

SAFETY, HEALTH AND WELFARE AT WORK

A GUIDE FOR TEEU WORKPLACE REPRESENTATIVES



TECHNICAL ENGINEERING & ELECTRICAL UNION



FOREWORD BY



A MESSAGE FROM THE HEALTH AND SAFETY AUTHORITY

The Health and Safety Authority welcomes the publication of this new guide. The guide is based on the Safety, Health and Welfare at Work Act 2005 which is one of the most modern pieces of health and safety legislation in Europe. All of us on a daily basis can see improvements in standards as a result of its implementation. It provides for the protection of every single individual in Irish workplaces – there are no exceptions – and the Health and Safety Authority is fully committed to ensuring Irish workplaces are amongst the safest in the world.

The key goal of the Health and Safety Authority is to create a national culture of excellence in workplace safety, health and welfare for Ireland. Included in the 2005 Act is the provision for the Health and Safety Authority to set out our strategy every 3 years. Our current strategy statement outlines the specific activities that we are undertaking in order to bring about our goal of a culture of excellence. Our approach is based on two broad principals. Firstly, to encourage and persuade everyone – employers and employees – to prioritise workplace safety, health and welfare and secondly, to enforce the 2005 Act through an inspection and investigation system.

There have been very significant improvements in health and safety standards since the introduction of the original 1989 Act and the updated 2005 Act. A lot of stakeholders have played an important role, including safety representatives who have promoted best practice in their own individual workplaces and contributed enormously to the improved culture. However, we cannot become complacent. The job is never done and it requires constant vigilance and a proactive ethos.

I am delighted to support this guide. It gives me great encouragement to see the TEEU make such significant contributions to employee safety, health and welfare. With the input of the Technical Engineering and Electrical Union (TEEU) and others, I look forward to continued improvements in health and safety standards for Irish workers and I compliment all safety representatives, shop stewards and employees for their ongoing commitment and dedication.

Martin O'Halloran

Chief Executive, Health and Safety Authority

HEALTH AND SAFETY IS OUR BUSINESS



Dear Colleagues

The safety health and welfare of our members and other workers throughout industry is our business. The National Executive Council in collaboration with the Health and Safety Authority (HSA) has produced this guide to the Safety, Health and Welfare at Work Act 2005, to assist our workplace representatives and members to promote safety in the workplace.

The HSA in its 2007 Annual Report stated that “work-related accidents in 2007 resulted in 67 deaths compared to 51 deaths in 2006. The increase was largely accounted for by 12 deaths in fishing and 18 deaths in construction.”

Regardless of where these fatalities or accidents occur, even one death or accident is one too many. The TEEU is committed to working with everyone throughout industry to ensure that the health, safety and welfare of our members takes priority and is at the top of every workplace agenda.

We trust that TEEU representatives and our members will find this publication a helpful and useful resource in improving the Safety, Health and Welfare of all workers throughout industry.

On behalf of the TEEU National Executive Council I wish to take this opportunity to thank the Health and Safety Authority, Michael O Toole, and our ETOS team for producing this valuable publication.

Yours fraternally

A handwritten signature in black ink that reads 'Owen Wills'.

Owen Wills

General Secretary, TEEU

This guide is designed to give an overview of the Safety, Health and Welfare at Work Act 2005 (and associated regulations) and how to implement the Act for Safety Representatives and Worker Representatives. It is not intended to be a definitive statement on the legislation.

INTRODUCTION:

It is widely acknowledged by industry sectors, by the Health and Safety Authority, and by the social partners that effective safety representatives making representations regarding worker safety health and welfare enhance the management of safety health and welfare in the workplace.

The Health and Safety Authority recognises the value of the role that safety representatives and other worker representatives play in promoting safety health and welfare at work.

The current legislation provides “rights” for safety representatives in recognition of the role that they play on behalf of workers. After all, it is workers that bear the brunt of poor management of safety health and welfare in an enterprise through illness and injury, and all too often fatalities. The most obvious benefit of an informed workforce is a safer place of work with less accidents, illness, and injuries.

The TEEU recognises the importance, the value, and the benefit of effective safety representatives in the workplace. It is intended that this guide to safety health and welfare legislation will provide safety representatives, shop stewards and others with the relevant information to enable them to have a working knowledge of what the safety health and welfare legislation is and how it should be implemented.

In the workplace the TEEU have always been to the forefront of lobbying for legislation to protect workers and their families. The safety health and welfare at work legislation is an example of where trade unions have always and will always be to the forefront.

