



***HEALTH & SAFETY GUIDE***

***FOR VFI MEMBERS***

***2009***

## CONTENTS

### Page

3	Guide 1	The Role of the Health & Safety Authority
4	Guide 2	Guide to the Safety Health & Welfare at Work Act, 1995
6	Guide 3	Risk Assessment
7	Guide 4	Safety Statement
9	Guide 5	Safety Representatives and Consultation
10	Guide 6	Confined Spaces
15	Guide 7	Manual Handling
17	Guide 8	Chemical Handling
19	Guide 9	Slips, Trips and Falls
22	Guide 10	Safety Signs at Places of Work
24	Guide 11	Fire Hazard and Evacuation
28	Guide 12	Accident Investigation
29	Guide 13	Accident Reporting
31	Guide 14	Health and Safety Inspections and the Role of the Inspectors

*Note: Please be mindful that this is a guide to relevant health and safety legislation and is not a definitive legal document. If you have a specific enquiry you should contact the VFI for further guidance.*

## **The Role of the Health and Safety Authority**

### **About the HSA**

The Health and Safety Authority (HSA) is the national body in Ireland with responsibility for securing health and safety at work.

It is a state-sponsored body, established under the Safety, Health and Welfare at Work Act 2005 and it reports to the Minister for Enterprise, Trade and Employment.

The responsibilities of the authority cover every type of workplace and every kind of work in the public and private sectors.

This ranges from workplaces where just one or two people are employed to corporations with multiple locations and thousands of employees.

The HSA work with employers, employees, individuals, employer and trade union organisations and other relevant groups in order to achieve its aims.

### **Role of the HSA**

The Health and Safety Authority (HSA) has overall responsibility for the administration and enforcement of health and safety at work in Ireland.

The HSA monitor compliance with legislation at the workplace and can take enforcement action (up to and including prosecutions). It is the national centre for information and advice to employers, employees and self-employed on all aspects of workplace health and safety.

The HSA also promotes education, training and research in the field of health and safety.

### **The Remit**

There are a wide range of activities that fall under the remit of the HSA including:

- Promotion of good standards of health and safety at work;
- Inspection of all places of work and monitoring of compliance with health and safety laws;
- Investigation of serious accidents, causes of ill health and complaints;
- Undertaking and sponsoring research on health and safety at work;
- Developing and publishing codes of practice, guidance and information documents;
- Providing an information service during office hours;
- Developing new laws and standards on health and safety at work.
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### **Consultation**

Because safety is everybody's responsibility there is always wide consultation with employers, employees and their respective organisations.

To help develop sound policies and good workplace practices the HSA works with various advisory committees and task forces which focus on specific occupations or hazards.

## Guide to the Safety Health & Welfare at Work Act, 1995

### *Legislation, Codes of Practice and, Guidelines:*

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

### **Introduction**

Health and Safety legislation places specific duties on both employers and employees. Below is an overview of the demands placed on employers in particular with regard to this area of law.

### **Health & Safety Requirements in Employment**

#### **General Duties of Employer**

The general duties of employers are laid out in the act as follows:

- To provide and maintain a place of work which is safe and without risk to health
- To provide safe means of access (entry) and egress (exit) at each place of work
- To provide and maintain plant and equipment which is safe and without risk to safety and health
- To provide information, instruction, training and supervision necessary for safe and healthy working
- Where hazards cannot otherwise be controlled, to provide and maintain suitable protective clothing or equipment
- To prepare adequate emergency plans
- To prevent risk to health and safety in relation to the use of articles or substances
- To provide welfare facilities such as supply of drinking water, first aid etc.
- To acquire where necessary the services of competent persons to ensure the safety and health at work of employees.

Employers must also conduct their operations in a manner that does not expose people who may be affected by the operation to risks to their health and safety. Obligations also exist regarding the employees of any contractors. These include duties to provide for safety and health in relation to means of access and egress, articles or substances used or provided for in the workplace.

#### **Duties of Employees**

The law in regard to health and safety also places obligations on employees which include:

- To take reasonable care for their own safety, health and welfare and that of others who may be affected by their actions or omissions
- Co-operate with their employer in relation to compliance with statutory requirements
- Use protective equipment when required
- Report any defects in the workplace which may lead to danger to their employer

## **Safety Statement**

A safety statement must be prepared by the employer and this must be brought to the attention of the people affected by its terms which will include employees and contractors. There are clear guidelines set out in the Act requiring that an employer specify the safety, health and welfare arrangements, resources in place, co-operation required of employees and names and job titles of persons responsible for the tasks set out in the statement.

## **Consultation and Safety Representative**

Employers must consult with employees on promoting and developing health, safety and welfare policies at work. Employees may select a Safety Representative who has specific rights under the Act which include:

- To carry out inspections of the workplace and investigate potential hazards and complaints
- To investigate accidents
- To receive information from the employer which is necessary to ensure the safety and health of employees
- To receive advice and information and make representations to a Health & Safety Inspector.

## **Advice and Enforcement**

The HSA has functions under the Act which allows it to enforce legislation and give advice and information on health and safety matters.

## **Health and Safety Regulations**

There are many different regulations covering health and safety at work and employers while meeting statutory requirements should also ensure that they operate to the established norms as a minimum within their industry. Apart from having a Safety Statement in place it is important for an employer to have a clear policy and approach on Health and Safety which covers:

- Accidents including reporting and reduction of risks for subsequent re-occurrence
- Access and egress measures for the workplace
- Plant and equipment kept at highest possible standards of safety
- Appropriate health and safety training for all employees
- Provisions where necessary for dealing with and handling agents and substances
- Policy on the provision of Personal Protective Equipment for employees
- Consultation measures with employees on health and safety and the role of a Safety Representative.

## Risk Assessment

### *Legislation, Codes of Practice and, Guidelines:*

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

### **Hazard identification and risk assessment**

The legislation requires that every employer must identify the hazards at the place of work, assess the risks from those hazards and have a written risk assessment of those risks as they apply to all of the employees and to any single employee and group of employees who may be exposed to any unusual risks including anything specified by safety and health legislation. Particular consideration may need to be given to young or inexperienced workers, new and expectant mothers, night time workers and those who work alone.

In this context a hazard is something with the potential to cause harm (for example substances, equipment or methods of work), while the risk is dependent on:

- (i) the likelihood of that harm occurring,
- (ii) the potential severity of that harm (as in the degree of injury or ill-health following an accident), and
- (iii) the number of people who might be exposed to the hazard.

The degree of detail in the risk assessment would need to be proportionate to the risk. For a small business with comparatively insignificant hazards, a simple risk assessment would be sufficient. Larger undertakings that present a wide range of hazards would require a more thorough and sophisticated approach. In order to assist in the identification of hazards, the employer may have to consult various sources of advice and information, such as suppliers' and manufactures' manuals, legal guidance and competent, specialized sources. A range of guidance booklets on risk assessment is available from the Health and Safety Authority.

The risk assessment should:

- address any significant hazards and risks,
- apply to all aspects of the work, including shift and night work and to employees who work away from the main workplace, and
- cover non-routine as well as routine operations (for example, occasional maintenance tasks).

Having carried out the risk assessment, the employer should be able to make informed decisions on the management of health and safety at the workplace.

