

Facilities Management Handbook on Critical Legislation

Guidance Note



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Published March, 2016

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2nd Edition

March, 2016

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, the EPA on www.epa.ie and government website www.irishstatuebook.ie

Foreword

The Facilities Management Committee of the SCSl is delighted to produce this 2nd Edition of the FM Handbook on Critical Legislation for Facilities Managers and Property Managers.

The objective of this handbook is to provide a user friendly, reference guide to our members on the relevant critical legislation that applies to them during the course of their daily work. It should be noted that this is a reference guide only and should be read in conjunction with the relevant HSA and legislative documents.

I would like to thank my colleagues on the Committee for their assistance in developing this document and also a huge thanks is due to the Health and Safety Authority (HSA) for their invaluable feedback and advice.

We commend this handbook to you. We hope it proves to be a valuable aid to you in your work. It is important to us that this document works for you so we would welcome any feedback or comments which will help us to improve our service to you.

Yours sincerely,

Jacqueline Brett
Chairperson, SCSl Facilities Management 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

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 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

1.2 Asbestos

For further information please contact the HSA website - www.hsa.ie

Legislation:

Safety, Health & Welfare at Work (Exposure to Asbestos) Regulations 2006 & 2010
Safety, Health & Welfare at Work (Construction) Regulations 2013

Asbestos is the name for a group of natural occurring mineral fibres which are strong and both heat and chemically resistant. Due to these properties asbestos was widely used in the building and construction industry up until 1999. The majority of buildings built between 1940 and 1985, during which time asbestos production peaked, contain asbestos in some form. Asbestos has been widely used in construction materials and for a number of purposes including:

- *Fireproofing*
- *Thermal insulation*
- *Electrical insulation*
- *Sound insulation*
- *Decorative plasters*
- *Roofing products*
- *Flooring products*
- *Heat resistant materials*
- *Gaskets*
- *Chemical resistance*

There are six regulated types of asbestos however, there are just three main types of asbestos found in Ireland – chrysotile (white asbestos), amosite (brown asbestos) and crocidolite (blue asbestos).

The risk associated with exposure to asbestos relates to the possibility that the fibres within the asbestos containing material (ACM) can become released into the air and are then inhaled. Breathing in air containing asbestos fibres can lead to asbestos-related diseases (mainly cancers of the chest and lungs). These diseases will not occur immediately and can take from 15 – 60 years to develop. Note that as long as asbestos is in good condition and there is no disturbance or damage to the ACM, it will not pose a risk to health as fibres will not be released.

It is now prohibited to use, re-use, sell or supply asbestos or asbestos containing materials or products. However products or materials containing asbestos, which were already installed or in service prior to the prohibition, may remain in place until they are disposed of or reach the end of their service life. As a result, there is still potential for exposure to asbestos in a variety of workplaces due to the large quantities of asbestos and ACM's which were used in buildings in the past.

The Regulations require that no work which may expose employees to asbestos i.e. anything from replacement of light fittings to major refurbishment/demolition, be undertaken unless a risk assessment to determine the presence of asbestos in the workplace has been carried out. Given the extent of use of asbestos in the building industry in Ireland, it is essential that those in control of a workplace must establish an Asbestos Management Plan (AMP):

- *Identify ACMs*
- *Assess the risks*
- *Identify and implement control measures*

- *have arrangements for incidents/emergencies and*
- *Review plan periodically*

Choosing the correct type of asbestos survey is critically important. Asbestos surveys can be classified in two types:

1. Management Asbestos Survey (MAS)

The purpose of this survey is to manage asbestos – containing materials during the normal occupation and use of premises. This survey must locate the asbestos that could be damaged or disturbed by normal activities, by foreseeable maintenance, or by installing new equipment. The survey involves minor intrusion and minor asbestos disturbance to make a materials assessment. This shows the ability of ACMs, if disturbed, to release fibres into the air. It guides those in control of a work place (e.g. landlord, client in construction, employer) in prioritising any remedial work using priority assessments and risk assessment ratings.

2. Refurbishment/Demolition Asbestos Survey (RDAS)

This survey is required where a premises or part of it, needs upgrading, refurbishment or demolition. It should be noted, that this type of survey does not need a record of the condition of asbestos-containing materials (ACM).

