



HEALTH AND SAFETY
AUTHORITY

'11

Annual Report | 2011



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Foreword by the Chief Executive



Martin O'Halloran
Chief Executive

2011 was another challenging year for the Authority and also a year of achievement. Our approach during 2011 was to work by supporting Irish enterprises in their efforts to protect the safety and health of workers and to promote the safe use of chemicals. This was achieved by adopting an advisory approach for most inspections and by providing direct and helpful information to enterprises.

As part of the Authority's advisory service over half a million guidance documents were downloaded from our web-site and 27,000 people were assisted through our customer contact centre.

A key achievement during 2011 was the reduction of administrative burden through the Taking Care of Business and BeSMART programmes. These programmes provide simple information and risk assessment tools to small employers to help them to manage safety and health in a straight-forward and common-sense way.

Inspections concentrated on sectors and employers where there were high rates of injury or a history of poor compliance. The majority of employers inspected were making efforts to protect the safety and health of workers but Authority inspectors encountered some workplaces where the conditions posed unacceptable risks to employees and members of the public. Formal enforcement action was required in 7% of inspections during 2011.

Over 500 enforcement notices were served requiring improvements to be made, to ensure legal compliance, but conditions were so bad in a further 436 workplaces inspected that particular work activities had to be prohibited until necessary improvements were made.

Thirty two prosecution cases were heard during 2011 and of these 5 individuals received prison sentences that were suspended and one prison sentence was substituted for community service. Fines totalling €819,700 were imposed.

Authority staff also represented Irish interests at a wide range of EU and UN fora in relation to safety, health, chemicals and product safety. This work enabled Irish input into the legislative development process at EU level to ensure that such developments took account of national conditions and priorities.

The staff of the Authority achieved all their targets in delivering what was a challenging work programme. This was made all the more challenging through the reductions in staff and budgets that have had to be made. Staff and management in the Authority have co-operated in the implementation of changes in work practices to achieve cost savings and greater responsiveness as part of the Croke Park Agreement process.



Role of the Health and Safety Authority

The Health and Safety Authority is the national statutory body with responsibility for enforcing occupational safety and health law, promoting and encouraging accident prevention, and providing information and advice to all companies, organisations and individuals. The Authority is also the national Competent Authority for REACH (Registration, Evaluation, Authorisation and Restriction of Chemicals) and other chemicals legislation. The Authority deals with every size of workplace in every economic sector.

The Board, with the Minister's approval, establishes the Authority's strategy and policies. The Executive Team leads the implementation of annual programmes of work in line with the Authority's statutory responsibilities and policies set out by the Board.

The Authority has made a commitment in its Statement of Strategy 2010–2012 to achieve six goals:

- A. To enable employers, employees and other duty holders to reduce risks to safety, health and welfare.
- B. To motivate and gain commitment to having safe and healthy workplaces which support success in all enterprises.
- C. To support the Minister for Enterprise, Trade and Innovation in the initiation and development of appropriate legislation and policies.
- D. To hold accountable those who disregard their duties and responsibilities for occupational safety, health and welfare.
- E. To promote the safe and sustainable management of chemicals.
- F. To ensure the Authority is effective in achieving its goals and delivering value for money.

The programme of work for 2011 continued the implementation of a range of activities to achieve these goals. This report outlines the Authority's key achievements in 2011 in each of the four divisional work programmes.



Board of the Authority

The Board determines Authority's operational policy. It comprises twelve members: a chairperson and eleven members appointed by the Minister. The Minister appoints members nominated by organisations which are representative of the social partners and other interests associated with occupational safety and health, including employees, employers and other bodies. The appointments are for a term of three years in a part-time capacity.

A new Board of the Authority was appointed on 20 December 2010 by the Minister for Labour Affairs and Public Service Transformation, Dara Calleary, TD.

Chairperson

Michael Horgan, former Chief Executive,
Royal College of Surgeons of Ireland

Employer Nominees

George Brett, Director, Environment, Health
and Safety and Sustainability Europe,
Bausch and Lomb

Marian Byron (Deputy Chairperson),
Director, Industrial Products and Services
Group, Irish Business and Employers
Confederation (IBEC)

Dermot Carey, Head of Safety Services,
Construction Industry Federation (CIF)

Employee Nominees

Eamon Devoy, General Secretary, Technical
Engineering and Electrical Union (TEEU)

Esther Lynch, Legal and Social Affairs, Irish
Congress of Trade Unions (ICTU)