The risk assessment must be reviewed and amended if necessary –

- if it is no longer valid or there is reason to believe it is no longer valid,
- if there has been a significant change in the matters to which it relates.

Accidents, dangerous occurrences, incidents of occupational ill health or near-miss incidents may trigger a review of the risk assessment. Such incidents should be investigated with a view to

determining if their immediate and underlying causes require remedial action and a consequential review of procedures. Short term control measures, in particular, need to be reviewed periodically within the overall remedial plan.

The employer must take steps to implement any improvements considered necessary by the most up to date risk assessment. When identifying hazards and carrying out a risk assessment, account should be taken of the general principles of prevention set out in **Schedule 3** to the **Act**.

Under the Act, the employer must consult with employees, or their representatives, on the risk assessment. Furthermore, employers who share a place of work must inform each other of risks arising from the work activity.

Employers and persons in control of places of work must carry out a risk assessment in relation to their duty to persons other than their employees. In carrying out the risk assessment it is necessary, therefore, to consider all those who might be affected by the undertaking.

#### ***Guide 4***

### **Safety Statement**

#### **Legislation, Codes of Practice and, Guidelines:**

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

#### **Safety Statement**

**Under the legislation every employer must have** a written safety statement based on the hazards identified and the risk assessed and setting out how the safety, health and welfare of employees will be secured and managed. When preparing a safety statement, account should be taken of the general principles of prevention set out in **Schedule 3** to the **Act**.

Safety statements must be specific to the place of work and must set out –

- the hazards identified and the risks assessed,
- the protective and preventive measures taken and the resources allocated to safety, health and welfare,
- the plans and procedures for dealing with emergencies or serious and imminent danger,
- the duties of employees as regards safety, health and welfare at work, and the requirement for them to co-operate on those matters with their employer and any person who has responsibility under the relevant statutory provisions,

- the names and, where applicable, job titles of persons assigned to perform tasks pursuant to the safety statement, and
- the arrangements for the appointment of safety representatives and safety consultation at the place of work and the names of any safety representatives and/or safety committee members.

The aims of the safety statement are -

- (i) to involve management up to the highest level by assigning clear responsibilities in the control of safety, health and welfare at the place of work,
- (ii) to ensure that appropriate steps are taken to comply with the relevant statutory provisions and that those measures are monitored and reviewed on a regular basis,
- (iii) to identify hazards and prioritize risks,
- (iv) to ensure sufficient resources are allocated to safety management,
- (v) to ensure all at the workplace are informed and involved in the control of safety, health and welfare, and
- (vi) to ensure systematic follow-up of problems as they arise.

The employer must bring the safety statement to the attention of the employees, and in a form, manner and language that is reasonably likely to be understood. This should be done at least annually, or when it is amended. It should be brought to the attention of newly recruited employees upon commencement of employment. The safety statement must also be brought to the attention of others who may be exposed to specific risk at the place of work to which the statement applies.

Where specific tasks pose a serious risk the employer must give relevant extracts of the safety statement to those affected employees covering the risk identified, the risk assessment and the safety measures taken in accordance with health and safety legal provisions. An example could include working in confined spaces.

The safety statement must be reviewed, and amended if it is no longer valid or if there is reason to believe it is no longer valid, if there has been significant change in the matters to which it relates, or if directed by a HSA inspector within 30 days of that direction.

Where an employer (Employer A) contracts another employer (Employer B) to provide services to him or her at the place of work Employer A must ensure that Employer B, is in possession of an up to date safety statement.

A copy of the safety statement, or a relevant extract, must be available to an Inspector at or near every workplace where work is being carried out.

The Employer must manage and conduct his or her undertaking in such a way as to ensure, so far as is reasonably practicable, that in the course of work being carried on, individuals at the place of work (not being his or her employees) are not exposed to risks to their safety, health or welfare.



## Safety Representatives and Consultation

### *Legislation, Codes of Practice and, Guidelines:*

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

### **Safety Representative**

Under **Section 25** of the Safety, Health & Welfare at Work Act 2005, employees are entitled to select and appoint a **Safety Representative** to represent them in consultations with their employer on matters of safety, health and welfare at work.

### **The rights of Safety Representatives**

- Safety Representatives have the following rights:
- Safety Representatives, having given reasonable notice to the employer, have the right to inspect the place of work at a frequency or schedule agreed between him/her and the employer, based on the nature and extent of the hazards in the place of work.
- Safety Representatives have the right to immediately inspect where an accident, dangerous occurrence or imminent danger or risk to the safety, health and welfare of any person has occurred or is present.
- The representative may also investigate accidents and dangerous occurrences, provided this does not interfere with another person carrying out statutory duties under safety and health legislation. Investigations may include visual examinations and speaking to people who have relevant information on the accident/occurrence, but physical evidence may not be disturbed before an inspector has had the opportunity to see it.

### **Consultation**

Employers must consult in advance and in good time on anything carried out in the workplace, which can have a substantial effect on safety and health. Any type of work activity already covered by safety and health law is valid for discussion.

### **Frequently Asked Questions**

#### **What Do The Safety, Health & Welfare At Work (General Application) Regulations, 1993 Say About Representation & Consultation?**

The Regulations provide that any consultation should be ‘in advance and in good time’ of any workplace change that introduces new hazards or alters existing safe practice. ‘In advance and in good time’ is not defined but the Protection Of Employment Act, 1977 obliges employers to give thirty days notice of any ‘collective redundancy’ and thirty (30) days would seem to be an acceptable interpretation of ‘in advance and in good time’. The Regulations also state that any consultative structures should have ‘balanced participation’. This need not necessarily mean equal numbers of employers and employees but balance as between the differing ‘health and safety constituencies’ in the

workplace – shifts, departments, processes and work systems – taking into account the range and severity of hazards within the job.

### **What should health and safety consultation cover?**

Consultation must cover:

- any risk protection and prevention measures
- the appointment and the duties of staff with safety and health responsibilities
- the outcome of risk assessments on workplace hazards
- the preparation of the safety statement
- safety and health information to be provided to employees
- notifiable accidents or dangerous occurrences
- the engagement of safety and health experts or consultants
- the planning and organization of safety and health training
- the planning and introduction of new technologies, particularly on the consequences of the choice of work equipment, working conditions and employee's working environment.

### **Is the Safety Representative entitled to Training/Time Off?**

The Safety Representative is entitled to training with no loss of earnings, time to carry out the functions and duties of the Safety Representative and not to be placed at any disadvantage by so doing.

### **Guide 6**

## **Confined Spaces**

### ***Legislation, Codes of Practice and, Guidelines:***

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

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

***Code of Practice for Working in Confined Spaces***

***Guidelines for safe working in cellars of pubs and other licensed premises***

### **Scope:**

In the Regulations “confined space” means any place which, by virtue of its enclosed nature creates conditions which give rise to a likelihood of accident, harm or injury of such a nature as to require emergency action due to:-

- (a) the presence of or the reasonably foreseeable presence of
  - (i) flammable or explosive atmospheres,
  - (ii) harmful gas, fume, or vapor,
  - (iii) free flowing solid or an increasing level of liquid
  - (iv) excess of oxygen
  - (v) excessively high temperature
- (b) lack or reasonably foreseeable lack of oxygen

## **Guidelines for Safe Working in Cellars of Pubs and other Licensed Premises**

The practice of using pressurised gas, carbon dioxide or nitrogen, for the purpose of dispensing drinks, is long established in public houses and licensed premises. The equipment involved, often described as a dispense gas installation, includes pressurised gas cylinders (or “bottles”) of varying sizes together with pipe work and associated control and mixing equipment. The gas composition (usually mixtures of carbon dioxide and nitrogen) varies depending on the application.