Any survey being undertaken should be done so by a competent surveyor who has gained technical knowledge by completion of the British Occupational Hygiene Society P402 proficiency module and RSPH Certificate in Asbestos Surveying.

Guidance Documents:

Asbestos-containing Materials (ACMs) in Workplaces – Practical Guidelines on ACM Management and Abatement. Further information is available from the HSA website - www.hsa.ie

1.3 Boilers

For Further information please contact the HSA website – www.hsa.ie

1.3.1 Commissioning Boilers

Legislation:

Safety, Health & Welfare at Work (General Application) Regulations 2007 and the Safety, Health & Welfare at Work (General Application)(amendment) Regulations 2012.

Hot water boilers in workplaces are classed as work equipment in the context of the regulations of 2007 but boilers under steam pressure or generating hot water at or above 112^o C are subject to the Regulations of 2012 unless covered by the exemptions in Schedule 12 Part A of those Regulations.

The legislation requires:

- Periodic thorough examination by a competent person every 14 months
- Reports of these examinations must be kept available for inspection by the Health and Safety Authority Inspector
- All required repairs must be carried out by a competent person
- Regular maintenance checks need to be carried out as per recommended maintenance procedures
- Commissioning certificates for new boilers subject to the regulations of 2012.

Guidance Documents:

Further information is available from the HSA website www.hsa.ie or from Government Publications. www.irishstatutebook.ie

1.3.2 Water Boilers / Café Sets

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

1.3.3 Wood Pellet Feed Hoppers/Tanks

For Further information please contact the HSA website – 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 seek 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

1.4 Chemical Safety & Explosive Atmospheres

For Further information please contact the HSA website – 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

Chemical Safety Information Sheet – www.hsa.ie

Your Steps to Chemical Safety – www.hsa.ie

Use Chemical Safely – www.hsa.ie

Safe use of cleaning substances in the Hospitality Industry - www.hse.gov.uk

Guide to the COMA Regulations 2015

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 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

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
Explosive Atmospheres at Places of Work – www.hsa.ie

1.5 Children & Young Persons

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

Protection of Children & Young Persons – available to download from www.hsa.ie

1.6 Display Screen Equipment

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:

Guide to the Safety, Health and Welfare at Work (General Application) Regulations 2007: Chapter 5 of Part 2 - Display Screen Equipment

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 any 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, this placing any person at risk.
- Where there is a risk of exposure to extreme heat or cold or noise or vibration.

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

- Create a 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.

It should be noted that If powered gates have been installed in your workplace, they can present a very real danger of entrapment and crushing of adults or children, which can lead to serious injury or death. This danger is particularly acute if the gate can be operated remotely from a mobile phone or fob, without the operator having sight of the gate opening or closing. The Health & Safety Authority is responsible for issuing Safety Alerts in regard to electrically powered gates. The most recent alert was issued in 2015 after a serious incident where a person was trapped and fatally injured by an electrically powered gate.

Guidance Documents:

Further information is available from the HSA website www.hsa.ie

HSA publication Guidelines on the Safety of Powered Gates

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 person who design, install, 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

The legislation also sets out general duties for the testing of new and existing installations. Regulation 89 states

"An employer shall ensure that—

(a) a new electrical installation and a major alteration of, or extension to, an existing electrical installation is, after completion, inspected and tested by a competent person

(b) an existing electrical installation is tested by a competent person in an appropriate manner—

(i) from time to time where required having regard to the nature, location and use of the installation, or

(ii) if an inspector so requires,

and a report of the test is completed by the competent person carrying out the test,

.....

(d) all defects found during the testing and inspection of an electrical installation are rectified promptly so as to prevent danger.

Testing and certification should only be carried out by persons competent to do so.

Every new installation and every major alteration or extension to an existing installation, after completion and before being made live, must be inspected and tested so as to verify that the requirements of this part of the Regulations have been fulfilled. However, certain types of test may only be made after an installation has been made live. All the appropriate information, including diagrams of connections, wiring diagrams, charts, tables, schedules, equipment ratings and the like, must be available to the person or persons carrying out the verification. Precautions must be taken to ensure the safety of persons and to avoid damage to the installation and equipment during inspection and testing.

Where the installation is an extension or alteration of an existing installation, it must be verified that the extension or alteration complies with this part of the Regulations and does not impair the safety of the existing installation.

Guidance Documents:

Further information is available from the HSA website www.hsa.ie

Guidance Note on Periodic Inspection & Testing of Electrical Installations.