While we hope that TEEU Representatives and members will find this guide useful the TEEU provide Safety Representatives, Shop Stewards and members with training, support and advise on workplace health and safety matters.

If you are every in doubt about any workplace health and safety issue or wish to find out more about training course please don't hesitate to contact your TEEU Regional Office or Branch or visit our web site at www.teeu.ie

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1. PURPOSE OF THIS GUIDE

This guide was produced and the information was collated as a guide for safety representatives, shop stewards and members of the TEEU. The guide lays out in a straight forward format the main provisions of the Safety Health and Welfare at Work Act 2005 relating to the workplace and its associated regulations. It is intended to simplify the main provisions of the act to enable the workplace representative to have an informed guide as to main provisions of the 2005 Act and its effective implementation.

2. SAMPLE OF SOME RELEVANT TERMS

Accident

An accident occurs when someone is injured, due to an incident involving a work activity.

Authority

Health and Safety Authority.

Code of practice

Means a code of practice prepared and published, or approved of, by the Authority to provide safe methods of working with a given work activity e.g. scaffolding.

Competent person

A person who, given the task and associated hazards, possesses sufficient training, experience and knowledge appropriate to the nature of the work being undertaken.

Construction work

Means the carrying out of any building, civil, engineering or engineering or construction work.

Control measure

Any measure that is put in place to facilitate the elimination, or reduction of the risk presented by a hazard. Some times described as Standard Operating Procedures (SOP).

Dangerous occurrence

Means an occurrence arising from work activities that cause or result in

1. The collapse, overturning, or failure of any load-bearing part of:
 - (a) any lift, hoist, crane, derrick or mobile powered access platform;
 - (b) any excavator; or
 - (c) any pile-driving frame or rig having an overall height, when operating, of more than seven metres.
2. The explosion, collapse or bursting of any closed vessel, including a boiler or boiler tube, in which the internal pressure was above or below atmospheric pressure.
3. Electrical short circuit or overload attended by fire or explosion which results in the stoppage of the plant involved for more than 24 hours.
4. An explosion or fire occurring in any plant or place which resulted in the stoppage of that plant or suspension of normal work in that place for more than 24 hours, where such explosion or fire was due to the ignition of process materials, their by-products (including waste) or finished products.
5. The sudden uncontrolled release of one tonne or more of highly flammable liquid, liquefied flammable gas, flammable gas or flammable liquid above its boiling point from any system plant or pipe-line.
6. The collapse or partial collapse of any scaffold more than five metres high which results in a substantial part of the scaffold falling or overturning, including, where the scaffold is slung or suspended, a collapse or part collapse of the suspension arrangements (including an outrigger) which causes a working platform or cradle to fall more than five metres.
7. Any unintended collapse or partial collapse of:
 - (a) any building or structure under construction, reconstruction alteration or demolition, or of any false-work, involving a fall of more than five tonnes of material: or
 - (b) any floor or wall of any building being used as a place of work, not being a building under construction, reconstruction, alteration or demolition.
8. The uncontrolled or accidental release or the escape of any substance or pathogen from any apparatus, equipment, pipework, pipe-line, process

- plant, storage vessel, tank, in-works conveyance tanker, land-fill site, or exploratory land-drilling site, which, having regard to the nature of the substance or pathogen and the extent and location of the release or escape, might have been liable to cause serious injury to any person.
9. Any unintentional ignition or explosion of explosives.
 10. The failure of any container or of any load-bearing part thereof while it is being raised, lowered or suspended.
 11. Either of the following incidents in relation to a pipe-line:
 - (a) the bursting, explosion or collapse of a pipe-line or any part thereof:
 - (b) the unintentional ignition of anything in a pipe-line, or of anything which immediately before it was ignited was in a pipeline.
 12. (1) Any incident in which a container, tank, tank vehicle, tank semi-trailer, tank trailer or tank-container being used for conveying a dangerous substance by road:
 - (i) overturns: or
 - (ii) suffers damage to the package or tank in which the dangerous substance is being conveyed.
 - (2) Any incident involving a vehicle carrying a dangerous substance by road, where there is-
 - (i) an uncontrolled release or escape from any package or container of the dangerous substance or dangerous preparation being conveyed; or
 - (ii) a fire which involves the dangerous substance or dangerous preparation being conveyed.
 13. Any incident where breathing apparatus while being used to enable the wearer to breathe independently of the surrounding environment malfunctions in such a way as to be likely either to deprive the wearer of oxygen or, in the case of use in a contaminated atmosphere, to expose the wearer to the contaminant to the extent in either case of posing a danger to his health, but excluding such apparatus while it is being used in a mine or is being maintained or tested.
 14. Any incident in which plant or equipment either comes into contact with an overhead electric line in which the voltage exceeds 200 volts, or causes an electrical discharge from such electric line by coming into close proximity to it, unless in either case the incident was intentional.