Wherever gases such as these are used in a confined environment, the risk of a serious accident involving asphyxiation is known to exist. Where the gas bottles or associated pipe-work are located in a poorly ventilated pub cellar, especially one located below street level, there is a real risk of a tragic accident occurring in the event of a dispense gas leak.

**A cellar** is defined as anywhere in a pub that has the potential to accumulate dangerous levels of gas, should a leak of dispense gas occur. Subterranean cellars are the main focus but pub storage rooms or cold rooms are also at risk. If these places are poorly ventilated and contain dispense gas bottles or associated piping, they are likely to fulfill the definition and characteristics of a confined space, as defined in the Safety, Health and Welfare at Work (Confined Spaces) regulations 2001. These locations are, therefore, subject to the regulations and publicans have a duty to adequately address the risks involved.

Under the general health and safety legislative framework, the publican is responsible for the health and safety of persons working in or entering the cellar area insofar as the activity, workplace and equipment is under the publican’s control.

### **Publicans’ Legal Duties**

For pubs with cellars the publican has a legal duty to:

- Carry out a formal risk assessment of the cellar area to identify potential hazards. A competent person should carry out this risk assessment. A competent person is someone with sufficient experience of, and familiarity with, the cellar and its operation so that s/he understands the risks involved and can devise the necessary precautions and emergency arrangements to ensure health and safety. The purpose of the risk assessment is to identify the relevant hazards and formulate a safe system of work. This risk assessment should be periodically reviewed and repeated if there is a significant change made to the cellar area (structural, procedural or operational).
- Implement precautionary measures to eliminate or reduce as far as practicable the identified risks (i.e. put in place a safe system of work).
- Communicate findings of the risk assessment to staff and provide training on the relevant safety practices. Employees should be consulted on all matters to do with their workplace safety.
- Incorporate findings of risk assessment in safety statement. Every public house, being a place of work, will have a safety statement. The safety statement is a practical tool for managing health and safety. Employees should be fully conversant with all aspects of the safety statement which applies to them. (Please see Guide 4 for further information on the Safety Statement).

- Prepare for an emergency. For foreseeable incidents where emergency action will be required, there is a need to develop appropriate emergency arrangements in terms of planning, information and training.

### **Hazards of Pub Cellars**

The first step in ensuring safety and health is to identify all the hazards to persons entering and working in the cellar. The following is a brief overview of the most commonly occurring hazards associated with pub cellars. **This is not an exhaustive list and a formal risk assessment for each individual cellar is required to identify any additional or unique hazards.** The items listed here may serve as a checklist.

### **Confined Space Hazards (Toxic Atmosphere/Oxygen Deficiency)**

Dispense gas in the form of nitrogen and or carbon dioxide if released in sufficient quantities can contaminate the atmosphere leading to headaches and dizziness. In sufficient concentration, it can result in oxygen displacement and subsequent deficiency of oxygen. This can cause impaired judgment, unconsciousness and death. The gases can be heavier or lighter than air, depending on the composition and temperature.

Asphyxiation can occur rapidly, not giving an entrant sufficient time to evacuate. Evacuation is more difficult if it entails climbing stairs from a basement cellar.

Dangerous concentrations are more likely to arise:

- in confined locations where there is poor ventilation
- when a large gas leak occurs
- when a relatively small leak continues over a long period of time and remains undispersed

### **Other Hazards**

Other possible hazards include the following:

- Impacts from falling kegs, gas bottles etc.
- Manual Handling
- Slips/Trips/Falls
- Excessive cold (cold rooms)
- Infection due to the presence of rats (Weils Disease)
- Cleaning agents, broken glass, etc.

### **Assessments of Risks**

An assessment of the risks is a careful weighing up of whether enough precautions have been taken or more should be done to prevent the identified hazards causing injury or harm. The risk assessment must evaluate the hazards to all personnel entering or working in the cellar, including employees, self employed workers, contractors, visitors etc. Each identified hazard should be addressed with the objective of putting in place suitable and adequate protective measures.

### **Assessing risks**

The risk relating to a potential dispense gas leak in a pub cellar will depend largely on the quantity of gas that can leak, the cellar design/location and the available level of ventilation. Even a small dispense gas cylinder can produce a potentially dangerous atmosphere if fully discharged and dispensed in a typical reasonable sized air-tight cellar.

**It is essential that, if a significant leak of dispense gas can occur, either adequate ventilation is available to refresh the atmosphere or a gas monitoring system with warning system is installed.**

Ventilation in a cellar may be natural (passive) or forced (mechanical). Natural ventilation or natural draught is produced by local differences in air pressure (wind) or temperature. It is facilitated by the presence of openings at high and low level in the building. The openings may be in the form of vents or grills. These usually create an upward flow of air or 'stack' effect. If the openings are on opposite sides of the building, good cross-flow ventilation is achievable. The greater the area of the openings, the better will be the ventilation. Natural ventilation is not usually an effective option for a subterranean cellar.

Forced or mechanical ventilation makes use of fans to extract air from a building or to supply fresh air from outside. A combination of well-positioned extract and supply fans can ensure good and effective ventilation throughout a room or building. It is important that the mechanical ventilation system should operate reliably and that persons entering the cellar are warned (by alarm signal or otherwise) if the system is not functioning. To ensure a safe atmosphere, for any person entering, the ventilation system should operate continuously. All new pub cellars should be designed and constructed to incorporate effective natural or forced ventilation.

When the provision of adequate and reliable ventilation to safely dispense a gas leak is not reasonably practicable, the use of a gas monitoring and alarm system to detect and provide a warning of an unsafe atmosphere will be necessary. The gas monitoring instrument should provide an audible or visual alarm on detection of an unsafe atmosphere. The system should be designed to warn the cellar user of the danger before he/she enters the danger area. It should operate continuously. The atmosphere should be tested on a representative basis, taking into account the geometry of the cellar. The equipment should be maintained in good working order and calibrated as recommended by a competent person.

For further reference please refer to the **Code of Practice for Working in Confined Spaces** and the **Guidelines for safe working in cellars of pubs and other licensed Premises.**

### **Emergency and Rescue Procedures**

Whenever work in a confined space is carried out, arrangements that are suitable and sufficient for the rescue of persons in the event of an emergency therein must be in place.

Where appropriate, the necessary equipment to enable rescue and resuscitation procedures to be carried out must be available. The arrangements must be in place before any person enters or commences work in that confined space. The risk assessment determines what emergency arrangements are necessary.

### **Frequently Asked Questions**

#### **What is a confined space?**

Confined Space refers to any place, including any vessel, tank, container, pit, bund, chamber, cellar or any other similar space which, by virtue of its enclosed nature, creates conditions that give rise to a likelihood of an accident, harm or injury of such a nature as to require emergency action due to the presence or reasonable foreseeable presence of:

- flammable or explosive atmospheres

- harmful gas, fume or vapor
- free flowing solid or an increasing level of liquid
- excess of oxygen
- excessively high temperature
- the lack or reasonably foreseeable lack of oxygen

**What are the legal requirements in relation to Emergency Arrangements for confined spaces?**

Regulation 6 of the Confined Space Regulations 2001 states that a person shall not enter a confined space unless a suitable emergency arrangements has been made which is appropriate to the confined space in question.