The HSA has issued a Guidance Note giving a practical interpretation of the legislation to assist persons who have responsibilities in the area of electrical installations. This has been prepared following wide consultation across industry, including state bodies, groups representing employers, employees, contractors and other interested parties.

1.9 Fire

Legislation:

Safety Health & Welfare at Work Act 2005

Safety Health & Welfare at Work (General Application) Regulations 2007 (Regulations 11, 12, 13 18 and 25)

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

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.

The Workplace Chapter of the Safety, Health and Welfare at Work (General Application) Regulations 2007 has fire safety requirements as follows:

- *Regulation 11 refers to doors and gates*
- *Regulation 12 refers to emergency routes and exits*
- *Regulation 13 refers to fire detection and fire fighting*
- *Regulation 18 refers to cleanliness and accumulations of waste*
- *Regulations 25 refers to employees with disabilities*

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.

Additional Relevant Legislation:

The Children and Young Persons Chapter of the General Application Regulations has a requirement for risk assessment specifically for children and your persons as outlined in Regulation 144.

The Electricity Chapter of the General Application Regulations has various requirements relevant to fire safety

The Safety Signs Chapter of the General Application Regulations has requirements for fire-fighting equipment, emergency escape signs and fire-fighting signs

The Work Equipment Chapter of the General Application Regulations has fire safety requirements for the use of work equipment (Regulations 28) and the safety of self-propelled work equipment (Regulation 40)

The Personal Protective Equipment Chapter of the General Application Regulations has provisions in relation to hot work and use of personal protective equipment (Regulation 63 Schedule 2(a)(6))
For construction workers, there are fire safety requirements in the Safety, Health and Welfare at Work (Construction) Regulations

The Control of Major Accident Hazards involving Dangerous Substances Regulations (COMAH Regulations) deal with the prevention of major accidents where **significant quantities of substances with oxidising, flammable or explosive properties are stored.**

In addition to occupational safety and health legislation, there is also a significant body of other legislation governing fire in all (non-work and occupational) situations. This legislation is generally enforced by the local authority fire officers.

Guidance Documents:

Further information is available from the HSA website www.hsa.ie

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

1.11 Gas Safety

For Further information please contact the HSA website – www.hsa.ie

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 where the **LPG Content** is available to download.

Gas safety in catering and hospitality from www.hse.gov.uk

Putting Safety First – Natural Gas from Board Gáis at www.boardgais.ie

Presentation to Association of Irish Risk Management at 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

For Further information please contact the HSA website – www.hsa.ie

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 20°C and 50°C 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 >20°C and < 50°C 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 <20°C. Stored hot water should be maintained at 60°C and distributed so that it reaches a temperature of 50°C 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.

Legislation:

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

Other relevant legislation:

Safety, Health & Welfare at Work Act:

Section 12 Duties of employers to persons other than employees

Section 15 Duties of persons in control of places of work

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
- Clean 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 and the Health Protection Surveillance Centre (HSPC) website www.hspc.ie

Legionnaire's Disease Information Sheet – www.hsa.ie

National Guidelines for the Control of Legionellosis in Ireland 2009 – www.hspc.ie

Legionnaires Disease –Minimising the Risk – Checklist for Hotels and Other Accommodation Sites – www.hspc.ie

Legionnaire's Disease Information – www.hse.gov.uk

1.13 Lifts

For Further information please contact the HSA website – www.hsa.ie

Legislation:

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

Other relevant legislation:

Safety, Health & Welfare at Work Act:

Section 12 Duties of employers to persons other than employees Section 15 Duties of persons in control of places of work

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

Important Points:

The legislation requires an employer who has control of a passenger or goods lift:

The information set out in Part E of Schedule 1 to the Regulations.

- To have a periodic thorough examination conducted by a competent person every 6 months. Reports of these examinations must be kept available for inspection by a Health & Safety Authority Inspector.
- To adequately maintain a lift throughout its working life and to keep an up to date maintenance log for all works carried out (preventative and corrective). Ideally the employer should have in place a maintenance contract with a competent person/company.

Note: Maintenance reports are not the same as reports of thorough examination.