15. Any accidental collision between a locomotive or a train and any other vehicle at a factory or at dock premises.
16. The bursting of a revolving vessel, wheel, grindstone, or grinding wheel moved by mechanical power.

(Part Ten (X) General Applications Regulations 1993)

Employer

An employer is a person with whom an employee has a (verbal or written) contract of employment.

Employee

A person who has entered work under a contract of employment, whether permanent, fixed-term or temporary.

Hazard

Simply put: a hazard is “anything” that has the potential to cause harm.

Improvement plan

Means a plan required to be submitted under Section 65 of the 2005 Act.

Improvement notice

Means a notice served under Section 66.

Intoxicant

Alcohol or drugs, including any combination of drugs including alcohol and drugs.
or
Alcohol or drugs, (including prescribed drugs), or any combination of the two.

Joint Health and Safety agreement:

Is an agreement between a trade union of workers and a trade union of employers on matters relating to safety health and welfare.

Prohibition notice:

Where an inspector of the Authority deems that a work activity, or part of a work activity, should be stopped (prohibited) due to the significant risk it presents, this notice is issued under Section 67.

Reasonably practicable: summary

In relation to the duties of an employer, the employer has exercised all due care by putting in place the necessary protective and preventative 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 and where putting in place any further measure is grossly disproportionate having regard to the unusual, unforeseeable, and exceptional nature of any circumstances or occurrence that may result in an accident at work or injury to health at that place of work.

Risk:

Risk is the likelihood of the harm occurring.

Statutory instrument:

From time to time regulations are brought into effect by the Minister to facilitate the management and control of specific hazards. The regulations are introduced by statutory instrument (S.I.) and will have a specific number attached to them e.g. Safety Health and Welfare at Work (General Applications) Regulations 2007 (S.I. 299 of 2007).

3. ORIGIN CURRENT SAFETY, HEALTH AND WELFARE LEGISLATION

Safety Health and Welfare legislation in Ireland was provided through a myriad of different Acts and regulations. The more significant Acts were published in the last century although some were published prior to this. A sample of the earlier legislation includes:

Boiler Explosions Act 1890
Factories Act 1955
Office Premises Act 1958
Mines and Quarries Act 1965
European Communities Act 1972
Dangerous Substances Act 1972 & 1979
Safety in Industry Act 1980

In 1983 the Barrington commission was set up. One of its aims was to implement “ *mechanisms to allow workers to defend their interests in safety and health*”. The consultation process set up through the Barrington Commission involved Trade Unions, Employers, industry sector professionals, clinical professionals, government representatives of the various departments, and other stakeholders involved.

The Safety Health and Welfare Act of 1989 was the result of this process. The 1989 Act was to be supplemented by regulations made by Ministerial order from time to time as the requirement became apparent. The General Applications regulations of 1993 were such a set of Regulations (SI.44).

The 1989 Act has since been reviewed as have the General Applications Regulations of 1993. The primary Act now governing safety health and welfare at work is the Safety Health and Welfare at Work Act 2005. The primary set of regulations is the Safety Health and Welfare at Work (General Applications) Regulations 2007 (S.I.299/2007). There are other regulations. However there are some 175 regulations covered in the 2007 General Applications Regulations.

- Part ten (x) of the 1993 General Applications Regulations is still in force and relates to how and when accidents and dangerous occurrences should be reported to the Health and Safety Authority.

4. SAFETY, HEALTH AND WELFARE AT WORK ACT 2005

There are a number of aspects of the 2005 Act (and its predecessor the 1989 Act) that assist workers in achieving a safer place of work. Older legislation covered various types, sectors, and activities. The 2005 Act covers all places of work. It also imposes duties on all those within the place of work and on those that interface with the workplace. The Act recognises the responsibility of employers and specifically requires that employers “manage and conduct activities” in as safe a manner as is reasonably practicable.

It also provided a method of managing safety health and welfare at work. The Act requires that a safety statement must be provided in writing stating how safety health and welfare is to be managed. A process of hazard identification must take place and risks must be assessed. Those that are responsible for managing safety health and welfare must be named, delegated and trained in the process.

The rating of the risks must take into consideration the regulations affecting the activity and must eliminate the risks where possible. Where it is not possible eliminate, the employer must reduce, through control measures, the risks to as low a level as is possible. The risk assessment must also take account of the workers inputs, through a process of consultation.

