S.I. No. 50 of 1972),
- vii. Mines (Electricity) Regulations 1972 (S.I. No. 51 of 1972),
- viii. Quarries (General ) Regulations 1974 (S.I. No. 146 of 1974) to the extent of in Regulation 3, the definitions of "lifting appliance" and "safe working load", Regulations 40 and 41, in the First Schedule "Form No.3 and "Form No. 5" and the Second Schedule,
- ix. Shipbuilding and Ship-Repairing (Safety, Health & Welfare) Regulations 1975 (S.I. No. 322 of 1975) to the extent of in Regulation 3(1), the definitions of "lifting equipment" and "lifting gear" and Regulations 32 to 48,
- x. Factories Act 1955 (Hoistways)(Exemption) Order 1976 (S.I. No. 236 of 1976)
- xi. Factories Act 1955 (Hoists) (Exemption) Order 1977 (S.I. No. 13 of 1977)
- xii. Mines, (Electricity) (Amendment) Regulations 1979 (S.I. No. 125 of 1979)
- xiii. Quarries (Electricity) (Amendment) Regulations 1979 (S.I. No. 126 of 1979)
- xiv. Safety in Industry Acts 1955 and 1980 (Hoists and Hoistways) (Exemption) Order 1985 (S.I. No. 100 of 1985)
- xv. Safety, Health & Welfare at Work (Signs) Regulations 1995 (S.I. No. 132 of 1995),
- xvi. Safety, Health & Welfare at Work (Miscellaneous Welfare Provisions) Regulations 1995 (S.I. No. 358 of 1995)
- xvii. Safety, Health & Welfare at Work (Children and Young Persons) Regulations 1998 (S.I. No. 504 of 1998)
- xviii. Safety, Health & Welfare at Work (Night Work and Shift Work) Regulations 2000 (S.I. No. 11 of 2000)
- xix. Safety, Health & Welfare at Work (Pregnant Employees etc.) Regulations 2000 (S.I. No. 218 of 2000)
- xx. Regulations 80 to 123 of the Safety, Health and Welfare at Work (Construction) Regulations 2001 (S.I. No. 481 of 2001), the other provisions of those Regulations having been revoked by the Safety, Health & Welfare at Work (Construction) Regulations 2006 (S.I. No. 504 of 2006)
- xxi. Safety, Health & Welfare at Work (Explosive Atmospheres) Regulations 2003 (S.I. No. 258 of 2003)
- xxii. Safety, Health & Welfare at Work (Work at Height) Regulations 2006 (S.I. No. 318 of 2006)
- xxiii. Safety, Health & Welfare at Work (Control of Vibration at Work) Regulations 2006 (S.I. No. 370 of 2006), and
- xxiv. Safety, Health and Welfare at Work (Control of Noise at Work) Regulations 2006 (S.I. No. 371 of 2006), save the paragraph (3) of Regulation 11 of those Regulations, relating to the entertainment sector, remains in effect until 14 February 2008

**Schedule: Part C**

The above revocations are supplemented by the Safety, Health & Welfare at Work Act 2005 (Repeals) (Commencement) Order 2007 (S.I. No. 300 of 2007) which, as provided for in Sections 1(2) and 4(2) of the Safety, Health and Welfare at Work Act 2005 (No.10 of 2005) activated the repeal of Sections 33 to 35 and 115 and 116 of the Factories Act 1955 (No.10 of 1955) and Sections 28 and 29 of the Safety in Industry Act 1980 (No.9 of 1980) from 1 November 2007.

**Schedule: Part D**

***Safety, Health & Welfare at Work Act 2005 (Quarries) (Repeals and Revocations) (Commencement) Order 2008 (S.I. No. 29 of 2005)***

This Order was signed by Billy Kelleher, Minister of State at the Department of Enterprise, Trade and Employment, on 14 February 2008 and came into operation on 1 May 2008

The purpose of the Order (as provided for in sections 1(2) and 4(2) of the Safety, Health & Welfare at Work Act 2005 (No. 10 of 2005) was to activate the repeal of the Mines and Quarries Act, 1965 (No. 7 of 1965) in so far as that Act relates to quarries (including Sections 23 to 29, 91 to 97 and 133(2) and (3)) and to revoke all Regulations, Orders and Rules made under that Act as they relate to quarries.