Dessie Robinson, Assistant General
Secretary, IMPACT

Minister's Nominees

Mary Bohan

John Byrne

Des Mahon

Dan O Connell

Francis Rochford, Department of Jobs,
Enterprise and Innovation

Board Member

Michael Horgan

George Brett

Marion Byron

Dermot Carey

Eamon Devoy

Esther Lynch

Dessie Robinson

Mary Bohan

John Byrne

Des Mahon

Dan O Connell

Francis Rochford

Board Meetings Attended (out of 9)

8

9

9

9

7

8

6

9

8

8

8

9



Chairman



Michael Horgan
*former Chief Executive,
Royal College of
Surgeons of Ireland*

Employer Nominees



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*Director, Environment,
Health and Safety and
Sustainability Europe,
Bausch and Lomb*



Marian Byron
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Employers Confederation
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*Head of Safety Services,
Construction Industry
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*General Secretary,
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and Electrical Union
(TEEU)*



Esther Lynch
*Legal and Social Affairs,
Irish Congress of Trade
Unions (ICTU)*



Dessie Robinson
*Assistant General
Secretary, IMPACT*

Minister Nominees



Mary Bohan



John Byrne



Des Mahon



Dan O Connell



Francis Rochford
*Department of Jobs,
Enterprise and
Innovation*



Executive Management Team

The Authority employs inspectors, professional specialists, administrators and clerical staff. The Authority met its Employee Control Framework target staffing level of 184 at the end of 2011.

The Chief Executive Officer manages the implementation of strategy in line with the Authority's statutory responsibilities and policies set out by the Board. The organisation is structured in four Units headed by Assistant Chief Executives as follows:

CEO
Martin O'Halloran



Assistant Chief Executive
Compliance and Advice
Brian Higginson



Assistant Chief Executive
Chemicals Policy & Services
Sharon McGuinness



Assistant Chief Executive
Prevention Services
Mary Dorgan



Assistant Chief Executive
Corporate Services
Robert Roe



Achievements in 2011 – Workplace Compliance and Advice Programme

The Authority delivered a focused inspection programme targeted at high risk sectors and hazards. As in previous years, workplaces were selected for inspection using a risk-based system which took account of the key known safety and health risks, the level of risk in the sector, rates of injury and ill health, rates of complaint and previous levels of compliance. Through the inspection process, our inspectors enabled employers, employees and other duty holders understand their role and duties in achieving safer and healthier workplaces. A total of 15,340 inspections and investigations were undertaken by the Authority in 2011.

The approach used by the Authority in its inspection programs is one based on support and advice where possible, and enforcement where necessary. We used a range of responses during inspections in 2011 and sought to acknowledge those employers who demonstrated willingness to meet their duties under safety and health legislation and allow them to meet

“The approach used by the Authority in its inspection programs is one based on support and advice where possible, and enforcement where necessary.”

their responsibility in the most practical way. In total, verbal advice (only) was provided in 30% (4,638) of inspections. In a further 38% (5,861) cases verbal advice was supported by written advice which included details of the specific issues needing attention.

However, the Authority continued to encounter employers who allowed workplace conditions that pose serious risk of injury or ill health to themselves, their employees and members of the public. In such situations immediate remedial actions were required and **formal enforcement** actions were initiated in 7 % of inspections in 2011. There were 535 Improvement Notices and 436 Prohibition Notices issued to address specific activities. In addition, the safety and health standards observed in 13 locations were deemed so poor as to warrant an agreed closure. Under the Transportation of Hazardous Substances Regulation, 74 on-the-spot fines were issued. The Authority used the ultimate sanction of prosecution in 2011 with 32 prosecutions completed successfully: ten summary and 22 on indictment (see details in Appendix B). In addition, a further 35 files were sent to the Director of Public Prosecutions for direction. Sentences in successful prosecutions resulted in total fines of €819,700 and five suspended custodial sentences were handed down. A further custodial sentence was substituted by 150 hours of community service and one matter was dismissed on the condition that the defendant makes a donation to a charity.

The presence of effective **health and safety management systems** continues to be a primary focus of the inspection process. Such a system is central to prevention of accidents, ill health and dangerous occurrences. The inspectors emphasise the implementation of the systems at the place of work, and not just the presence of documentation. The following indicators of levels of compliance in relation to health and safety management systems were observed by inspectors:

- 69% of employers had a safety statement prepared and available at the workplace;
- 88% of senior managers were aware of their duties under safety and health legislation;
- 90% of workplaces (where relevant) have systems for safety consultation;
- 9% of employers indicated that they had a reportable accident in the previous 12 months but only 40% indicated that they had reported the accident to the Authority.

In general across all sectors the quality of the safety statements was good.

Inspectors report that in excess of 80% met requirements for work-specific risk assessments, specifying the appropriate control measures, implementing control measures, allocating resources and allocating responsibilities.