The Safety Health and Welfare at Work Act 2005 is supplemented by regulations and the Act enables new regulations to be implemented by Ministerial Order as the requirement arises. The Act also recognises the impact of manufacturer’s, designers, suppliers, contractors and others that interface with workplaces and imposes duties on them to ensure as safe a workplace as is reasonably practicable as can be achieved.

The role and the rights of the safety representative is enshrined in this legislation and are clearly laid out in Section 25 & 26 of the SHWW Act 2005.

5. EMPLOYER'S GENERAL DUTIES: SHWW ACT 2005 – SECTION 8

The SHWW Act 2005 imposes both general and specific duties on employer's operating a place of work. Employer's must "as far as is reasonably practicable" ensure the safety health and welfare of their employees.

Employers must manage and conduct activities:

General duties Most of these duties have the "so far as is reasonably practicable" proviso included:

- Design, provide and maintain workplaces that are safe and without risk to health.
- Provide safe means of access and egress.
- Design, provide and maintain safe plant and machinery that does not pose a risk to health.
- Prevent risks to health from articles or / and substances, noise, vibration, or ionising or other radiations or physical agents.
- Provide safe systems of work, which are planned, organised, performed, maintained and revised as appropriate.
- Provide and maintain welfare facilities.
- Provide information, training, instruction, and supervision in a language that is understood by his or her employees.
- Identify the hazards in the workplace and assess the risks presented by the hazards and take measures to control the risks, if possible by eliminating them and if elimination is not possible then by reducing the risk to a minimum and the last option is the provision of personal protective equipment (PPE).
- Prepare emergency plans.
- Report accidents involving more that three days absence from work of an employee and dangerous occurrences to the Health and Safety Authority.
- Appoint competent person/s to advise on matters affecting safety health and welfare.
- prevent improper conduct e.g. bullying, harassment and horseplay.

6. EMPLOYEES DUTIES: SHWW ACT 2005: SECTION 13 & 14

In keeping with the ethos of the Act, all involved in work activities have responsibility relating to safety health and welfare at work. Employees have a set of prescribed duties under this legislation that are also enforceable through the Act.

The duties of employees are very much in line with “common sense” in the workplace. The primary duties as listed in Section 13 & 14 of the Act are:

- Comply with safety health and welfare legislation.
- Take reasonable care of their own and others safety health and welfare who may be affected by their actions in the workplace.
- Ensure that they are not under the influence of an intoxicant, to the extent that they endanger themselves or others in the place of work.
- Co-operate with their employer to enable the employer provide a safe place of work and comply with safety health and welfare legislation.
- Attend training and undergo any assessment of training required by the employer or by safety health and welfare legislation.
- Not to engage in improper conduct or behaviour that is likely to endanger their own or others safety health and welfare e.g. horseplay.
- Use articles and substances correctly that are provided to ensure the safety health and welfare of employees e.g. personal protective equipment (PPE).
- Report to his employer anything that might cause injury to himself, his fellow workers or anyone else.

7. EMPLOYER'S DUTIES: SAFETY STATEMENT: (SECTION 20)

A Safety Statement must be prepared by the employer to illustrate how Safety, health and welfare is to be managed within the enterprise. The document must clearly identify the following:

- Those responsible for managing safety health and welfare.
- Method / manner in which safety health and welfare is to be managed.
- Specify hazards identified and risk assessments.
- Co-operation required by employees and contractors to ensure compliance.
- Resources provided to ensure safety health and welfare is managed.
- Plans, procedures in event of emergency.
- Consultation process that is in place with employees.
- Others who may be exposed by the work activities.

He must also bring the safety statement to the attention of employees and to newly recruited employees at least annually in a form, manner and language that is appropriate.

8. HAZARD IDENTIFICATION AND RISK ASSESSMENT (SECTION 19)

Hazard: anything that has the potential to cause harm

Employer's must carry out a systematic hazard identification and risk assessment process. The objective of this process is:

- To enable the employer to be aware of what risks are present in the workplace.
- To enable the employer to assess the risks.
- To enable the employer to eliminate the risks.
- Where the risks cannot be eliminated to enable the employer to control the risks.
- To provide protective and preventative methods to eliminate or reduce the risks presented.

All hazards that present significant risk must be identified within the place of work. The main categories of hazards at work are:

- ▶ Physical hazards: manual handling, slips, trips, falls, fire, electricity.
- ▶ Chemical hazards: poisoning, explosion.
- ▶ Biological hazards: bacteria, viruses, Hepatitis.
- ▶ Ergonomic hazards: injury due to poor workplace design.