The instruments in the latter category comprise of:

- (i) Mines and Quarries (Reference) Rules 1970 (S.I. No. 75 of 1970)
- (ii) Mines and Quarries Act, 1965 (Birth Certificates) Regulations, 1970 (S.I. No. 110 of 1970)
- (iii) Mines and Quarries (Notification of Diseases) Order, 1971 (S.I. No. 61 of 1971)
- (iv) Mines and Quarries Inquiries (Draft Regulations) Rules, 1971 (S.I. No. 219 of 1971)
- (v) Quarries (Explosives) Regulations 1971 (S.I. No. 237 of 1971), the whole Regulations not previously revoked
- (vi) In the Mines and Quarries (General Register) Regulations, 1974 (S.I. No. 97 of 1974):
  - (a) the words "and quarries" wherever they appear
  - (b) in Regulation 4 the words "and quarry", and
  - (c) in Regulations 5, 6, 7 8 and 9 and the Schedule the words "or quarry" wherever they appear
- (vii) Quarries (General) Regulations, 1974 (S.I. No. 146 of 1974), the whole Regulations, not previously revoked, and
- (viii) Quarries (Explosives) (Amendment) Regulations, 1976 (S.I. No.1 of 1976).

The overall objective of the Order is to avoid overlapping or duplication between the repealed and revoked provisions and the Safety, Health & Welfare at Work (Quarries) Regulations 2008 from the coming into operation of the latter on 1 May 2008 and to remove from the statute book other provisions which are obsolete.

***Information as presented by the Health & Safety Authority - September, 2010***

## Section 6: Waste Management Legislation Listing

### 6.0 Waste Management Legislation Listing – September, 2010

This section covers:

- 6.1 Waste Licensing & Permitting Legislation
- 6.2 WEEE Legislation
- 6.3 Restriction of Hazardous Substances - RoHS

## 6.0 Waste Management Legislation Listing – September, 2010

This section covers:

- 6.1 Waste Licensing & Permitting Legislation
- 6.2 WEEE Legislation
- 6.3 Restriction of Hazardous Substances - RoHS

## 6.1 Waste Licensing & Permitting Legislation

- 
- 2011** • European Communities (Waste Directive) Regulations 2011 (S.I. 126 of 2011)  
*Amends Waste Management Acts as well as other Waste Legislation*
- 
- 2010** • Waste Management (Licensing) (Amendment) Regulations 2010 (S.I. 350)
- 
- 2008** • Waste Management (Certification of Historic Unlicensed Waste Disposal and Recovery Activity) Regulations 2008 (S.I. No. 524 of 2008)  
*These Regulations apply to closed landfills where disposal or recovery activities are carried on*
- Waste Management ( Landfill Levy) Regulations 2008 (S.I. No. 1999 of 2008)  
*Landfill Levy Regulations in respect of the disposal of waste at a landfill facility*
  - Waste Management (Registration of Brokers and Dealers) Regulations 2008 (S.I. No. 113 of 2008)  
*Amends Waste Management (Licensing) Regulation 2004. These regulate waste contractors who arrange shipment of waste*
  - Waste Management (Facility Permit and Registration ) (Amendment) Regulations 2008 S.I. No. 86 of 2008  
*Amendment Regulations to the Waste Management (Facility Permit and Registration) Regulations 2007*
- 
- 2007** • Waste Management (Facility Permit and Registration) Regulations 2007  
*The process and procedures for obtaining a waste management permit*
- 
- 2006** • Waste Framework Directive 2006  
*A wide-ranging European document setting out a future vision of waste management*
- Waste Management (end of life vehicles) Regulations 2006  
*A manual for the environmentally friendly disposal of end-of-life vehicles*
- 
- 2004** • Waste Management (Licensing) Regulations 2004  
*A seminal document for organisation or businesses intending to set up a waste disposal site*
- 
- 2003** • Protection of the Environment Act, 2003
- 
- 2000** • European Union Directives on Waste Incineration 2000  
*A directive detailing the necessity to limit emissions from waste incineration*
- 
- 1999** • Council of Europe Directive on the Landfill of Waste 1999  
*A directive designed to minimise the use of landfills for waste disposal*
- 
- 1998** • Waste Management (Permit) Regulations 1998  
*The process and procedures for obtaining a waste management permit*
- 
- 1996** • Waste Management Act 1996  
*Act governing all waste management activities in Ireland*