The Authority recognises that ensuring compliance with safety and health legislation as well as investigating significant breaches of this legislation may involve **interaction with other state agencies** that also have a statutory role. To facilitate co-operation in such cases, the Authority has in place a number of Memoranda of Understanding. These were maintained in 2011 and new Memoranda were prepared with the Railway Safety Commission and the Health Information and Quality Authority (HIQA).

Summary of Inspection Programme

The levels of inspection and enforcement activity by sector are presented in Appendix A.

The increase in inspection activity in the **agriculture sector** resulted in over 3,000 farm inspections in 2011. This increased focus will continue in 2012. A total of 58% of farms had a safety statement or Code of Practice in place at the time of inspection. The majority (83%) of these had been prepared by the farmer themselves. The standard of health and safety management on farms continued to require intervention in 30% of inspections. Inspectors continue to observe that although risks are identified, the subsequent identification and implementation of the control measures occurs in only 66% of cases. Inspectors found that 3% of those inspected had a reportable accident in 2011 but only 16% had been reported to the Authority. In April, an agriculture safety campaign was held to address tractor safety

“In general across all sectors the quality of the safety statements was good.”

which continues to be a significant concern (written advice or enforcement was required in over a third of inspections). The number of farm walks and talks was extended, with 34 farm talks being given at IFA County Executive and Macra na Feirme meetings and eight farm walks held throughout the country.

There were indications that the level of implementation of health and safety management systems in the **construction sector** decreased in 2011 compared to 2010. A Safety Statement or Code of Practice was in place and available in 76% of inspections (65% had been prepared by the employer

themselves). Inspectors report that the standard of these safety statements is high. 4% of employers indicated that there had been a reportable accident in the workplace in 2011, of which 35% were reported to the Authority. Two week-long construction campaigns were held in 2011.

The level of activity in the **mines and quarries sector** is now significantly decreased, but the sector is still a high risk area. Overall, data from inspections in 2011 indicated high levels of awareness and compliance with requirements of the Safety, Health and Welfare (Quarries) Regulations 2008 and the following compliance rates were found: relevant appointments being made 97%; written operating procedures available 90%; and written shot firing rules available 95%. Action in relation to the safety statement was required in only 13% of inspections.

Levels of compliance with health and safety requirements in the **manufacturing sector** were in line with those of previous years, with 87% of workplaces having a safety statement available. As many as 22% of places of work in the sector indicated that they had a reportable accident in the previous 12 months, with 60% being reported. The appointment of safety representatives in this sector is high compared to other sectors at 42%.

In the **wholesale and retail sector**, compliance in relation to the preparation of a Safety Statement continues to be lower than in many other sectors at 60%. The level of awareness of managerial responsibilities is at 81%, a significant increase on the 40% recorded in 2009. Enforcement actions in relation to the safety management systems in this sector were required in 45% of inspections. Throughout 2011, inspectors promoted the new BeSMART risk assessment tool to small employers in this sector and encouraged them to use this system to manage health and safety at their workplace.

The Authority reduced its level of inspection activity in the **education sector**. Of those schools inspected, 89% had a safety statement prepared and available at the time of inspection and awareness of responsibilities under health and safety legislation was at 96%. 11% of schools indicated that they had a reportable accident in the previous 12 months, of which 54% were notified. In relation to post primary



schools there was evidence in 56% of inspections that the guidance on health and safety management in post primary schools was actively in use.

In the **healthcare sector** the level of compliance with the requirement for a safety statement was consistent with previous years at 88%. Enforcement action was required in 34% of inspections.

In the **public administration sector** the level of compliance with the requirement to have a safety statement was 86% (these were prepared by the employer in 96% of cases). In 24% of inspections it was confirmed that there had been a reportable accident within the previous 12 months, of which 64% were reported. The level of safety representatives appointed in this sector is high, with 59% of inspections reporting such appointments.

In line with the Authority's strategic aim of increasing the focus on **occupational health**, health related topics continued to constitute more than 30% of all topics covered during inspection. Issues addressed included asbestos, biological agents, carcinogens, chemicals, display screen equipment (DSE), manual handling, night and shift work, radon, REACH, stress and bullying. Levels of compliance with manual handling requirements were assessed across all sectors. Inspector reports indicate that levels of compliance in relation to having a written risk assessment for individual tasks, appropriate control measures and a manual handling training programme were 58%, 61% and 82% respectively. Where the issue of bullying was addressed there was a high level of compliance with the requirements of the Code of Practice. The Authority has committed to taking part in the European Psychosocial Campaign planned for 2012 being organised by the Senior Labour Advisory Committee of the EU.