Sensitive risk groups such as young persons, pregnant, post natal and breastfeeding employees and shift workers may be more sensitive to certain hazards.

9. RISK ASSESSMENT: SECTION 19

Risk: *“the likelihood of the hazard causing the harm together with the seriousness of the harm”*

All significant hazards at the place of work that present risk must be risk assessed. This means that a method of rating the risks must be used within the employment to ensure a clear picture of what the hazards are and what personal injury or illness they may present in the workplace. The relevant statutory provisions for each hazard must be taken into consideration in conjunction with the work activity. The risks, having been rated, must have the principles of prevention applied to them.

10. PRINCIPLES OF PREVENTION

- Avoidance of risk: Elimination.
- Evaluation of unavoidable risk.
- Combating of risks at source.
- Adaption of work to the individual.
- Adaption of place of work to technical progress.
- Replacement of dangerous articles, substances, by safe or less dangerous articles or substances: Substitution.
- Giving priority to collective measures over individual measures.
- Development of adequate prevention policies.
- Providing appropriate training and instruction.

CONTROL MEASURES

Control Measure: *“any measure that is put in place to reduce the risk or control a hazard”*

Other descriptions used:

- safe system of work.
- standard operating procedure (SOP).

Control measures are measures that are used to control hazards that cannot be eliminated to reduce the risk and “manage” the activity to ensure a safe place of work.

11. DIRECTOR'S AND OFFICERS OF UNDERTAKING: SECTION 80

Directors of an employment are ultimately responsible for the management of safety health and welfare in that employment. *“Where an offence under any of the relevant statutory provisions has been committed by an undertaking and the doing of the acts that constituted that offence has been authorised, or consented to by, or is attributable to connivance or neglect on the part of a person, being a director, manager, or other similar officer of the undertaking, or a person who purports to act in such capacity, that person as well as the undertaking shall be guilty of an offence and shall be liable to be prosecuted against and punished as if he or she were guilty of the first mentioned offence”*

(Safety, Health and Welfare at Work Act 2005)

This section of the Act requires proof as with any other offence. The section highlights the responsibility of the organisation, the directors, the managers and any others who may be acting as managers or with responsibility.

“Managers should be able to demonstrate that they did all that was required of them.”

This section of the act is likely to be used on a more regular basis to prosecute in cases of negligence to enforce the principle of *“managing and conducting” work activities in as safe a manner as is reasonably practicable.*

12. OTHERS WITH DUTIES: SECTION 16

Manufacturers, Designers, Importers and Suppliers of articles and substances

As already identified in this guide, the main duties for ensuring that as safe a place of work is provided as is reasonably practicable, rests with the employer, in the main. However, The SHWW Act 2005 also provides for the duties of those that may have an affect on matters of safety health and welfare in work. These duties apply to manufacturers, designers, suppliers and importers of articles and substances. They are to be found in Section 16 of the 2005 Act.

13. GENERAL APPLICATIONS REGULATIONS 2007

The General Applications Regulations of 2007 are the primary suite of legislation that are used to provide specific regulation regarding workplace hazards. The area of work and work activities covered in detail include:

- Workplace
- Use of work equipment
- Personal Protective Equipment
- Manual Handling of loads
- Display Screen equipment
- Electricity
- Work at heights
- Control of Noise at work
- Control of Vibration at work
- Sensitive risk groups
- Safety signs
- First aid
- Explosive Atmospheres

These regulations provide detailed requirements for each of the above and for many individual hazards that come under each heading.

14. CODES OF PRACTICE: SECTION 60

A code of practice (CoP) is a set of practical guidelines that is produced by the Health and Safety Authority (in consultation with competent persons from industry and social partners) to assist with the implementation of safe working practice for work activities that present high risk. In addition, the H.S.A. may approve Codes of Practice from other bodies. A CoP, so approved, will have the same legal status as a CoP produced by the H.S.A. If an activity has a code of practice in place for its safe operation e.g. scaffolding code of practice, the Health and Safety Authority expect the code to be used and evidenced in the place of work.

If a work activity has a code of practice that applies to it you can be sure that the activity does present significant risk of ill health, injury or a fatality.

If an accident should occur relating to the work activity and the code of practice or an equivalent standard was not implemented, the failure to use the relevant code of practice may be cited as evidence of poor safety management or / and negligence.