- To ensure goods lifts are not to be used for carrying passengers unless they meet all the requirements for passenger lifts. All employees and other persons at work should be clearly instructed on the dangers of inappropriate use of goods lifts.
- To ensure lifts which are not designed for lifting persons shall be clearly marked to this effect
- To maintain a register of lifting equipment that shall also be kept available for inspection by a Health & Safety Authority Inspector.
- To ensure that the risks associated with the use of such lifts are addressed in the Safety Statement to ensure these risks are controlled.
- To ensure that passenger lifts are equipped with an effective means of raising an alarm should a person become trapped

Guidance Documents:

Further information is available from the HSA website - www.hsa.ie

1.13.1 Installations

Legislation:

Safety, Health & Welfare at Work (Construction) Regulations 2013 (SI. N.O. 291 od 2013)

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 Directive.

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 there 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 or from Government Publications www.irishstatuebook.ie

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

1.14 Automatic Light Switches

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 that these lighting systems are properly designed and installed.

Automatic lights should be organised so that they will not switch off while a person is present in the area for which illumination is required. The sensor should be set to allow for this situation.

Safeguards:

- *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 lightly to cause an accident or injury*
- *Automatic light switches may not be suitable for stair cases*
- *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 or from Government Publications www.irishstatuebook.ie

1.15 Manual Handling

For Further information please contact the HSA website – www.hsa.ie

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 of 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 or from Government Publications www.irishstatutebook.ie

Safety Toolkit and Short Guide to General Application Regulations 2007: Manual Handling Section – available to download from www.hsa.ie

Guidance on the Management of Manual Handling in the Workplace – available to download from www.hsa.ie

Health & Safety for Waiting Staff – available to download from www.hse.gov.uk

An extensive collection of Manual Handling Guidance documents is currently available on the HSA website

1.16 Night Work & Shift Work

For Further information please contact the HSA website – www.hsa.ie

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 Síochána, 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:

Guide to the Safety, Health & Welfare at Work (General Application) Regulations 2007: Chapter 3 of Part 6 - Night Work and shift Work

1.17 Noise

For Further information please contact the HSA website – www.hsa.ie

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 and 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

Safety Toolkit and Short Guide to General Application Regulations 2007: Noise Section

1.18 Personal Protective Equipment (PPE)

For Further information please contact the HSA website – www.hsa.ie

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 and the publication Safety Toolkit & Short Guide to Personal Protective Equipment – available to download from www.hsa.ie

1.19 Pregnant, Post Natal & Breastfeeding Employees

For Further information please contact the HSA website – www.hsa.ie

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 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

Guide to the Safety, Health and Welfare at Work (General Application) Regulations 2007: Chapter 2 of Part 6 - Protection of Pregnant, Post Natal and Breastfeeding Employees

1.20 Risk Assessment

For Further information please contact the HSA website – www.hsa.ie

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

Guidelines on Risk Assessment and Safety Statements – available to download from www.hsa.ie

Safety Statement & Risk Assessment – Frequently Asked Questions – available to download from www.hsa.ie

BeSMART – available to download from www.hsa.ie

1.21 Roof Work

For Further information please contact the HSA website – www.hsa.ie

Legislation:

Safety, Health & Welfare at Work Act 2005 – Section 60

Safety Health and Welfare at Work (Construction) Regulations 2006

Safety Health and Welfare at Work (General Application) Regulations 2007

Roof work is a high-risk activity. 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

It should be noted that in most cases roof work will be deemed to be construction work. This will mean that if you intend to do roof work you will have to discharge the duties of a client. The Safety Health and Welfare at Work (Construction) Regulations 2006 apply in such circumstances.

Some Important Points:

The Client Must:

- Appoint a competent and adequately resourced Project Supervisor Design Process (PSDP) before the start of any design work
 - o Checking the competence and resources of the PSDP by asking for evidence of:
 - Experience of carrying out similar projects
 - Safety and health training or qualifications
 - The resources intended for use on the project
 - Evidence of a good safety record (e.g. absence of accidents, Notices issued by the Authority of Prosecutions)
- Appoint a competent and adequately resourced Project Supervisor Construction Stage (PSCS)
 - o Checking the competence and resources of the PSCS by asking for evidence of:
 - Experience of carrying out similar projects
 - Safety and health training or qualifications
 - The resources intended for use on the project
 - Evidence of a good safety record (e.g. absence of accidents, Notices issued by the Authority of Prosecutions)