The management of **slips, trips and falls** at places of work (one of the most common accident triggers) continued to be assessed through 2011. Of the places of work inspected on this issue, 75% had included it in their risk assessment. Inspectors indicated that 62% of these places of work required slip resistant footwear and the appropriate footwear was provided and in use in 90% of cases.

The theme for European Safety Week in 2011 was **maintenance**. Inspectors assessed this issue at 650 places of work. Results indicate that maintenance procedures were undocumented in 31% of cases. In most places of work (94%) it was confirmed that there was a person with the responsibility for the management of maintenance. However the particular risks associated with maintenance activity were not specifically assessed in 21% of cases.

A new inspection programme relating to work related **violence and aggression** commenced with 260 inspections where it was relevant to the place of work. In such situations there was evidence of a policy and documented risk assessment in 72% and 61% of cases respectively. Evidence of the implementation of adequate controls was observed in 78% of cases. However evidence in relation to the training of staff for managing work related violence and aggression was not in place in 38% of cases.

In relation to the assessment of the risk posed by radon the Authority continues to find that in the high risk geographic regions identified by the Radiological Protection Institute of Ireland (RPII) employers have a low awareness of this risk and have not addressed the issue in 70% of safety statements.

As part of the Authority's five year plan to address **work related vehicle transport**, the issue was assessed at 705 places of work. Workplace vehicle transport was included in 78% of safety statements and traffic management systems were observed in 75% of relevant inspections. Preparatory work for the inspection programme on load security to be conducted in 2012 was completed with specific inspectors.

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In fulfilling the Competent Authority role in relation to the **transport and storage of dangerous substances**, 1581 inspections were carried out including inspections of 646 dangerous goods vehicles, 171 depots and 218 retail and private petroleum stores. In addition the increased focus on unmarked vehicles (546 inspections) was maintained.

The increase in focus on chemical use and management during general inspections continued in 2011 with the issue addressed in 779 inspections.

Proactive **market surveillance** inspections were initiated in 2011 with more than 90 inspections carried out on machinery, lifts and ATEX equipment (intended for use in explosive atmospheres). Manufacturers and suppliers were identified and visited in a number of locations around the country to assess their levels of compliance with the European Communities (Machinery) Regulations, 2008, the European Communities (Lifts) Regulations 1998 to 2008 and the European Communities (Equipment and Protective Systems Intended for use in Potentially Explosive Atmospheres) Regulations 1999. The range of machinery addressed during this new programme included vehicle lifting tables, refuse collection vehicles, metalworking machinery, powered gates, air

“The increase in focus on chemical use and management during general inspections continued in 2011 with the issue addressed in 779 inspections.”

compressors, attachments for brush cutters, screw conveyors on grain trucks, pin setting machines in bowling alleys, and PTO (power take off) guards. Reactive

inspections were conducted following complaints, alerts, or the detection of suspected non-compliant products.

As part of the Authority's involvement in the National Advisory Group on **Unfinished Housing Developments**, approximately 150 inspections of housing development sites were completed. The developments were identified from the National Housing Development Survey 2010 (2846 developments surveyed) and Authority inspections focused on those categorised as presenting the most serious risk in terms of public and site safety i.e. category 4 sites. The inspections identified

stakeholders and gave direction to carry out remedial works on identified health and safety issues. Where no stakeholders were identified and the housing development was no longer a place of work the Authority communicated this information back to the responsible Local Authorities.

In line with previous years the Authority did carry out a limited number of inspections in sectors that are traditionally identified as **low risk sectors**. This year there were 369 such inspections across the sectors of Information and Communication, Professional, Scientific and Technical Activities and Administrative and Support Service Activities. Awareness of health and safety responsibilities during these inspections was high (85-93%). The

“The Authority initiated a programme in 2011 to identify examples of best practice that could be of benefit to other employers. Almost one hundred such examples have been identified.”

presence of a safety statement was lowest in the Information and Communication sector (63%) with Professional, Scientific and Technical Activities and Administrative and Support Service Activities at 78% and 67% respectively.

The Authority maintained its **multi-site employer initiative** and extended it to include new and developing areas such as home insulation providers.

A range of issues of concern that were identified either through inspection or investigation were highlighted to the public through the Authority's **alert system**. These included activities associated with the filling of LPG cylinders, passenger goods lifts, ambulance owners/operators and wood pellet feed hoppers.

The Authority initiated a programme in 2011 to identify examples of best practice that could be of benefit to other employers. Almost one hundred such examples have been identified and the programme will be developed further in 2012 to plan the dissemination of the information.