**What are the key elements of a safe system of work for a confined space?**

The key elements to be considered when drawing up a safe system of work are:

- Competence, training, supervision and suitability
- Permit-to-work procedure
- Gas purging and ventilation
- Dangerous residues
- Testing and monitoring of the atmosphere
- Mechanical, electrical and process isolation
- Respiratory protective equipment
- Other personal protective equipment
- Safe use of work equipment
- Communications
- Access and egress
- Flammable or explosive atmospheres
- Combustible materials

**What is a permit-to-work procedure?**

A permit to work procedure is a means of achieving effective control of a system of work through formal written documentation known as a permit to work form.

**Where can I get a sample Permit-to-Work form and more information on Work in Confined Spaces?**

The HSA have developed a Code of Practice, "Safe Work in Confined Spaces" which contains sample permit-to-work forms, the Confined Space Regulations 2001 and a guide on how to implement these regulations properly. This can be purchased online from the publications section at [www.hsa.ie](http://www.hsa.ie) or by calling 1890 289 389.

## Manual Handling

### *Legislation, Codes of Practice and, Guidelines:*

***Safety, Health & Welfare at Work Act, 2005***  
**The General Application Regulations 2007**

### **Scope**

The “manual handling of loads” means any transporting or supporting of a load by one or more employees and includes lifting, putting down, pushing, pulling, carrying or moving a load, **which, by reason of it’s characteristics or of unfavorable ergonomic conditions, involves risk**, particularly of back injury, to employees.

The minimum requirements associated with manual handling of loads are specified in Directive 90/269/EEC. According to its provisions an employer has to avoid the need for manual handling of loads by workers. In the event that manual handling is unavoidable, the employer is obliged to:

- evaluate the risk
- undertake corrective actions to reduce the risk
- supply a workplace with technical measures (i.e. lifting equipment, trolleys etc.)
- inform and train workers about safe work methods

### **Common Injuries in the Food and Drink Sector**

The most common injuries in the workplace in the Food and Drink Sector are to the back, neck and ribs. To avoid or minimize the risk of injury the following is recommended:

#### ***1. Avoid manual handling***

Wherever possible avoid handling loads. Do objects really need to be handled or can a mechanical aid be used?

#### ***2. Use Trolleys***

Use trolleys where possible. Ask, can an employee push or pull instead of lifting? Ensure trolleys are kept in good condition. Ensure employees are aware of mechanical aids where they are available.

#### ***3. Assess the Loads***

Train employees to assess the load before handling. Employees should be instructed to never lift anything they consider too heavy – they should request someone else to help them (i.e. double lift).

#### ***4. Break Up Large Load***

Break up large loads and allow the correct amount of time needed. Order smaller containers if possible.

### **5. Keep Walkways clear**

Ensure walkways are kept clear and never store items in walkways.

### **6. Training**

Ensure employees are trained in correct lifting techniques.

*(Reference: HSA Simple Safety Series (Food and Drink Sector – Manual Handling))*

### **Manual Handling Risk Assessment**

A risk assessment must be carried out by a competent person in consultation with employees and must identify the specific aspects or part of the job that could increase the injury to employees. Measures must then be put in place to reduce that risk and may include:-

- avoiding the need for manual handling
- using mechanical aids (i.e. lifting mechanisms, trolleys etc.)
- reducing the number of lifts or the weight of lifts
- training and supervision of employees

Each employment must carry out its own risk assessment as each risk assessment is unique and not all information is applicable in each situation.

### **Competent Person**

A competent person should carry out the manual handling risk assessment. This is a person who has adequate knowledge, training and experience to carry out the task properly and objectively. This may be somebody within the business or the employer may feel the need to hire an external consultant depending on the situation. Employers must satisfy themselves that the person conducting the manual handling risk assessment is capable of doing so properly and effectively.

Further guidance can be found in the HSA documents “Management of Manual Handling in the Workplace” This can be downloaded from the HSA website [www.hsa.ie](http://www.hsa.ie).

### **Frequently Asked Questions**

#### **As an employer, do I have to put in mechanical aids to eliminate manual handling of loads?**

When assessing manual handling (or any other) risks to employees, the first consideration after identifying the hazard, is to eliminate it. If the hazard cannot be eliminated completely it must be reduced until the work can be carried out safely. The results of the risk assessment should highlight the hazards involved in all tasks. The employer must then put appropriate control measures in place to avoid or reduce manual handling activities. The HSA guidance ‘Management of Manual Handling in the Workplace’ outlines a variety of case studies and possible manual handling solutions.

#### **Is there a Maximum Weight?**

The regulations set no specific requirements such as weight limits as these are based on too simple a view of the problem. However the guidance booklet does offer numerical guidelines, which take into account weight, repetition and location of lift by means of identifying activities, which involve risk. In using the guidelines the person carrying out the risk assessment should take into account the nature of the work activities and have an appreciation of what realistic improvements can be made to avoid or reduce risk.



Other factors that should be considered include repetition, individual capacity, posture and the work environment.

**Where can I get further information?**

For further reference please refer to the HSA guidance document “**Management of Manual Handling in the Workplace.**”

**How often should Refresher Manual Handling Training take place?**

Refresher training should be at intervals not more than every three years and when there is any major change in the work involved or equipment used or when an employee is transferred to another activity requiring different loads to be handled.

**How often do manual handling instructors need refresher training?**

Instructors must undergo refresher training at intervals of not more than every five years.

*Guide 8*

**Chemical Handling**

*Legislation, Codes of Practice and, Guidelines:*

*Safety Health and Welfare at Work Act, 2005*  
*Safety, Health and Welfare at Work (Chemical Agents) Regulations, 2001*  
*2007 Code of Practice for the Safety, Health and Welfare at Work (Chemical Agents) Regulations 2001 (S.I. No. 619 of 2001)*

**Scope**

The Safety, Health and Welfare at Work (Chemical Agents) Regulations, 2001 sets down the obligations to determine the chemical hazards in the workplace and assess the risks to employees. Any substance in gas, liquid or solid form that can cause harm, is referred to as a hazardous or dangerous substance. The employer is required to prevent and control exposure to hazardous chemical agents.

**Chemicals used in pubs**

Chemicals are used in almost every workplace. Nearly all workers use or come in contact with chemicals everyday, sometimes without even being aware of them. However, if chemicals are not used correctly, they can affect people’s health.

As well as dispense gas (which is dealt with separately (Guide 6 Confined Spaces), other examples of chemicals used in pubs may include oven cleaners, floor cleaners, dishwasher consumables and various other cleaning agents.

**Routes of entry of Dangerous Substances into the Body**

**Ingestion:**

This may be through handling food without washing hands after using chemicals.

**Inhalation:**

This happens when a chemical is in gas, vapor or fume form and is breathed in.

**Absorption:**

Absorption occurs when the chemical comes into contact with and passes through the skin, eyes or mucus membranes.