## 6.2 WEEE Legislation

- 
- 2008 • Waste Management (WEEE) (Amendment) Regulations, 2008 (S.I. No. 375 of 2008)  
*Irish Regulations amending the 2005 WEEE Regulations S.I. No. 340 of 2005*
- 
- 2005 • Waste Management (Waste Electrical & Electronic Equipment) Regulations 2005  
*Irish Regulations covering the recovery of waste electrical and electronic equipment*
- S.I. 290 of 2005 EEE Regulations

## 6.3 Restriction of Hazardous Substances - RoHS

- 
- 2008 • DecaBDE Exemption Annulment  
*ECJ Ruling on Case C – 295/06*
- 
- 2006 • RoHS Directive Amendments  
*EU Commission Decisions on the RoHS Directive During 2006*
- 
- 2005 • S.I. 341 of 2005 RoHS Regulations

## Section 7: List of Building Standards – September, 2010

### 7.0 List of Building Standards – September, 2010

**This section covers:**

**7.1 Acts**

**7.2 Regulations**

**7.3 Technical Documents**

## 7.1 Acts:

### 1990 Building Control Act 1990

An Act to provide for the establishment of Building Control Authorities and the making of Building Regulations and Building Control Regulations and to provide for matters relating to the construction of buildings and to provide for other matters connected therewith.

### 2007 Building Control Act 2007

The Building Control Act 2007 having passed both houses of the Oireachtas was signed by the President on 21 April 2007.

The building control system is centred on the parent Act, the Building Control Act 1990, which falls into 3 principal categories:

- (i) Provides for the making of Building Regulations –  
*Deals with issues such as building standards, workmanship, conservation of fuel and energy and access for people with disabilities.*
- (ii) Provides for the making of Building Control Regulations –  
*Commencement Notices, Fire Safety Certificates and Fees – administered by the Building Control Authorities.*
- (iii) Gives powers of enforcement and inspection.

The Act, which comprises of 7 Parts and 73 Sections, provides for the following:

#### 1. Strengthening of Enforcement Powers of Local Building Control Authorities

- *The Act amends the Building Control Act 1990 by introducing revised procedures for issue of Fire Safety Certificate by Local Building Control Authority. It also introduces a Disability Access Certificate (DAC) to be issued by local Building Control Authorities for new Non-Domestic Buildings and Apartments.*
- *The Act widens the right of Building Control Authorities to seek an Order from the High Court or the Circuit Court to stop work on certain buildings. It introduces the option for authorities to bring summary prosecutions for all building code offences in the District Court and it also increases the maximum penalties for breaches of the national Building Regulations.*

#### 2. Registration of titles of certain Building Professions

- *The Act provides for registration of the titles of "Architect", "Quantity Surveyor" and "Building Surveyor". The registration scheme will be administered by the Royal Institute of Architects of Ireland and the Society of Chartered Surveyors.*

#### 3. Legal Transposition of relevant parts of EU Mutual Recognition of Professional Qualifications Directive (2005/36/EC of September 2005)

- *The Act takes account of the adopted EU Directive 2005/36/EC of 7 September 2005 on Mutual Recognition of Professional Qualifications.*

## 7.2 Regulations:

### 1997-2009 Building Control Regulations

The 1991 Regulations first came into force on 1 June 1992 and were superseded by the 1997 Regulations on 1 July 1998. They apply to new buildings, extensions, material alterations and changes of use of buildings. Their purpose is to promote observance of the Regulations by supplementing the basic powers of inspection and enforcement given to the Building Control Authorities by different sections of the Building Control Act 1990.