Examples of codes of practice:

- Scaffolding
- Roofwork
- Avoiding dangers from underground services

15: ENFORCEMENT (SECTION 64-71 SHWW ACT 2005)

Enforcement of the Safety Health and Welfare at Work Act 2005 is provided for in Sections 64-71 of the Act. A brief description of the most commonly used methods of enforcement are outlined below (a detailed description of the requirements of the enforcement legislation can be found in the relevant sections of the Act).

Direction for Improvement Plan: Section 65

Issued when an inspector is of the opinion that improvement is needed in the system of work, or that a work activity is likely to cause an accident or injury. The employer must provide a plan for the improvement in managing safety health and welfare within a specified time frame.

Improvement Notice: Section 66

Issued in the case of a breach of statutory duty that must be rectified within a specified timeframe e.g. breach of the Safety Health and Welfare at Work Act 2005 or associated regulations, or if the employer has failed to comply with a direction for an improvement plan.

Prohibition Notice: Section 67

A prohibition notice is issued prohibiting a work activity or part of a work activity, or any activity that is likely to involve a risk of significant personal injury. The notice remains in place until the inspector is satisfied that the situation is rectified.

16. CONSTRUCTION

The work activities in construction are amongst the highest risk activities of all sectors. Each year there are a significant number of construction workers killed at work. There are many more injured in the workplace. Many of the work activities in construction have specific regulations governing them. This highlights the fact that the activity is high risk. Some of the activities also have codes of practice that apply to them.

Safety Representatives in Construction:

The election / selection of safety representatives in the construction industry is more detailed and involved than in general industry. This difference is in recognition of the number of fatalities and serious injuries within the industry over a number of years. The employer must, through their Project Supervisor for Construction, facilitate and coordinate the process and ensure that a site safety representative is elected /selected, where more than 20 workers are on site.

The project supervisor must coordinate this process if the workers do not elect or select a safety representative themselves. If this is not possible the Project Supervisor must nominate a provisional safety representative. The principal behind this process is a provision in the construction regulations and is so, due to arrangements made between the social partners through the construction safety partnership.

In addition each employee on site has a right to put him/herself forward for selection as safety representative covering his own employer's activities. A safety rep for each employer is optional, while the selection of a site safety rep to represent all workers is mandatory for all sites with more than 20 workers. (See Section 19 of these Guidelines)

Sample of hazards in construction:

- Working at heights.
- Electricity, overhead power lines underground cables installing and maintaining electrical supplies.
- Hand held / portable equipment.
- Excavations and confined spaces.
- Vehicles on site.
- Noise and Vibration.
- Manual Handling.

- Exposure to sewage or infectious diseases.
- Workshop machinery.

Sample of risks in construction

- Electrical shock
- Suffocation
- Falls
- Impact of vehicles
- Entrapment
- Hearing loss
- Vibration white finger
- Muscle, bone, back, musculoskeletal injury
- Dermatitis
- Weil's disease
- Injury caused by entanglement
- Amputation

When carrying out any hazardous work activity in construction check that:

- ▶ The activity is named in the safety statement and identified in a written risk assessment.
- ▶ If the hazard could not be eliminated, that relevant control measures are in place, clearly understood, and that training has taken place to ensure same.
- ▶ **The Safety, Health and Welfare at Work Act 2005 has been complied with.**
- ▶ **The 2007 General Applications Regulations and the 2006 Construction Regulations have been complied with.**
- ▶ Any code of practice that may be in place is being applied e.g. scaffolding.

17. ELECTRICITY

Electricity is a hazard that presents significant risk of serious injury and fatality to workers. Exposure to electricity rarely results in minor injury.

Electricity does not give second chances. Most years there is at least one person killed at work by electricity.

When carrying out any hazardous work activity involving electricity ensure that:

- The activity is named in the Safety Statement and identified in a written risk assessment.
- If the hazard could not be eliminated that relevant control measures are in place, clearly understood, and that training has taken place to ensure same.
- **The Safety, Health and Welfare at Work Act 2005 has been applied.**
- **The General Applications Regulations 2007 part 3 (electricity) have been complied with.**
- Any other relevant regulations / code of practice has been applied.

18. PLANT AND EQUIPMENT

Accidents and injuries relating to the use of plant and equipment can be serious and are sometimes fatal. The types and volume of plant and equipment being used in industry is on the increase. The need for vigilance in working with such hazards cannot be over estimated.

Examples of factors that contribute to raising the level of risk are:

- the supply of inappropriate equipment.
- use of inappropriate equipment.
- lack of adequate training instruction and supervision.
- failing to comply with training or control measures.
- inadequate maintenance of equipment.
- improper use of equipment.

- the failure to provide appropriate guarding.
- the removal of guarding.