**The Dangers**

If not used properly, contact with and exposure to hazardous substances at work can result in discomfort, pain and ill health. The effect of hazardous substances may be seen or felt immediately with symptoms such as dizziness, nausea, itchy eyes or dry skin or the damage may occur gradually over a number of years. **Dermatitis (skin rashes) is one of the most common health problems as a result of chemical exposure.**

An example would be an employee washing glasses and kitchen equipment with a cleaning agent who develops a rash that keeps getting worse. He goes to the doctor and the doctor gives him a prescription and advises him that he must wear gloves at work while washing and cleaning. In this case, the employer would need to provide that employee with suitable gloves and ensure that he uses them correctly.

**Precautions**

The following precautions should be taken as appropriate:

**- Labels**

Make sure all chemicals are correctly labeled in the workplace.

**- Safe Work Methods**

Provide safe working methods for all employees using chemicals.

**- Training**

Provide information and training in relation to the safe use of chemicals. Train employees to read labels carefully and to read and follow instructions before use.

Also train employees in the use of any personal protective equipment that may be required (i.e. rubber gloves). Ensure that there is First-Aid training in place to respond to any incident or emergency.

**- Supervision**

Ensure that employees working with chemicals use correct working methods and adhere to any specified preventive measures.

**- Personal Protective Equipment (PPE)**

Provide and replace all PPE as required.

**- Safety Data Sheets (SDS)**

Provide all safety information from the SDS to the employee.

**Storage of Chemicals**

How chemicals are stored depend on the specific substance, so the employer needs to check the label and the Safety Data Sheet for storage advice. Generally, storage areas should be well ventilated, lockable and not liable to flooding. Importantly, incompatible chemicals should be separated and the chemical storage area should be used for chemicals exclusively.

## Slips, Trips and Falls

### *Legislation, Codes of Practice and, Guidelines:*

*Safety Health and Welfare at Work Act, 2005*

*Safety, Health and Welfare (General Application) Regulations 2007*

### **Scope**

Section 2 of the Safety, Health and Welfare at Work Act 2005 requires employers to ensure, so far as is reasonably practicable, the design, provision and maintenance of a workplace and its means of access, in a condition that is safe and without risk to health.

Section 19 sets out the duties of the employer in respect of hazard identification, risk assessment and safety statements. Section 17 places a duty on those who design buildings or structures to ensure that they are safe and without risk to health.

The Safety, Health and Welfare (General Application) Regulations require that floors of rooms shall not have dangerous bumps, holes or slopes and that they be fixed, stable and not slippery.

Every year thousands of people are injured by slipping, tripping or falling and many are left with painful life long injuries.

Falls can be fatal. Slip, trip and fall accidents account for about 15% of all accidents reported to the HSA and are the second highest cause of accidents after manual handling.

### **Good Housekeeping**

All workplaces should promote 'good housekeeping' with 'a place for everything and everything in its place' in so far as possible. Staff should be made aware of the importance of good housekeeping and the danger which can be caused to themselves or others through untidiness and setting up items in the wrong way (e.g. items left on floor, spillages not being mopped, wet floors etc.)

### **Hazards**

Slips are caused by the presence of substances such as water, grease, oil, fats, soaps, granules, plastic sheets, packaging, leaves, ice etc. deposited on the floor arising from the working conditions 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 compressed-air lines across walkways, curled-up or worn carpets, uneven floor surfaces and steps, or discarded work items.

Falls may be caused by slips or trips or when adjacent surfaces are at different levels leading to persons losing their balance because they had not anticipated the change in level. Slips or trips on stairs are particularly dangerous.

The hazards listed above are so ordinary and commonplace that people often accept them as part of normal living until they or someone close to them has an accident and is seriously hurt.

### **Addressing the Hazards**

The starting point lies with everybody becoming aware of these hazards and taking appropriate action. Management is responsible for controlling these hazards and must assign appropriate responsibilities to staff. Clear policies should address what people need to do to identify and monitor slip, trip and fall hazards and the action to take once they identify a hazard.

Slips, trips and falls must be considered in the workplace hazard assessment that is required by law. This assessment should take account of:

1. The type of hazard including how likely it is to occur
2. Characteristics of the workplace such as the nature and condition of floor surfaces, quality of lighting
3. Influence of the weather (e.g. rain, frost or leaves)
4. Maintenance and cleaning procedures

Where workplaces are being modified or constructed there is an excellent opportunity to prevent slips and trips by selecting appropriate floor materials that are slip resistant and installed so as to minimise trip hazards.

In some work areas slip hazards may not always be completely avoidable and the control measures will need to assume the hazard is always present.

In other situations the floor surface may be non-slippery for most of the time but leaks or spills may lead to the creation of a slip hazard. It only takes a small amount of liquid on a smooth floor to create a hazard. In these situations the immediate control measures will focus upon detection of liquids and the actions to be taken to remove the hazard or reduce it by the provision of warnings and cordoning off areas.

Permanent trip hazards should be removed as far as possible by such measures as the rerouting of pipes or cables, provision of more sockets to reduce long cable lengths, use of battery powered tools and the repair of uneven floor and stair surfaces.

A good housekeeping regime will go a long way to reduce intermittent hazards from badly stored or discarded items. Materials should never be left or stored on stairs.

Where changes in floor level cannot be avoided they should be clearly marked and the provision of handrails to control the movement of persons may be appropriate. Changes in level should not take people by surprise.

It is better to eliminate slip hazards by choosing a suitable surface rather than depending on cleaning regimes to keep a floor safe.

Adequate lighting, including the avoidance of glare and shadows, is necessary to expose slip /trip hazards. Higher lighting levels are needed where older people are present.

Poorly sited or excessive signage can distract people who are then less likely to notice slip or trip hazards.

Building entrances can become slippery due to the ingress of moisture, mud and debris in bad weather.

Where matting is provided it should be aligned with the way pedestrians use the entrance. It should be laid immediately inside the door entrance and extend across the full width of the door. The existence of wet footprints beyond the entrance or matting is usually a sign that existing controls are not sufficient.

Where mats in mat-wells are prone to becoming waterlogged the provision of drainage holes should be considered.

### **Cleaning and Maintenance of Floor**

Floor cleaning procedures should be incorporated in the operation and maintenance procedures for a company. The procedure should specify the methods and materials to be used as the use of the wrong cleaning method can increase the area of hazard and level of risk. The cleaning agent used should be suitable for the floor surface and the type of contamination encountered. A build-up of polish or detergent residues should be avoided.

The drying of floors after cleaning is most important for the control of slip hazards.

Staff should be informed, trained and supervised with regard to:

- Cleaning and drying floors
- Importance of dealing with spillages/leaks
- "Cleaning as you go"
- Reporting hazards as they arise and any equipment defects contributing to slip hazards or problems with the cleaning equipment itself
- Prompt incident reporting
- Use of suitable footwear

Cleaning should, where practical, be carried out when there are less people around.

Cleaning activity should be organised so as to provide dry paths through areas being cleaned. It is better to restrict access to areas that are being cleaned by the use of barriers rather than depending on the use of cones or signs alone.

Where existing unsuitable floor surfaces are identified, the hazard can be reduced by controlling contamination, using mats, treating the surface or in some cases replacing it altogether with a safer material.

In workplaces where there is general public access there will be greater dependence on the selection of floor material in combination with maintenance regimes to control slip, trip and fall hazards.

Surfaces with a high slip resistance should be used where there is a risk of water, oil or other slippery substances being present.

