

Health and Safety at Work

Information

The main legislation providing for the health and safety of people in the workplace is the Safety, Health and Welfare at Work Act 2005. This Act consolidates and updates the provisions of the Safety, Health and Welfare Act 1989. It applies to all employers, employees (including fixed-term and temporary employees) and self-employed people in their workplaces. The Act sets out the rights and obligations of both employers and employees and provides for substantial fines and penalties for breaches of the health and safety legislation.

(General Application) Regulations 2007

Almost all of the specific health and safety laws which apply generally to all employments are contained in the Safety, Health and Welfare at Work (General Application) Regulations 2007 which came into effect on 1 November 2007. These Regulations replaced the 1993 General Application Regulations and other secondary legislation in the area of health and safety at work.

Employer's Duties

Under Section 8 of the Act the employer has a duty to ensure the employees' safety, health and welfare at work as far as is reasonably practicable. In order to prevent workplace injuries and ill health the employer is required, among other things, to:

- Provide and maintain a safe workplace which uses safe plant and equipment
- Prevent risks from use of any article or substance and from exposure to physical agents, noise and vibration
- Prevent any improper conduct or behaviour likely to put the safety, health and welfare of employees at risk
- Provide instruction and training to employees on health and safety
- Provide protective clothing and equipment to employees
- Appointing a competent person as the organisation's Safety Officer

Employees' Duties

The duties of employees while at work are set out in Section 13 of the Act. These include the following:

- To take reasonable care to protect the health and safety of themselves and of other people in the workplace
- Not to engage in improper behaviour that will endanger themselves or others
- Not to be under the influence of drink or drugs in the workplace
- To undergo any reasonable medical or other assessment if requested to do so by the employer
- To report any defects in the place of work or equipment which might be a danger to health and safety

Risk Assessment and Safety Statement

Under the Safety, Health and Welfare at Work Act 2005 every employer is required to carry out a risk assessment for the workplace which should identify any hazards present in the workplace, assess the risks arising from such hazards and identify the steps to be taken to deal with any risks. The employer must also prepare a safety statement which is based on the risk assessment. The statement should also contain the details of people in the workforce who are responsible for safety issues. Employees should be given access to this statement and employers should review it on a regular basis.

Protective Equipment and Measures

The employer should tell employees about any risks that require the wearing of protective equipment. The employer should provide protective equipment (such as protective clothing, headgear, footwear, eyewear, gloves) together with training on how to use it, where necessary. An employee is under a duty to take reasonable care for his/her own safety and to use any protective equipment supplied. The protective equipment should be provided free of charge to employees if it is intended for use at the workplace only. Usually, employees should be provided with their own personal equipment.

There is a range of measures that employers must take regarding visual display units (VDUs). These include examining the reflection and glare, the operator's position in front of the VDU, the keyboard and the software used. Operators must be given adequate breaks from the VDU. In addition, employers must arrange for eye tests and, if required, contribute towards the purchase of prescription eyeglasses. The Health and Safety Authority (HSA) has published a list of frequently asked questions about display screen equipment (VDUs).

Reporting Accidents

All accidents in the workplace should be reported to the employer, who should record the details of the incident. Reporting the accident will help to safeguard social welfare and other rights which may arise as a result of an occupational accident. An employer is obliged to report any accident that results in an employee missing 3 consecutive days at work (not including the day of the accident) to the Health and Safety Authority.

Health and Safety Leave

An employer should carry out separate risk assessments in relation to pregnant employees. If there are risks to an employee's pregnancy, these should be either removed or the employee moved away from them. Under Section 18 of the Maternity Protection Act 1994 if neither of these options is possible, the employee should be given health and safety leave from work, which may continue up the beginning of maternity leave. If a doctor certifies that night work would be unsuitable for a pregnant employee, the employee must be given alternative work or health and safety leave.

Following an employee's return to work after maternity leave, if there is any risk to the employee because she has recently given birth or is breastfeeding, it should be removed. If this is not possible, the employee should be moved to alternative work. If it is not possible for the employee to be assigned alternative work, she should be given health and safety leave. If night work is certified by a doctor as being unsuitable after the birth, alternative work should be provided. If alternative work cannot be provided, the employee should be given health and safety leave.

Time spent on health and safety leave is treated as though the employee has been in employment, and this time can be used to accumulate annual leave entitlement. The employee is not entitled to leave for any public holidays that occur during health and safety leave. During health and safety leave, employers must pay employees their normal wages for the first 21 days (3 weeks), after which Health and Safety Benefit may be paid.