Achievements in 2011 – Prevention Services Programme

The Authority plays a major national role in policy development and promotional activities related to workplace health and safety. The policy programme develops resources, including legislative proposals, guidance materials and relevant supports, which contribute to the

“The Taking Care of Business (TCB) initiative was firmly established at a national launch with almost 2,000 visitors.”

reduction of accidents and ill health at work. The primary aim is to influence the behaviours of employers and employees. The Authority focuses on providing these key groups with the tools to improve their performance in safety and health at work. The motivation to use these supports to get results is the other key factor and such motivation is more difficult to influence and measure. The Authority strives to create an environment that

encourages behaviour change by reinforcing positive messages about successful businesses, about costs saved, about personal and family benefits and other motivating factors. Of course, employers are also reminded of the need to comply with the law.

In 2011 the Authority continued its efforts to support **small business**. The Taking Care of Business (TCB) initiative was firmly established at a national launch with almost 2,000 visitors in February at the Convention Centre, Dublin. The initial launch was followed by a series of information workshops at venues countrywide. Since then the initiative has grown and in addition to its core project BeSMART (an online risk assessment tool for small business), other elements have been included which provide support for businesses in a simplified, easily accessible manner. The three year plan for the Taking Care of Business programme was presented in 2011 and has set out ambitious targets to reach as many small businesses as possible. At year end there were almost 5000 small business registered to use BeSMART. This is a good start. The programme has also become the Authority's primary response to the Government agenda to reduce administrative burden on business.

In terms of sectoral policy programmes, the **agriculture sector** maintained prominence for all the wrong reasons. The sector (including fishing and forestry) ended the year with 27 of Ireland's fatal work accidents (49%), of which 22 were farm accidents. There are few who doubt that this sector is hazardous for those working on or living near the farming workplace.

The Authority increased its interaction with farm community leaders and all those who have influence on the sector in 2011. In August the Authority hosted an international farm safety conference which provided further opportunity to bring key stakeholders together. The message was supported throughout the year by the leadership of the Minister of Jobs, Enterprise and Innovation, Richard Bruton, TD and also the Minister of Agriculture and Marine, Simon Coveney, TD. Such political leadership has been very important in bringing a consistent national focus on farm safety. The year ended with a renewed commitment by all parties to reducing farm accidents. This was vigorously promoted in prominent media by influential journalists and also through the Authority's own national awareness campaign.

“Almost 5000 small business registered to use BeSMART.”

In **fishing**, another hazardous sector, work to prepare a Code of Practice for fishing from small boats continued. The Authority concluded a valuable consultation process with fishermen who were met at the principal fishing ports. Skippers and crew have been very positive about using the Code and they have supported its planned accessibility and user friendliness.



The Authority made considerable progress in the area of **market surveillance**. Expert information and advice were provided in areas such as agricultural trailers, truck mounted machinery, hoists and lifting accessories, lifts, vehicle lifting tables, metalworking machinery, powered gates, mobile elevated work platforms (MEWPs). In addition the Authority continues to coordinate the application of EU Market Surveillance and the Machinery Directive. Technical assistance was provided to the Department of Jobs, Enterprise and Innovation in the development of product safety regulations.

The Authority has previously set out five year plans to address workplace accident and illness levels in the areas of workplace transport and healthcare. Implementing these plans has been shown to be very effective as a result of the collaboration on annual

“Workplace transport safety continued as an area of focus as 40% of fatalities at work in the last year involved vehicles.”

action programmes with other key organisations. In the **healthcare sector**, guidance on the management of manual handling and patient handling was

developed and published. Other guidance on lone working, protecting healthcare workers from tuberculosis exposure, Legionnaires’ disease, safety with mobile patient hoists and slings and the prevention of sharps injuries was also published. The Authority continued to work closely with the Healthcare Steering Group and the HSE Health and Safety Advisory Forum. There was also considerable engagement with HIQA to develop an MOU for conclusion in early 2012. The Authority participated in the EU expert group on electro-magnetic fields and provided support to the Department of Jobs, Enterprise and Innovation in this regard.

Workplace transport safety continued as an area of focus as 40% of fatalities at work in the last year involved vehicles. Collaborative working was an important aspect of work in this area through the Joint Steering Group on work related vehicle safety

(HSA, Road Safety Authority, An Garda) and the Consultative Panel. Elements of the five year plan which were achieved in 2011 included four Driving for Work seminars, resources for employers, short factsheets, instructional videos and checklists. These were designed to simplify risk assessment and were widely promoted. Work also commenced on a joint programme on load safety and security. The year ended with a contribution to EU activity on work related road safety. Work also commenced on development of an e-learning course on workplace transport safety.