## Safety Signs at Places of Work

### *Legislation, Codes of Practice and, Guidelines:*

*Safety Health and Welfare at Work Act, 2005*

*Safety, Health and Welfare at Work (Safety Signs) Regulations, 1995*

### **Legislation**

The safety signs and signals which must be used at all workplaces when hazards cannot be avoided or adequately reduced are set out in the Safety, Health and Welfare at Work (Safety Signs) Regulations, 1995. These Regulations implement EC Directive 92/58/EEC which because of the increasing mobility of labor within the European Community, established a uniform system of signs and signals intended to be immediately understood by all whatever their linguistic backgrounds.

### **Signage System**

The system for signs and signboards is based on the familiar “traffic light” colours:

- red for prohibition
- yellow for caution
- green for positive action
- blue for mandatory signs

The shapes of the signboards are standardized:

- discs for prohibitions and instruction
- triangles for warnings
- squares and rectangles for emergency and informative signs

### **Safety Signs at Places of Work**

Examples of prohibition signs



Examples of mandatory signs



Examples of warning signs



Examples of information signs



### **Principles of Safety Signs**

1. The objective of the system of safety signs is to draw attention rapidly and unambiguously to objects and situations capable of causing specific hazards.
2. Under no circumstances is the system of safety signs a substitute for the requisite protective measures.
3. The system of safety signs may be used only to give information related to safety.
4. The effectiveness of the system of safety signs is dependent on the provision of full and constantly repeated information to all persons likely to benefit from them.

The Regulations also have requirements governing signs on containers and pipes, on the identification and location of fire fighting equipment, signs for obstacles and dangerous locations and for governing marking traffic routes, illuminated and acoustic signs, verbal communications and loud signals. The Regulations should be checked for those details.

Employees must be provided with information and instruction on the meaning of safety signs and signals used and be consulted on the measures taken to comply with these Regulations.

Signs must be designed and made to specific standards; therefore self-printed paper copies will not be robust enough and will not comply with the regulations. Consideration will also need to be given to circumstances where several signs are needed and the placing of the signs as too many signs in the same area can be confusing to employees.

### **Further Information**

For further information and guidance on the correct signs to use please refer to the HSA publication Safety Signage at Places of Work, [www.hsa.ie](http://www.hsa.ie).

## Frequently Asked Questions

### Why must safety signs not contain text?

Safety signboards put in place after 1 November 2007 should not contain text. This is because the symbols or pictograms on a signboard are intended to be understood, independently of the language ability of the worker viewing it. Employers must instruct employees on the meaning of signs.

### Can any text be included on a safety sign?

Safety signboards put in place after 1 November 2007 should not contain text. Text may be included on a supplementary signboard provided that it does not adversely affect the effectiveness of the safety signboard.

### Do existing safety signs containing text have to be replaced?

These signs can be left in place until 1<sup>st</sup> January 2011.

## Guide 11

### Fire Hazard & Evacuation

#### *Legislation, Codes of Practice and, Guidelines:*

*Safety Health and Welfare at Work Act, 2005*

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

### Scope

Under the Safety Health and Welfare at Work Act 2005, every employer must identify the hazards in the place of work under his control, this includes the fire risks. These hazards must be assessed and presented in a written format in the form of a Fire Risk Assessment. Companies are also required to comply with specific fire legislation including the Fire Services Act 1981 and 2003, the Building Regulations and a number of Codes of Practice.

### Carrying out a Risk Assessment

Risk management principles can be applied to fire prevention. Risk management is based on:

- Risk recognition
- Risk evaluation
- Risk Control

To find out where a fire might start, the employer must carry out a risk assessment. With any form of risk assessment, there is a proven format which can be followed:

- Identify fire hazards
- Identify who may be harmed
- Look at your existing control measures
- Put in place a workplace emergency procedure plan and train employees in such a manner that they will know what actions they should take in the event of hearing a fire alarm or if they discover a fire



- Upgrade and ensure that all your fire fighting equipment is in working order
- Ensure that you have adequate and properly designed means of escape in order to allow people to move quickly away from the danger area and escape to a safe location
- Ensure designated and clearly marked Assembly Points
- Draw up effective emergency procedures and ensure a practice drill is held at least twice a year with all members of staff participating in same

The complexity of the fire assessment itself, will, to some extent, depend on the number of employees, the complexity of the premises, and the hazards likely to be present. The fire risk assessment for a factory processing chemical products is likely to be much more detailed than that for a public house or shop, for example.

Every employer is required to carry out an assessment of what fire precautions are necessary in their premises. In carrying out a fire risk assessment, it is essential to understand fire, fire behaviour, the materials likely to be involved and the myriad of human factors that could come into play during a blaze. The assessment needs to be holistic; it must take account of the hazards present, the risks these pose, the measures in place for mitigating those risks, the structure of the area or building, the structural materials, the processes or activities within the premises and the people who may be at risk. Having weighed these up, the assessor can then begin to assess the effectiveness of any existing provisions for means of escape, alerting people to the danger, and for limiting the growth and spread of a fire. They will also need to take into account the management of fire safety, the commitment of owners and employees to a safe working environment, and other relevant issues, e.g. disabled access provision, and ensure that these are balanced and appropriate to the provisions for escape from fire or other emergency.

A good fire risk assessment will take into account at least the following:

- The manner in which the premises is used
- The people who use the premises – in particular, those who may be especially at risk or vulnerable
- The training the employees have received both at induction into the company, at intervals during their career and in the exercise of emergency procedures
- The emergency planning and procedures deemed appropriate
- The structural features of the premises
- Processes and materials used
- Installations and services and their maintenance
- Fire alarms and detection systems and fixed fire-fighting systems and their maintenance
- Storage areas and what is stored in the premises
- General housekeeping practices and the awareness of staff of the importance of observing good practice
- Control of contractors carrying out repairs, alterations and maintenance
- Maintenance and adequacy of provisions for means of escape
- The commitment of employees and managers to safe working practices
- The overall management of the premises and commitment of management to the fire safety and fire prevention function.

## **Emergency Routes and Exits**

The employer must ensure that:

- emergency routes to emergency exits and the exits themselves are kept clear at all times and lead as directly as possible to the open air or to a safe area
- in the event of danger, it is possible for employees to evacuate the work area quickly and as safely as possible
- the number, distribution and dimensions of the emergency routes and exits are *adequate* for the use, equipment and dimensions of the place of work and the maximum number of persons that may be present
- emergency exit doors open outwards
- any sliding or revolving doors that are fitted are not used, or intended to be used, as emergency exits
- emergency doors and gates are not so locked or fastened that they cannot be easily and immediately opened by any person who may need to use them in an emergency. Specific emergency routes and exits are indicated by signs placed at appropriate points and are adequately durable (Please refer to Guide 10 Safety Signs at Places of Work)
- emergency routes and exits, and the traffic routes and doors giving access to them, are free from obstruction so that they can be used at any time without hindrance
- emergency routes and exits requiring illumination are provided with emergency lighting of adequate intensity in case the lighting fails

People often fail to appreciate how quickly a fire can spread. It is vital that fire exits are not blocked or obstructed and that any such obstructions are removed without delay. Floor markings and signs should indicate the areas to be kept clear.