When working with plant, equipment ensure that:

- The activity is named in the Safety Statement and identified in a written risk assessment.
- If the hazard could not be eliminated that relevant control measures are in place, clearly understood, and that training has taken place to ensure same.
- **The Safety, Health and Welfare at Work Act 2005 has been complied with.**
- **The general applications regulations 2007 part 2 (Use of work equipment) has been complied with.**
- Any other relevant regulations / code of practice has been applied.

19. SELECTION AND ROLE OF THE SAFETY REPRESENTATIVE: SECTION 25

Employees may select / appoint from amongst their number a safety representative (more than one depending on agreement with the employer and should take into consideration the work activities, the numbers of employees and the nature of the employment) to make representations on matters affecting safety, health and welfare.

The role of the safety representative is one of ***“making representations on matters relating to the safety health and welfare of employees to the employer”***. ***The safety representative is entitled to be consulted on matters affecting the safety health and welfare of the employees.***

(Safety, Health and Welfare at Work Act)

To facilitate the carrying out of this role, the safety representative has “rights” enshrined in the SHWW Act 2005 to enable him /her to carry out the role.

20. RIGHTS OF THE SAFETY REPRESENTATIVE

SECTION 25 SHWW 2005

- To inspect the place of work subject to giving reasonable notice to his employer.
- To investigate accidents / dangerous occurrences.
- To investigate complaints.
- To be informed of an inspection by an inspector of the Health and Safety Authority.
- To accompany an inspector on an inspection unless it is for the purpose of investigating an accident (inspector discretion in this scenario).
- To make representations to an inspector (oral or written).
- To receive advice and information from an inspector.
- To consult and liaise with other safety representatives.
- To reasonable time off work relating to education and training regarding the role.
- To reasonable time off to carry out the role of a safety representative.
- Not to be discriminated against because of the carrying out of the role.

Consultation & Safety Committees: Section 26

Employers must consult with their employees in ***“advance and in good time”*** in order to:

- Ensure that employees are aware of measures to be implemented which may substantially affect safety health and welfare.
- Name employees who are responsible for ensuring that emergency plans and procedures are carried out, if required (to include plans to manage serious or imminent danger).
- Ensure that employees are aware of activities arising related to the protection from, and the prevention of risks to safety, health and welfare.
- Ensure that employees are aware of the process of hazard identification and risk assessment.

- Ensure that employees are aware of, and can contribute their representations to the preparation of the Safety Statement.
 - Ensure that relevant information is provided to employees.
 - Ensure that information relating to accidents and dangerous occurrences is made available to employees (and forwarded to the Authority).
 - Ensure that employees are aware of the appointment of a competent person to perform functions relating to the protective and preventative measures.
 - Ensure that employees are aware of the planning and organisation of training and the introduction of new technologies (particularly relating to the consequences of new equipment).
 - Facilitate employees right to make representations relating to safety health and welfare.
- Employers and employees can agree to form a safety committee at the place of work to fulfil the requirements for consultations. Such a committee should have balanced representation.
 - Employers must consider representations made by employees.
 - Employees engaged in such committees must be allowed reasonable time off without loss of remuneration to A. fulfil the function and B. To acquire knowledge relating to the discharge of the function.

Joint Safety and Health Agreements: Section 24

A trade union of employees representing a class or classes of employees may enter into agreement with a trade union of employers on matters affecting safety health and welfare. This agreement is called a Joint Safety and Health Agreement.

The parties can apply to the Health and Safety Authority for approval of the agreement or part of the agreement. The conditions for approval and implementation are set out in Section 24 of the Act.

TEEU believes that where appropriate agreements to promote Safety, Health and Welfare at Work can make a positive contribution and should be put in place.

21. TRAINING FOR SAFETY REPRESENTATIVES

It is essential that all Safety Representatives have the knowledge and skills necessary to perform their function effectively.

It is the policy of the TEEU that Safety Representatives are afforded every opportunity, without loss of earnings to improve their knowledge and skills through training and development to enable them to effectively carryout their role and to contribute to safety, health and welfare at their place of work.

22. QUESTIONS TO BE ASKED WHEN ADDRESSING HAZARDS AT WORK

When you are presented with a hazard in your place of work the key questions you should ask are:

1. SAFETY STATEMENT

The Safety Statement:

- Is there a Safety Statement in place for the activities and the organisation?
- If not why not? (SHWW Act 2005 Section 20)
- If yes, is it an adequate safety statement?
- Does it clearly identify responsible persons for managing safety health and welfare?
- Does it clearly lay out the manner in that safety health and welfare is to be managed at your place of employment with regard to the work activities involved?
- Does it clearly identify the work activity?