In the **education sector** the Guide for Management of Safety and Health in Post Primary Schools was promoted widely in the first half of 2011. Four hundred primary level teachers undertook our summer course introduction to safety and health in the education sector. This was delivered through e learning – a medium that the Authority is using to good effect to deliver its message. The Authority also completed a range of other programmes in the education sector in 2011. In post-primary schools, more than 15,000 students undertook the Choose Safety transition year programme. The Spirit of Enterprise post-primary resource was delivered to all second level schools with a health and safety case study for use in the class room. More than 1,300 learners have undertaken the Authority’s e-learning courses. At primary level, the Keep Safe programme continued with six national events hosted across the country involving up to ten state agencies at each event. At third level, the Authority successfully ran its second ‘Safety in Design and Construction’ competition aimed at third level students within construction-related courses. All of these initiatives contribute to the Authority’s strategic goal of mainstreaming safety and health in the education system and increasing awareness of those entering the labour force for the first time.

Extensive policy work was undertaken in relation to the **construction sector** in 2011. The Code of Practice for Safety in Roofwork was published to help employers maintain safe systems of work when



completing this high risk activity. Other publications in 2011 provided guidance for the safe use of site dumpers and check sheets for site dumpers and excavators. Other work included servicing relevant committees and advisory groups, answering technical queries and giving seminars and talks to various groups. The Authority continued its active involvement with the Construction Safety Partnership (CSP), in particular by assisting with the content and planning of the CSP Forum in November. Additional work on the SMP20 initiative (for construction employers with less than 20 employees) included presenting workshops for various industry groups and developing an e-learning tool.

In the area of **occupational health**, there was considerable focus on the areas of mental health and ergonomics in 2011. Guidance was published on the management of work related stress for employers and also a separate guide for employees on stress management. Work was concluded on the development of Irish norms for the Work Positive programme which increases relevance for the Irish workplace. An ergonomics guide for the financial sector was published and work concluded on the revised manual handling instructor training system. In the area of first aid, an agent was appointed to manage the programme for a five year period and work has commenced to implement the

recommendations of the evaluation of the first aid system which was completed in 2010. The Authority issued short guidance for employers and employees in regard to intoxicants in the workplace with the aim of clarifying legislative requirements in this area.

Developments in the area of **customer service** include a new complaints process which was published in 2011. The Authority's website content was continuously improved and over 500,000 guidance and other support documents were downloaded. A further 8,706 hard copy publications were processed. The Authority's customer contact service continued to provide information and process workplace safety complaints, assisting over 27,000 people through both telephone and other inbound contact and proactive communications. More than 16,000 report forms from employers were processed. The customer response team had their work audited on two occasions by the Customer Contact Association (CCA) and retained this recognised standard for another year.

“Over 500,000 guidance and other support documents were downloaded.”



Achievements in 2011 – Chemicals Policy and Services Programme

In 2011 the Authority continued to consolidate its lead role on chemicals policy and enforcement. Our legislative remit operates along the chemicals supply chain from production, through use, supply, trade, export, import and transport by road, thereby allowing the Authority to provide a comprehensive suite of policy and technical advice to businesses, workers, other regulators and our government partners.

The Authority contributed to the national and European legislation programme, alongside colleagues in the Department of Jobs, Enterprise and Innovation (DJEI). At home, the Chemicals (Asbestos Articles) Regulations, the Chemicals (CLP) Regulations and the Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment Regulations were all introduced. In Europe, the Authority contributed technical and scientific advice to EU Council Negotiations

“1,115 occupational hygiene inspections and 99 chemicals investigations were completed in 2011.”

on the Detergents Regulations, the Prior Informed Consent (PIC) Regulation recast and the new Seveso III Directive. Of these, only the Detergents Regulation on use of phosphates in household laundry products was completed and published. The PIC and Seveso III negotiations will continue into 2012. In addition to work in the Council, technical advice was also provided to DJEI in relation to voting discussions and decisions in the Article 133 Committee on a number of measures

including Commission Regulations amending Annex XVII to REACH (CMR substances, dimethylfumarate, lead, mercury compounds and cadmium), amendments to Annex 1 of the Export and Import of Dangerous Chemicals and the 3rd adaptation to CLP Regulation.

Some 1,115 occupational hygiene inspections and 99 chemicals investigations were completed in 2011. Inspectors provided inspection data on key topics such as chemical agents, REACH/CLP (e.g. provision of safety data sheets, use of restricted chemicals, incorrect labelling etc), radon, noise, vibration, safety statement reviews, general safety management, dust, asbestos and biological agents. Only 168 asbestos notifications were processed in 2011, similar to the 165 processed in 2010, reflecting the reduction in construction activity. A total of 17 biological agent notifications were also processed. In terms of enforcement, inspectors issued written advice in 68% of businesses visited with formal enforcement action taken in 4.5% of site visits (9 Prohibition Notices and 42 Improvement Notices).