- Cooperate with the project supervisors by:
 - o Giving them any information you have about the state or condition of a structure or of a site
 - o If there is a safety file give it to the PSDP
 - o Set a realistic time frame for completion of the project, rushing a project can lead to accidents
- If the project is going to take longer than 30 days or 500 person days, then the client must notify the Health and Safety Authority of the appointment of the PSDP and if at this time you know who the PSCS is, include this information in the notification.
- Provide or arrange provision of a copy of the safety and health plan given to all those being considered for, or tendering for the role of Project Supervisor for the Construction Stage.
- The PSDP has to prepare on a preliminary basis a safety and health plan. The easiest way to ensure that it is included in the tender documentation for the post of PSCS is to instruct the PSDP to do so.
- Maintain the safety file that the PSDP will give you when the project is completed. You are required to maintain the safety file as and when other works are undertaken and make the safety file available to anyone undertaking maintenance or construction on your building.

Clients of small projects or persons who have never been a client before, can seek advice from the designer in relation to their duties.

In the case of Roof Works 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

Code of Practice for Safety in Roof Work – available to download from www.hsa.ie

Clients in Construction Best Practice Guidance - available to download from www.hsa.ie

1.22 Safety Signs

For Further information please contact the HSA website – www.hsa.ie

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 or 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

Safety Signs at a Place of Work 2010 – available to download from www.hsa.ie

1.23 Safety Statement

For Further information please contact the HSA website – www.hsa.ie

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.

The Safety Statement should state how the employer will ensure their safety and health and state the resources necessary to maintain and review all 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

The Safety Statement must be available to staff, and anyone else, showing that hazards have been identified and 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

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 a no cost product which is a great tool for any business.

Guidance Documents:

Further information is available from the HSA website www.hsa.ie

Guidelines on Risk Assessment and Safety Statements – available to download from www.hsa.ie

Safety Statement & Risk Assessment – Frequently Asked Questions – available to download from www.hsa.ie

BeSMART – available to download from www.hsa.ie

1.24 Slips, Trips & Falls

For Further information please contact the HSA website – www.hsa.ie

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

Preventing slips and trips in the work place – www.hse.gov.uk

Preventing slips and trips in kitchens and food service - www.hse.gov.uk

Health & Safety for Waiting Staff - www.hse.gov.uk

Safety footwear guide in Stop slips in kitchens – www.hse.gov.uk

Slips, Trips & Falls Resource Centre – www.hse.gov.uk

Slip-Resistance Testing of Footwear for Use at Work – www.hse.gov.uk

Safe use of Cleaning Chemicals in the Hospitality Industry – 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

Risk Assessment of Chemical Hazards – www.hsa.ie

1.25 Staff Security

For Further information please contact the HSA website – www.hsa.ie

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.

Guidance Documents:

Guidelines for Employers, Employees & Clients involved in the Cash in Transit Industry – available to download from www.hsa.ie

Lone Workers content at www.hsa.ie

The Private Security Authority – www.psa.gov.ie

1.26 Vibration

For Further information please contact the HSA website – www.hsa.ie

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

Guide to the Safety, Health & Welfare at Work (General Application) Regulations 2007 : Chapter 2 of Part 5 - Vibration at Work

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

Examples of work activities that are classified as working at height include:

- Working on a flat roof
- Working on a ladder
- Working at ground level adjacent to an excavation

The Work at Height Regulations require employers to ensure that:

- 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 a height are competent
- Equipment used for work at height is properly inspected and maintained
- Risks from fragile surfaces are properly controlled

In the case of Risk Assessment, it should include a careful examination of what harm could be caused from working at height with a view to taking the effective steps to reduce the likelihood of this harm occurring, either through avoiding the activity or where this is not reasonably practicable, by carrying it out in a safe manner using work equipment that is appropriate to the task and the level of risk.

Does this section apply to all work at height?