### **Fire Detection and Fire Fighting**

The employer must ensure that:

- (a) the place of work is equipped with appropriate fire-fighting equipment and, as necessary, fire detectors and an alarm system, taking account of:
  - (i) the dimensions and use of the buildings
  - (ii) the equipment they contain
  - (iii) the physical and chemical characteristics of the substances present
  - (iv) the maximum potential number of people present
- (b) non-automatic fire-fighting equipment is:
  - (i) easily accessible and simple to use
  - (ii) indicated by appropriate signs and the signs are placed at appropriate points and are adequately durable
- (c) fire detection equipment and fire-fighting equipment is:
  - (i) inspected and maintained as frequently as necessary to ensure that it is in good working order

(ii) serviced by a competent person as frequently as necessary.

Fires are classified as:

Class A – Fires involving solid materials such as wood, paper or textiles.

Class B – Fires involving flammable liquids.

Class C – Fires involving gases.

Class D – Fires involving metals, for example aluminium, magnesium, sodium.

Class F – Fires involving cooking oils.

The materials available for fire fighting have to be appropriate for the type of fire likely to be encountered. Table 1 is a general guide and specialist advice may be necessary for particular situations. Clear access to fire-fighting equipment must be provided and maintained and signs indicating the location of the equipment must be posted.

**Table 1: Fire-Fighting Equipment**

<b>Class</b>	<b>Suitable Material</b>
<b>A</b>	<b>Water, foam, multipurpose powder extinguisher</b>
<b>B</b>	<b>Foam</b>
<b>C</b>	<b>Dry powder, but seek specialist advice. In some instances it may be better to leave fire to burn until fuel supply can be cut off</b>
<b>D</b>	<b>Specialist fire-fighting issue</b>
<b>F</b>	<b>Fire Blankets</b>

Fire detectors and alarms are necessary in many situations such as where:

- Fires could break out without being detected
- Workers are isolated and may not be aware of incidents elsewhere in the building
- There is a risk of rapid fire spread
- Evacuation of large numbers of people would be required
- Means of escape are not ideal
- People will not be able to make their own way out of the building
- There are legal requirements for such equipment.

The National Standards Authority of Ireland, provides guidelines for the design, installation, commissioning, use and maintenance of fire detection and fire alarm systems.

The use of fire-fighting equipment should be given careful consideration in the context of preparing plans for emergencies. Failure to do so could result in:

- Failure to raise the alarm properly
- Equipment being used by untrained persons, making the situation worse
- Failure to escape safely.

The nature of the enterprise will determine the particular approach to be adopted.

## Accident Investigation

### *Legislation, Codes of Practice and, Guidelines:*

*Safety Health and Welfare at Work Act, 2005*

*Safety Health and Welfare at Work (General Application) Regulation, 1993*

### **Accident Investigation**

All accidents and incidents in the workplace should be thoroughly investigated whether they are reportable to the Health and Safety Authority or not. Employees should be aware that they must immediately report any accident they have to the relevant person in the workplace (i.e. immediate supervisor, manager, business owner). It is in the employers own interest to gather all relevant information at the time of the accident and to keep comprehensive records of same.

### **Effective Incident/Accident Investigation:**

It is critical that employers investigate all incidents and accidents fully. Effective investigation includes the following:

- Establishing the facts (Who? What? When? Where? The size?)
- Analysing the facts, isolating contributory factors
- Identifying who or what was involved
- Identifying what hazards were present?
- Establishing what controls failed?
- Identifying actions to prevent a recurrence
- Implementing the corrective actions

### **The employer should gather evidence from many sources including witnesses and observations during an investigation as follows:**

- Inspect the accident site before any changes occur
- Ensure photographs of the scene are taken and video footage if possible before anything is moved, both of the general area and specific items
- If there is a possibility that the accident could become a fatality the scene must remain undisturbed until viewed by HSA Inspector and Police where required.

### Gather details of accident site:

- Details of the site after the accident include such things as: equipment used in rescue operations; position of materials, ladders, equipment, etc. involved in the accident; Position of persons involved in the accident (victims & witnesses), machinery, energy sources, and hazardous materials and other relevant information. Consider lay out, signage, equipment etc. that could have contributed to the accident.
- Take evidence from witnesses at the scene and note of any items for evidence (signed statements are desirable)
- Record pre-accident conditions, the accident sequence and post-accident conditions
- Check relevant equipment and training records. Broken equipment, debris, and samples of materials involved may be removed for further analysis by appropriate experts.

- Check Material Safety Data Sheets if any substance is involved (these are available from Suppliers and should be held on file). Also check procedures, pre-start checklists, permits, area rules and standards. Prepare a preliminary report detailing the circumstances of the accident as soon as possible.

Most of the information relating to an incident is likely to come from people so it is important that interviews are carried out as a calm, objective search for facts not an interrogation or cross examination to find the ‘guilty party’.

**Having determined what happened, the next stage of the investigation involves the incident/accident analysis:**

- Determine why it happened basic causes-personal/job factors
- Cover deficiencies in the management system
- Would the accident have happened if this particular factor were not present?
- Determine appropriate remedial action based on the immediate and basic causes
- Apportion responsibility to implement corrective actions
- Follow-up and monitor corrective actions
- Report accident to HSA if appropriate (Please see guide 13 Accident Reporting)
- 

A structured approach to accident investigation is an essential element of any effective safety management system.

### *Guide 13*

## Accident Reporting

### *Legislation, Codes of Practice and, Guidelines:*

*Safety Health and Welfare at Work Act, 2005*

*Safety Health and Welfare at Work (General Application) Regulation, 1993*

### **Accident Reporting**

#### **What types of Accidents must be notified to the Health and 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 related to a place of work or a work activity where a person requires treatment from a medical practitioner are reportable. Accidents related to medical treatment or a pre-existing medical condition are not reportable.

### **Responsibility for reporting accidents to the Health and Safety Authority**

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.

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 responsibility for reporting the accident.

Accidents can be reported to the Health and Safety Authority in two ways; namely

- (1) **by hard copy**, i.e. completing the Incident Report Form (IR1) and posting the completed form to the Workplace Contact Unit, Health and Safety Authority, The Metropolitan Building, James Joyce Street, Dublin 1, or
- (2) **online**, via the Health and Safety Authority's website, [www.hsa.ie](http://www.hsa.ie).

### **Procedure for notifying a fatal accident to the Health and Safety Authority**

The responsible person is required to:

- 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, in 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
- three clear days 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.

### **Frequently Asked Questions**

#### **If an employee gets 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 an employee hurt their back on a Monday and return to work on Thursday but are given light duties for the next week is it reportable?**

Yes, even though the employee was not absent for more than 3 days s/he could not perform their normal work for more than 3 days.

**If an employee gets injured on Monday and return to work on Friday is it reportable?**

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

**Who is responsible for notifying accidents to the Health and Safety Authority?**

In the case of an accident involving an employee at work, the employer is responsible for reporting the accident.

#### *Guide 14*

## **Health & Safety Inspections & the Role of the Inspector**

*Legislation, Codes of Practice and, Guidelines:*

*Safety Health and Welfare at Work Act, 2005*

### **Scope**

Inspectors of the Health and Safety Authority carry out reactive and pro-active inspections of workplaces. Reactive inspections may arise following an accident, incident or complaint. Pro-active inspections may be routine or targeted.