On occupational hygiene policy, the Chemical Agents Code of Practice 2011 which transposed the EU third indicative list was finalized and published. As part of the Authority's Taking Care of Business initiative a chemical risk assessment guide for SMEs titled 'Your Steps to Chemical Safety' was published. Guidelines on asbestos and biological monitoring were developed together with guidance and the application form for the Asbestos Articles Regulations 2011. Furthermore, the Authority developed an interim policy regarding assigned protection factors to be used in the pharmaceutical sector.

There were 384 **major accident hazard** (COMAH) and REACH inspections completed in 2011, with notices served in 4% and written advice in 63% of cases. In the course of the year, advice was given to local planning authorities and An Bord Pleanála on 243 Land Use Planning (LUP) requests and the first generic LUP advice was published on the website. Authority staff attended 11 External Emergency Planning exercises under COMAH Regulations. A total of 10 Seveso II Safety Reports (both new and updated) were processed and signed off and a further 14 were under review at year end.



The Authority participated in an EU coordinated project REF 2 on the enforcement of obligations of downstream users and formulators and a UK lead project regarding REACH restrictions. In addition, a number of inspections were conducted under the Offshore Installations Act, and Authority staff participated in a number of emergency planning exercises and meetings with relevant stakeholders.

In the area of **carriage of dangerous goods (ADR)**, the publication of the ADR/TPE Regulations was a significant area of work in 2011. Work commenced on development of guidance for the SME sector in relation to ADR and TPE requirements, while guidance for Dangerous Goods Safety Advisers (DGSA) was updated and published. A range of publications in conjunction with the Taking Care of Business initiative were also made available. In addition, 1 approval, 3 exemptions and 4 multilateral agreements were signed off and published. In line with statutory obligations under ADR, all five ADR driver training providers were assessed and re-approved, and one new driver training provider was assessed and approved. A new ADR driver training certificate using a more secure credit card system has been put in place which will improve security around the misuse of training certificates and bring efficiencies to the administration process.

A highlight for the Authority in 2011 was hosting the **visit of the Executive Director of the European Chemicals Agency (ECHA)**, Geert Dancet in April. During his visit, Mr Dancet met with the Minister for Jobs, Enterprise and Innovation and key Department officials as well as Authority staff, other Competent Authorities and a number of REACH stakeholders and interested parties. He praised Ireland's commitment and contributions to REACH and CLP and requested that the Authority remain active and engaged into the future. The Authority did maintain its focus and activity on the REACH, CLP, Export-Import and Detergents programmes under the Chemicals Acts 2008 and 2010 even though the number of staff working on these areas had declined to critical levels by year end.

A significant proportion of the work in relation to REACH centred on Member State (MS) functions regarding **substance evaluation and identification of substances of high concern**. A key outcome for future work as a member state (MS) in relation to REACH and CLP was accessing REACH-IT and passing external audit of the ECHA security requirements. In relation to substance evaluation, Ireland together with all other MS, worked closely with ECHA in the development of the first draft Community Rolling Action Plan (CoRAP). The Authority also completed all outstanding New Substance Notification (NONS) requirements (Article 135 of REACH) as a MS with the result that no Irish NONS substance will be listed in the final CoRAP due to be published end of February 2012. Together with partners in the

“The Authority continued to provide pragmatic and practical leadership on CLP regulation implementation.”

Netherlands, a number of substances were screened with a view to identifying a potential substance of very high concern onto the candidate list. Support was provided to the work of ECHA in relation to dossier

evaluation which involved reviewing 43 testing proposal draft decisions and submitting 4 proposals for amendment as well as limited reviews on compliance checks. In relation to public consultations or ECHA requests for review, the Authority directly submitted comments on 14 harmonised classification and labelling proposals, 2 restriction proposals and 28 Annex XV SVHC proposals, which does not take account of the numerous reviews and comments submitted through direct participation in ECHA committees.

Policy support at EU and international level in relation to **classification and labelling** and the developments of the Globally Harmonised System (GHS) remained a core function in 2011. The Authority continued to provide pragmatic and practical leadership on CLP regulation implementation as well as GHS development at the United Nations Sub-Committee of Experts on GHS (UN SCE GHS) directly and in conjunction with colleagues in other Member States.