This does not apply in the case of 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
- 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

Guide to the Safety, Health and Welfare at Work (General Application) Regulations 2007: Part 4 - Work at Height

1.29 Work Equipment

For Further information please contact the HSA website – www.hsa.ie

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:

Guide to the Safety, Health & Welfare at Work (General Application) Regulations 2007: Chapter 2 of Part 2 - Use of Work Equipment

1.30 Working in Confined Spaces

For Further information please contact the HSA website – www.hsa.ie

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

Working in Confined Spaces - content - available to download from www.hsa.ie

Code of Practice Working in a Confined Space - content - available to download from www.hsa.ie

1.31 Working in Freezing Weather Condition

For Further information please contact the HSA website – www.hsa.ie

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 heaters, equipment handles, and insulating material) can be affected.
- 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

1.32 Workplace

For Further information please contact the HSA website – www.hsa.ie

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

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

Workplace Transport Risk Assessment Information Sheet – www.hsa.ie

Workplace Transport Checklist – www.hsa.ie

Professional Driver Checklist – www.hsa.ie

Use of Mobile Machinery on Construction Sites Information Sheet - www.hsa.ie

All – Terrain Vehicles (ATVs) in Agriculture and Forestry Information Sheet - www.hsa.ie

The European Agency for Safety and Health at Work (Fact Sheet) Preventing Vehicle Transport Accidents at the Workplace – 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 of 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 who 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:

- i. 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;
- ii. Is not under the influence of any intoxicant while at the work place;
- iii. Submits to any appropriate, reasonable and proportionate medical or other assessments if reasonably required to do so by his/her employer;
- iv. Co-operates with the employer, in order to comply with any statutory provision/requirement;
- v. Attends any necessary safety training introduced by his/her employer;
- vi. Does not engage in any improper conduct that will endanger the safety, health and welfare of themselves, or of any other person;
- vii. 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
- viii. 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 placed 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.

2.6 Part 3: Protective & Preventive Measures

Sections 18 to 24

Section 18 of the 2005 Act:

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 consultant 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, 2013

4.0 Safety, Health & Welfare at Work (Construction) Regulations, 2013

4.1 Introduction

The Safety, Health & Welfare at Work (Construction) Regulations 2013 was enacted on the 1st August, 2013.

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:

*A **Client** means a person for whom a construction project is carried out*

***Construction** is any building, civil engineering or engineering construction work, and includes construction, alternations, converting, fitting-out, commissioning, renovating, repairing, upkeep, decorating, maintaining, decommissioning, demolishing, dismantling and assembling*

A example of construction would be a tenant in a retail unit carrying out repairs even if the repairs are in a store room and not in the actual retail area. Another example would be a straight forward task such as painting part of the workplace. It should be noted that the regulations are there only to support you and provide a structured approach to managing hazards that are typical to any construction. In the example of painting part of the workplace you must ensure that the painter is competent and that he/she will complete the job in a safe manner.

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

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

- Are a business 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 carrying out business trade or other undertaking
- Extend a supermarket
- Commission, decommission, dismantle or repair building services (mechanical, electrical etc) which are normally fixed to a structure.

4.3 Duties of a Client?

- Appoint, in writing, a competent Project Supervisor for the Design Process (PSDP) before design work starts
- Appoint, in writing a competent Project Supervisor for the Construction Stage (PSCS) before construction begins.
- Be satisfied that each designer and contractor appointed has adequate training, knowledge, experience and resources for the work to be performed safely
- Co-operate with the Project Supervisor and supply necessary information
- Retain and make available the Safety File for the completed structure
- Provide a copy of the safety and health plan prepared by the PSDP to every person tendering for the PSCS
- Notify the Authority of the appointment of the PSDP where construction is likely to take more than 500 person days or 30 working days on the approved form AF1 available at www.hsa.ie
- Allow a reasonable amount of time for project completion

4.4 What is a PSDP?

The Regulations define a PSDP as:

A Project Supervisor for the Design Process must be a competent individual or body corporate i.e. a limited company. In general, this will be a firm of architects, chartered surveyors, consulting engineers or project managers. It can also be the main contractor (e.g. in cases of design and build contracts or small projects with minimal design input). In all cases the person or company undertaking the role must be a legal entity and have the necessary competence to carry out the relevant duties.

The client must appoint, in writing a competent PSDP before design work commences and 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 (e.g. degree, diploma, certificate, 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

- Identify hazards arising from the design or from the technical, organisational, planning or time related aspects of the project

- Where possible, eliminate the hazards or reduce the risks
- Communicate necessary control measure, design assumptions or remaining risks to the PSCS so they can be dealt with in the safety and health plan
- Ensure that the work of designers is coordinated to ensure safety
- Organise co-operation between designers
- Prepare a written safety and health plan for any project where construction will take more than 500 person days, or 30 working days, or where there is a particular risk, and deliver it to the client prior to tender
- Prepare a safety file for the completed structure and give it to the client
- Notify the Authority and the client of non-compliance with any written directions issued
- The PSDP may issue directions to designers or contractors or others.