The Building Control Regulations do so in two ways:

- (i) By requiring commencement notice of works (*change of use*) to be lodged with a fee, and
- (ii) Requiring a Fire Safety Certificate for most buildings, with the exception of houses and individual apartments. The construction of an apartment block is subject to the requirement – *to ensure safety of persons in the building*. They also detail exemptions to the regulations – *not to the technical requirements of the Building Regulations*.

List of Building Control Regulations:

- Building Control Act 2007 (Commencement) Order 2009 (S.I. No. 352 of 2009)
- Building Control (Amendment) Regulations 2009 (S.I. No. 351 of 2009)
- Building Control (Amendment) Regulations 2004 (S.I. No. 85 of 2004)
- Building Control (Amendment) Regulations 2000 (S.I. 10 of 2000)
- Building Control Regulations 1997 (S.I. 496 of 1997)

### 1997-2009 Building Regulations

The Primary purpose of the Building Regulations is to provide for the health, safety and welfare of people in and around buildings. In general, the Building Regulations 1997 – 2002 apply to the construction of new buildings and to extensions and material alterations to existing buildings and to certain changes of use of existing buildings. These Regulations apply to all types of construction.

The Building Regulations are couched in broad functional requirements, or general statements of intent of the relevant regulation. For instance, the Regulations governing Access and Use of a building in Part M are stated as "*Adequate provision shall be made to enable people with disabilities to safely and independently access and use a building*". Technical Guidance Documents A to M give guidance on how to comply with the Regulations.

The 1991 Regulations first came into force on 1 July 1992 and were superseded by the 1997 Regulations with effect from 1 July 1998. They apply to new buildings, extensions and material alterations to buildings.

Certain parts of the Regulations (*listed A to L*) apply to material change of use of a building. The second Schedule lists the various parts (*A to M*) and the Regulations within each part. The third schedule lists the type of buildings that are exempted from the Building Regulations.

#### List of Building Regulations:

- Building Regulations (Part F Amendment) Regulations 2009 (S.I. No. 566 of 2009)
- Building Regulations (Part L Amendment) Regulations 2008 (S.I. No. 259 of 2008)
- European Communities (Energy Performance of Buildings)(Amendment) Regulations 2008 (S.I. No. 229 of 2008)
- Part L (S.I. No. 284 of 2002)
- European Communities (Energy Performance of Buildings) Regulations (S.I. No. 666 of 2006)
- European Communities (Energy Performance of Buildings) Regulations (S.I. No. 872 of 2005)
- Part L (S.I. No. 284 of 2002)
- Part F (S.I. No. 581 of 2002)
- Class 9 Exemption Extension (S.I. No. 441 of 2000)
- Part D (S.I. No. 249 of 2000)
- Amending Regulations (S.I. No. 179 of 2000) – Part M (S.I. No. 497 of 1997)

### Construction Products Directive (89/106/EEC) (CPD)

The CPD is one of the Internal Market's Directives. Its primary objective is to facilitate the free movement of construction products between Member States. Member States must ensure that such products may only be replaced on the market if they are fit for their intended use. *Further information is available at: [www.europa.eu.int/comm/enterprise/construction/index.htm](http://www.europa.eu.int/comm/enterprise/construction/index.htm).*

*European Communities Regulations 1992 (S.I. No. 198 of 1992) and European Communities Regulations 1994 (S.I. No. 210 of 1994) implemented the CPD in Ireland. The Department contributes directly or indirectly to the development of European Standards for:*

- *Construction products – under the Construction Products Directive (CPD) through the EU Standing Committee on Construction and*
- *Structural design – Eurocodes being developed by the European Standards Committee (CEN).*

The EU is developing harmonised standards for construction products and a number of new European Standards have already been made, for example:

- *I.S. EN. 1457 for Chimney Flue Linings and Flue Terminals, this now replaces the reference to I.S. 51:1983 called up in Technical Guidance Document J (Heat Producing Appliances) and*
- *I.S. EN 197 (Parts 1 and 2) for Cement, this now replaces the references to I.S. 1:1991 in Technical Guidance Documents A (Structures) and C (Site Preparation and Resistance to Moisture).*

A list of new harmonised products standards together with withdrawn Irish Standards can be found on the National Standards Authority of Ireland (NSAI) web-site at [www.nsai.ie](http://www.nsai.ie)

The Publication "Marking of Construction Products" seeks to explain in as simple terms as possible the requirements for the affixing of the CE Marking to construction products.

