

Health & Safety eAlert

New health and safety obligations for employers from 1 November 2007

The Health & Safety Authority (HSA) have recently reported that so far this year 59 people have lost their lives in workplace accidents with almost 6,000 non-fatal injuries reported to the HSA to date. Health and safety in the workplace is a critical issue for employers and improving health and safety practices within the workplace requires the full commitment and input of directors and senior management.

The introduction of the *Safety, Health and Welfare at Work Act 2005* (the 2005 Act) marked a new era in imposing amongst other things, personal liability on company directors and senior managers in the event of a breach of health and safety law. There are serious implications for those found in breach of the 2005 Act and the **Safety, Health and Welfare at Work (General Application) Regulations 2007** (the 2007 Regulations). The 2007 Regulations came into force on 1 November 2007 and penalty for breach of same include a fine of up to €3,000 and / or up to six months imprisonment on

summary conviction and a fine of up to €3,000,000 and or imprisonment of up to two years for more serious offences.

The 2007 Regulations replace, simplify and update 25 existing sets of regulations and orders and apply generally to all types of employment. In summary, the 2007 Regulations deal with the following issues:

1. Workplaces and work equipment
2. Personal protective equipment
3. Manual handling of loads
4. Display screen equipment
5. Electricity
6. Working at a height
7. Noise and vibration
8. Children and young persons
9. Pregnant, post natal and breastfeeding employees
10. Night and shift work
11. Safety signs
12. First-aid
13. Explosive atmospheres.

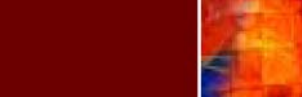
Important changes

Employers are now required to ensure that they comply with very specific regulations in relation to workplace environments which were formally dealt with by way of guidance notes.

For example, for sedentary work, such as office work, the workstation temperature must be at least 17.5 degrees centigrade for the first hour and at least 16 degrees centigrade thereafter. Seating must be provided for any worker undertaking tasks which can be done seated - for example, for employees operating cash registers.

Employers such as hoteliers who provide living accommodation at their place of work should note the new provisions in relation to the minimum standards of such accommodation.

New duties under the manual handling provisions include the duty of employers to ensure that particularly sensitive risk groups of employees are protected



against the dangers of manual handling of loads and include a requirement to carry out health surveillance in relation to manual handling. Sensitive risk groups are defined as including young persons and children, pregnant employees and night workers and shift workers.

Employers in the construction industry in particular should note the changes relating to working near overhead lines, the design and construction of scaffolds and the new provisions in relation to safety signs not containing text, in order to ensure that they are easily understood by our multicultural workforce.

Other important changes relate to fire and fire fighting, the periodic examination of work equipment subject to deterioration, and the extension of regulations relating to lifting equipment to all places of work.

Conclusion

It is important to note that the standard of compliance which is applied to company directors and senior managers is compliance 'in so far as is reasonably practicable'. Prosecutions brought under the 2005 Act to date have revealed that this is quite a high standard for employers to achieve.

It is therefore extremely important that company directors and senior managers fully acquaint themselves with the health and safety obligations pertaining to their business and invest appropriate time and resources in health and safety management including, assessing all potential risks within the work environment and ensuring that appropriate systems are put in place to ensure the health and safety of all employees.

For more information in relation to the 2007 Regulations and all applicable health and safety legislation please contact Jennifer Clarke at jclarke@lkshields.ie



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