2. Risk Assessment

Risk Assessment:

- Was there a risk assessment carried out?
- If not why not? (SHWW Act 2005 Section 19)
- If yes, was it carried out by a competent person?
- Does the risk have a risk rating assigned to it?

- Was there consultation at the place of work when carrying out the risk assessment?
- Is the activity or work process the same now as it was when the risk assessment was carried out?
- Were the relevant regulations /statutory requirements applied?

3. Control Measures

Control Measures:

- Could the hazard have been eliminated?
- Are there control measures in place for the activity?
- Are they adequate control measures?
- Was information training instruction provided where required?
- If not, why not?
- Is there supervision of the work activities to ensure compliance with safe work procedures / control measures?

The answers to these questions will give you a quick and accurate guide as to whether the hazard/s are being managed adequately and in compliance with the duties of the employer.

HEALTH AND SAFETY CONTACTS

HEALTH & SAFETY AUTHORITY

Metropolitan Building,
James Joyce Street, Dublin 1

Phone: 1890 289389

Email: wcu@hsa.ie

Web: www.hsa.ie

EUROPEAN AGENCY FOR SAFETY & HEALTH AT WORK

Web: www.osha.europa.eu

NATIONAL IRISH SAFETY ORGANISATION,

A11 Calmount Park,
Calmount Avenue,
Ballymount,
Dublin 12.

Phone: 01 465 9760

Email: info@niso.ie

Web: www.niso.ie

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23 Sullivan's Quay, Cork

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Fax: 021 4319 038

Email: cork@teeu.ie

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Fax: 061 412 434

Email: limerick@teeu.ie

REGION 6

North West

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Forster Court, Forster Place, Galway

Phone: 091 533 606

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Email: galway@teeu.ie

ESB NATIONAL INDUSTRIAL OFFICE

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ETOS

TEEU Training & Development

6 Gardiner Row, Dublin 1

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GENERAL CONTACTS

EPACE

1 Knockmitten Close,
Western Industrial Estate, Dublin 12

Phone: 01 429 7984

Email: info@epace.ie

Web: www.epace.ie

IRISH CONGRESS OF TRADE UNIONS

31-32 Parnell Square, Dublin 1

Phone: 01 889 7777

Email: congress@ictu.ie

Web: www.ictu.ie

DEPT OF ENTERPRISE, TRADE & EMPLOYMENT

Davitt House, 65A Adelaide Rd, Dublin 2

Phone: 01 631 2121

Email: info@entemp.ie

Web: www.entemp.ie

NATIONAL EMPLOYMENT RIGHTS AUTHORITY (NERA),

Government Buildings, O'Brien Road, Carlow

Phone: Lo-Call 1890 80 80 90

Email: info@employmentrights.ie

Web: www.employmentrights.ie

EMPLOYMENT APPEALS TRIBUNAL

Davitt House,
65A Adelaide Rd, Dublin 2

Phone: 01 613 6700

Lo Call 1890 220 222

Email: info@entemp.ie

Web: www.entemp.ie

EQUALITY AUTHORITY

2 Clonmel Street,
Dublin 2

Phone: 01 417 3333

Lo-Call 1890 245 545

Email: info@equality.ie

Web: www.equality.ie

LABOUR COURT

Tom Johnson House,
Haddington Road, Dublin 4

Phone: 01 613 6666

Lo-Call 1890 220 228

Email: info@labourcourt.ie

Web: www.labourcourt.ie

LABOUR RELATIONS COMMISSION

Tom Johnson House, Haddington Road,
Dublin 4

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Lo-Call 1890 220 227

Email: info@lrc.ie

Web: www.lrc.ie

RIGHTS COMMISSIONERS

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Haddington Road, Dublin 4

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27-33 Upper Baggot Street, Dublin 4.

Phone: 01 607 0500

Web: www.fas.ie

DATA PROTECTION COMMISSIONER

Block 6, Irish Life Centre,
Lower Abbey Street, Dublin 1.

Phone: 01 874 8544

Email: info@dataprotection.ie

Web: www.dataprotection.ie

FREEDOM OF INFORMATION OMBUDSMAN

18 Lower Leeson Street, Dublin 2

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Lo-Call: 1890 223 030

Web: www.ombudsman.ie

Email: ombudsman@ombudsman.gov.ie

THE PENSIONS BOARD

Verschoyle House,
28/30 Lower Mount Street,
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Phone: (01) 613 1900

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Email: info@pensionsboard.ie

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