## 7.3 Technical Guidance Documents

### Introduction

The Technical Documents, commonly known as TGD's give guidance on how to construct a building so that it complies with the Regulations. Where works are carried out in accordance with TGDs, this will indicate compliance with the Regulations. The adoption of an approach different to the TGDs is not prohibited, provided that the approach meets the requirements of the Regulations.

The Building Control Authority may require such evidence in the case of an approach different from that given in the guidance to ensure that the building does comply with the regulations. Important to note that neither the Building Regulations nor the TGDs promote the use of a particular product or method of neither construction – nor do they favour masonry construction over timber frame construction.

### Individual Technical Guidance Documents

The following is a list of Technical Guidance Documents:

- Amendments and Corrections 1997 – December 2008
- Part A – Structure (*Reprint May 05*)
- Part B – Fire Safety (*March, 06*)
- Part C – Site Preparation and Resistance to Moisture
- Part D – Materials and Workmanship 2000 (*Reprint May 05*)
- Part E – Sound (*Reprint May 05*)
- Part F – Ventilation 2009
- Part F – Ventilation 2002
- Part G – Hygiene (*Reprint September 08*)
- Part H – Drainage and Waste Water Disposal (*Reprint May 05*)
- Part J – Heat Producing Appliances (*Reprint May 05*)
- Part K – Stairways, Ladders, Ramps and Guards (*Reprint May 05*)
- Part L – Conservation of Fuel and Energy – Buildings other than Dwellings 2008
- Part L – Conservation of Fuel and Energy – Dwellings 2008
- Part L – Archived Versions
- Part M – Access for People with Disabilities 2000 (*Reprint May 05*)

The Department of Environment, Heritage & Local Government is continuously reviewing and updating the Building Regulations and Technical Guidance Documents. Primary responsibility for compliance with the requirements of the Building Regulations rests with the designers, builders and owners of the buildings. The role of the local Building Control Authority is to monitor and enforce the building control system. Authorities are empowered to carry out inspections and undertake, where necessary, enforcement action in order to ensure compliance.

### **Acceptable Construction Details**

These Acceptable Construction Details (ACDs) focus on thermal bridging and air tightness. This guide will help appropriate persons to achieve the performance standards in the Technical Guidance Document (TGD) to Part L of the Building Regulations 2008 – Conservation of Fuel and Energy – Dwellings.

The guide is presented in two sections:

- Section 1: details the general theory of insulation continuity and air tightness in construction.
- Section 2: in seven separate parts, provides indicative detail drawings of thermal insulation and airtightness provisions for specific construction interfaces.

#### **Section 1:**

- Introduction and general theory of insulation continuity and air tightness

#### **Section 2: Acceptable Construction Details**

- General Details
- Cavity Wall Insulation
- External Wall Insulation
- Internal Wall Insulation
- Timber Frame Insulation
- Steel Frame Insulation
- Cavity Block Insulation

#### **Section 3: Comment Sheet**

Health & Domestic Hot Water Systems for Dwellings – Achieving Compliance with Part L 2008

Amendment to Heating & Domestic Hot Water Systems for Dwellings

*This is the supporting document referred to in Part 1.4.1 of Technical Guidance Document L – Dwellings 2007 to assess specific situations where the provision of condensing boilers is not practicable. It is also included as an appendix in the document "Health & Domestic Hot Water Systems for Dwellings – Achieving Compliance with Part L".*

Dwellings Energy Assessment Procedure

*The Dwellings Energy Assessment Procedure (DEAP) methodology required to show compliance of dwellings with Regulation L2 (a) of Part L, as amended by the Building Regulations (Amendment) Regulations 2005 (S.I. No. 873 of 2005), and contained in the May 2006 Edition of TGD L.*

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