4.6 What is a PSCS?

The Regulations define a PSCS as:

A Project Supervisor for the Construction Stage must be a competent individual or body corporate i.e. a limited company. In general, this will be a firm of architects, chartered surveyors, consulting engineers or project managers. It can also be the main contractor (e.g. in cases of design and build contracts or small projects with minimal design input). In all cases the person or company undertaking the role must be a legal entity and have the necessary competence to carry out the relevant duties.

The Client must appoint in writing a competent Project Supervisor for the Construction Stage (PSCS). The Client must also be satisfied that the appointed party is competent to carry out the duties under the Regulations and this can be achieved through reasonable enquiries 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 (e.g. degree, diploma, certificate, continual professional development)
- Safety and health experience on similar projects
- Knowledge of management of 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?

- Co-ordinate the identification of hazards, the elimination of hazards or the reduction of risks during construction
- Develop the safety and health plan initially prepared by the PSDP before construction commences
- Co-ordinate the implementation of the construction regulations by contractors
- Organise co-operation between contractors and the provision of information
- Co-ordinate the reporting of accidents to the Health & Safety Authority (HSA)

- Notify the HSA before construction commences where construction is likely to take more than 500 person days or 30 working days
- Provide information to the site safety representative
- Co-ordinate the checking of safe working procedures
- Co-ordinate arrangements to ensure that craft, general construction workers and security workers have a Safety Awareness Card e.g. Safe Pass and a Construction Skills Card where required
- Co-ordinate the appointment of a site safety representative where there are more than 20 persons on site
- Appoint a safety adviser where there are more than 100 on site
- Provide all necessary safety file information to the PSDP
- Monitor the compliance of contractors and others and take corrective action where necessary
- Notify the Health & Safety Authority and the client of non-compliance with written directions issued
- The PSCS may issue directions to designers or contractors

4.8 What is The Safety File?

The Safety File is a record of information, prepared by the project supervisor design process for the end user, which focuses on safety and health. The inhe project is complete. Some of the material for the Safety File comes from the information, which the designers and the project supervisor construction stage and contractors are required to provide.

Relevant Information May Include:

- Construction drawings, specifications and bills of quantities, used and produced throughout the construction process
- The general design criteria
- Details of the equipment and maintenance facilities within the structure
- Maintenance procedures and requirements for the structure
- Manuals, certificates, produced by specialist contractors and suppliers which outline operating and maintenance procedures and schedules for plant and equipment installed as part of the structure, typically lifts, electrical and mechanical installations and window cleaning
- Details of the location and nature of utilities and services, including emergency and fire-fighting systems

As mentioned above, the PSDP (Project Supervisor Design Phase) 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

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 AF2 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. SOLAS Safe Pass) and Construction Skills Cards/Certificates (e.g. SOLAS CSCS)*

Section 5: Legislation Listing Administered & Enforced by the Health & Safety Authority

5.1 Acts

- Safety, Health & Welfare at Work (2005)
- Chemicals Act 2008 and 2010 and the Guide
- Carriage of Dangerous Goods by Road
- Chemical Weapons (1997)
- Organisation of Work Time (1997)
- Safety, Health & Welfare at Work Act 1989
- Safety, Health & Welfare (Offshore Installations)
- Dangerous Substances (1979 and 1972)
- Safety in Industry (1980)
- European Communities Act 1972
- Factories Act (1955)
- Mines and Quarries (1965)
- Boiler Explosions (1890 and 1882)
- Safety, Health and Welfare at Work (General Application) (Amendment) Regulations 2016 (S.I. NO. 36 of 2016)
- Safety, Health and Welfare at Work (Construction) Regulations 2013 (S.I. 291 of 2013)

5.2 Regulations

- Regulations under the Safety, Health and Welfare Act 2005 (S.I. No, 10 of 2005)
- Regulations under the Chemical Act 2008 (No 13 of 2008)
- Regulations under the European Communities Act 1972
- Regulations under the Carriage of Dangerous Goods by Road Acts
- Regulations under the Chemical Weapons Act 1997
- Regulations under the Organisation of Working Time Act 1997
- Regulations under the Safety, Health & Welfare (Offshore Installations) Act 1987 (No.18 of 1987)
- Regulations under the Safety in Industry Act 1980
- Regulations under the Dangerous Substances Act 1972 and Amendment 1979
- Regulations under the Mines and Quarries Act 1965
- Regulations under the Factories Act 1955
- Regulations under the Boiler Explosion Acts 1882 & 1890