The purpose of an inspection is to assist the HSA in carrying out some of the general functions assigned by Section 34 of the Safety, Health and Welfare at Work Act 2005 and include:

- Monitoring the implementation of, and compliance with, statutory health, safety and welfare requirements
- Enforcing any relevant statutory provisions set out in safety, health and welfare legislation
- Promoting, encouraging and advising employers and employees in relation to health and safety training
- Promoting and encouraging measures aimed at the prevention of accidents, dangerous occurrences and personal injury at work
- Providing information and advice on matters relating to safety, health and welfare
- Promoting and encouraging the implementation of best practice methodologies and processes

### **Powers of Inspectors**

**Inspectors** of the Health and Safety Authority are granted a number of powers under Section 64 of the Safety, Health and Welfare at Work Act, 2005. An Inspector can use some or all of these powers during the course of inspection. These powers include:

- The right of entry into any place where the Inspector believes the place is being used as a place of work or used for the keeping of articles or substances. However an inspector cannot enter a dwelling place without the consent of the owner or under the terms of a warrant issued by a District Court.

- In relation to any inspection an inspector may search and examine that place of work or any process or procedure carried out there and examine any records, articles or substances that are kept there and can require that the place or part of the place or anything in that place is left undisturbed until any examination, search and investigation is concluded.
- An Inspector can also require persons at that place of work to produce any records the inspector may require and also provide information to the inspector relating to any entries made in those records. An inspector can also take copies of any records in paper or electronic format and require reasonable assistance to access any records held on a computer system or can take the original records for further examination, investigation, inspection or an inquiry for as long as is reasonably necessary.
- The inspector can also require persons at that place of work to provide information required relating to an inspection, investigation, inquiry or examination and can also require that assistance and facilities to enable the inspector to exercise his/her powers are provided. The information that may be required extends to any article, substance, work activity, installation or procedure and a person can be summoned by written notice at a specified time and place to give such information or produce records required by the Inspector.
- An inspector can also require that any article is operated or set in motion or any procedure is carried out in their presence
- An Inspector may question any person that they consider may be able to provide information relating to any search, inspection, investigation, examination, or inquiry and require that person to answer the questions and sign a declaration of the truth of the answers.
- Inspectors can take measurements, photographs, video recordings or any other recordings they consider necessary including the use of monitoring equipment and atmospheric sampling. They can also arrange for any testing, examination or analysis to be carried out at that place of work, or any other place they specify, of any substance or article at the place of work and they can also require that any articles or substances or samples of them are supplied without charge.
- Inspectors can require any article or substance at the place of work that they consider to be or have been a risk to safety or health to be dismantled or subjected to any process or test. They can also remove and retain any article or substance required for examination, or to ensure it is not tampered with or to ensure it is available for use as evidence in any proceedings.
- An inspector can require a person they consider may have committed an offence to provide their name and address to him/her.

### **Actions that Inspectors can take**

The Safety, Health and Welfare at Work Act 2005 allows the Health and Safety Authority to take actions where statutory contraventions are observed or where there is a risk of serious personal injury. These actions include:

- The issuing of an Improvement Direction in relation to activities to which the inspector considers may involve risk to safety or health of persons. An employer is required to respond with an Improvement Plan



- The issuing of an Improvement Notice stating the inspectors opinion that a duty holder has contravened a provision of an Act or Regulation, and requiring that the contravention be addressed within a certain time period of not less than 14 days
- The issuing of a Prohibition Notice where an inspector is of the opinion that an activity is likely to involve a risk of serious personal injury to any person. This notice takes effect immediately from when the person, on whom the notice is served, receives the notice.
- The issuing of an Information Notice requiring a person to present to the HSA any information specified by the notice.
- The taking of summary proceedings in the District Court in relation to an offence under any of the relevant statutory provisions.
- The preparation of evidence so that the Director of Public Prosecutions can initiate proceedings on indictment for hearing in the Circuit Court in relation to an offence of the relevant statutory provisions.
- To apply 'ex-parte' to the High Court to seek an interlocutory Order under Section 71 of the Safety, Health and Welfare at Work Act 2005 to restrict or prohibit work activities at part or all of a workplace.

If an employer is aggrieved by an Improvement Notice, Prohibition Notice, or Information Notice then they have a right to appeal.

### **When the Inspector Calls**

The aim of an inspection is to:

- Ensure statutory compliance
- Address significant risks
- Educate and guide the employer to help bring about improvement by identifying strengths and weaknesses and highlighting good and poor practice
- Educate and guide the workforce in health and safety matters
- Raise the profile of Health and Safety at the workplace

The following is detailed information on the methodology of inspection and what to expect from the process.

### **Preventative Role**

HSA inspectors monitor compliance with the Safety, Health and Welfare at Work Act 2005.

The Inspectors' primary focus is a preventative one, which is to raise awareness among employers and their employees on their responsibilities under the 2005 Act.

With this in mind they are looking at the level of preparedness of Irish workplaces on safety and health management and in particular on the preparation and implementation of the safety statement.

The safety statement must spell out how safety and health is managed in the workplace, to which it relates and must include the risk assessments which were carried out.

## **Safety Statement Implementation**

Safety statement implementation is the key to success with health and safety in any workplace. To properly implement the safety statement employers must put in place a safety and health management system which suits its needs but gets the job done.

This system must ensure everyone in the workplace knows what is expected of them with regard to employee safety and health from the business owner down.

It sets the ground rules for everyone in the workplace to follow, the ones which as a minimum they must follow to comply with safety and health laws.

## **Inspection Results**

Inspectors record their inspection results under 4 distinct ratings:

- Almost Full Compliance
- Broad Compliance
- Some Compliance
- Limited or No Compliance

Where ‘some compliance’ is recorded inspectors advise the duty holder on the safety and health management requirements of the 2005 Act and point to HSA publications on safety statements/safety and health management etc. as means for improvement. A hand written Report of the visit can also be left with the employer listing items requiring improvement. Where it is determined that there is ‘limited or no compliance’ then enforcement action in the form of Improvement or Prohibition Notices is considered.

## **Enforcement**

HSA Inspectors have a wide range of enforcement powers that are used in appropriate circumstances. An inspector may serve a direction for an improvement plan requiring the submission, within one month, of an improvement plan setting out the proposed remedial action for dealing with a specified risk.

**Enforcement notices** may be served to deal with a failure to comply with the law. An **Improvement Notice** gives a period of time for the matter to be remedied, while a **Prohibition Notice** requires the immediate cessation of the activity that has created the risk. The Authority may also apply to the High Court for an order prohibiting or restricting the use of a place of work.

Following prosecution, the Courts may impose fines or prison sentences (or both), depending on the seriousness of the offence. Most offences, including any breaches of Regulations under the Safety, Health and Welfare at Work Act 2005 may be tried either in the District Court, where the maximum penalty is £3,000 per charge and/or up to six months imprisonment, or on indictment in the Circuit Court where the maximum penalty is £3,000,000 and/or imprisonment for a term not exceeding two years. The Authority also has the right to publish the names and addresses of those subjected to a prohibition notice, High Court order or a penalty following a court conviction.

The 2005 Act provides for the specification in Regulations of “On-the Spot” fines of up to £1,000 for certain offences to be prescribed in the Regulations. Directors and senior managers carry particular responsibilities under the 2005 Act if it can be shown that an offence committed by their undertaking was attributable to neglect, connivance, consent or authorisation on their part.