5.3 New Legislation

- Safety, Health and Welfare at Work (General Application) (Amendment) Regulations 2016 (S.I. No. 36 of 2016)
- Chemical Act (Control of Major Accident Hazards involving Dangerous Substances) Regulations 2015 (S.I. No. 209 of 2015)
- European Union (Prevention of Sharps Injuries in the Healthcare Sector) Regulations 2014
- Safety, Health and Welfare at Work (Construction) Regulations 2013 (S.I. 291)

Information on all of the above legislation is available on the HSA website. It should be noted that their website is a huge resource of helpful information and handy guidelines in respect of this legislation.

For a more extensive listing of all Irish Legislation please go to the Irish Statute Book (www.irishstatutebook.ie)

Section 6: Waste Management Legislation Listing

6.0 Waste Management Legislation Listing – September, 2010

6.1 Waste Licensing & Permitting Legislation

- | | |
|------|---|
| 2011 | <ul style="list-style-type: none"> European Communities (Waste Directive) Regulations 2011 (S.I. 126 of 2011)
<i>Amends Waste Management Acts as well as other Waste Legislation</i> |
| 2010 | <ul style="list-style-type: none"> Waste Management (Licensing) (Amendment) Regulations 2010 (S.I. 350) |
| 2008 | <ul style="list-style-type: none"> Waste Management (Certification of Historic Unlicensed Waste Disposal and Recovery Activity) Regulations 2008 (S.I. No. 524 of 2008)
<i>These Regulations apply to closed landfills where disposal or recovery activities are carried on</i> Waste Management (Landfill Levy) Regulations 2008 (S.I. No. 1999 of 2008)
<i>Landfill Levy Regulations in respect of the disposal of waste at a landfill facility</i> Waste Management (Registration of Brokers and Dealers) Regulations 2008 (S.I. No. 113 of 2008)
<i>Amends Waste Management (Licensing) Regulation 2004. These regulate waste contractors who arrange shipment of waste</i> Waste Management (Facility Permit and Registration) (Amendment) Regulations 2008 S.I. No. 86 of 2008
<i>Amendment Regulations to the Waste Management (Facility Permit and Registration) Regulations 2007</i> |
| 2007 | <ul style="list-style-type: none"> Waste Management (Facility Permit and Registration) Regulations 2007
<i>The process and procedures for obtaining a waste management permit</i> |
| 2006 | <ul style="list-style-type: none"> Waste Framework Directive 2006
<i>A wide-ranging European document setting out a future vision of waste management</i> Waste Management (end of life vehicles) Regulations 2006
<i>A manual for the environmentally friendly disposal of end-of-life vehicles</i> |
| 2004 | <ul style="list-style-type: none"> Waste Management (Licensing) Regulations 2004
<i>A seminal document for organisation or businesses intending to set up a waste disposal site</i> |
| 2003 | <ul style="list-style-type: none"> Protection of the Environment Act, 2003 |
| 2000 | <ul style="list-style-type: none"> European Union Directives on Waste Incineration 2000
<i>A directive detailing the necessity to limit emissions from waste incineration</i> |
| 1999 | <ul style="list-style-type: none"> Council of Europe Directive on the Landfill of Waste 1999
<i>A directive designed to minimise the use of landfills for waste disposal</i> |
| 1998 | <ul style="list-style-type: none"> Waste Management (Permit) Regulations 1998
<i>The process and procedures for obtaining a waste management permit</i> |
| 1996 | <ul style="list-style-type: none"> Waste Management Act 1996
<i>Act governing all waste management activities in Ireland</i> |

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



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Members of the profession are typically employed in the construction, land and property markets through private practice, in central and local government, in state agencies, in academic institutions, in business organisations and in non-governmental organisations.

Members' services are diverse and can include offering strategic advice on the economics, valuation, law, technology, finance and management in all aspects of the construction, land and property industry.

All aspects of the profession, from education through to qualification and the continuing maintenance of the highest professional standards are regulated and overseen through the partnership of the Society of Chartered Surveyors Ireland and RICS, in the public interest.

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