Participation by the Authority in **Commission and ECHA committees and working groups** is a vital



function as Competent Authority (CA) and is an enabler for pragmatic policy development for Ireland and Irish businesses. In 2011 the Authority continued its active role in the key ECHA committees (Member State, Risk Assessment, Socio-Economic Analysis and Forum on Enforcement as well as the HelpNet group on REACH/CLP helpdesks) where individual experts and participants play an important function in policy development on REACH and CLP as well as supporting the EU decision making process on chemicals. Active involvement was maintained at CARACAL (REACH and CLP Competent Authority) and its subgroups on nanomaterials and CLP. The nanomaterials subgroup supported the completion of three guidance documents on how nanomaterials should be dealt with under REACH and the publication of the Commission's communication regarding a nanomaterial definition. The CLP subgroup commenced discussions on the 4th Adaptation to the CLP Regulation which will introduce some of the new criteria introduced by the GHS.

As Designated National Authority for the **Rotterdam (PIC) Regulation**, the Authority actively participated in the relevant EU working groups as well as fulfilling national duties and obligations in relation to the processing of export notifications and explicit consents with significant time and effort given to ensuring Irish industry were not disadvantaged when it came to exporting to third countries.

“The Authority provided a responsive and quick turn-around to the increasingly complex questions being posed by industry.”

The Authority's commitment and focus on **customer service** remained high in 2011. As the body hosting the national helpdesk on REACH and CLP, the Authority provided a responsive and quick turn-around to the increasingly complex questions being posed by industry. REACH and CLP helpdesks were consolidated with other areas of responsibility so that customers have a single point of contact on chemicals (chemicals@hsa.ie). A total of 791 requests for information and 120 complaints were addressed in the course of the year. Of these requests, 317 were REACH queries and 109 were CLP queries. A campaign to promote the Countdown to

Substance in Article notification was run in advance of the June deadline. Chemicals-related internet pages remain in the top 10 pages visited on the Authority website while e-bulletins, email circulation updates and seminars organized with or for stakeholders (IBEC, OSHI, Informa, NISO and Local Authorities) continue to be a useful resource and opportunity for customers and regulators alike. Throughout the year, the Authority also met with a number of individual companies and stakeholder organizations to discuss particular substances or issues of concern.

Innovation was also a key priority in 2011 with seminars delivered to the Local Authorities as web-based sessions and it is planned to provide this type of service on an ongoing basis. Co-operation and co-ordination with other regulators and government partners resulted in the Authority signing new and updated Memoranda of Understanding (MoU) with the Department of Agriculture, Food and the Marine (REACH and CLP), Radiological Protection Institute of Ireland (Radon) and An Bord Pleanála (Land Use Planning). A data sharing agreement with the Revenue Commissioners will assist work on market surveillance of chemicals. Work was also progressed with the updating of the MoU with the Commission for Energy Regulation (CER). In the course of 2011, the Authority was represented at the National Strategy Group on Radon, the GMO Committee in the Environmental Protection Agency, the interdepartmental groups on Weapons of Mass Destruction and on Chemicals.

In summary, the Authority has delivered a focused, efficient and effective chemical safety programme built on co-operation and co-ordination with national and European partners with the aim of ensuring a sustainable and safe chemical industry in Ireland.

Further details of the Authority's activities are provided in the Chemicals Act Report (Appendix G to this report).



Achievements in 2011 – Corporate Services Programme

During 2011 the Authority concentrated on the development and implementation of systems to help improve the efficiency and cost effectiveness of the agency and to equip it to operate with less resources into the future.

The Authority has been set challenging targets for **staff and budget reductions**. During 2011 staffing levels fell from 185.1 full-time-equivalents (FTE) at the start of the year to 177.2 FTE at 31st December which was well below the employment control framework (ECF) target of 184 FTE.

The continued professional development of staff is essential to the ability of the Authority to deliver its customer services in a flexible and competent manner. The Authority achieved recognition as an accredited employer by Engineers Ireland Limited which demonstrates the continuing emphasis placed on the professional development of our staff and the quality of service delivered to our customers.

Through the implementation of the Authority's attendance management policy and support services provided to our staff we delivered a significant reduction in sickness absence levels with the total days lost in 2011 being reduced by 19% as compared to 2010 levels. The lost time rate reduced from 3.30% in 2010 to 2.79% in 2011.

“We delivered a significant reduction in sickness absence levels with the total days lost in 2011 being reduced by 19% as compared to 2010 levels.”

Significant progress was made in relation to the provision of improved financial information to budget holders. Savings of €728,000 were made on combined pay and non-pay budgets and the Authority met requirements governing procurement and prompt payment of accounts.

The Authority's 2010 **Financial Statements** were approved by the Board, subject to no material change, in March 2011 and were externally audited by the Office of the Comptroller and Auditor General during the year. The Authority's Internal Auditors completed four internal audit reports, with satisfactory outcomes. There were regular meetings of the Board Finance (7 meetings) and Audit Committees (5 meetings).

To enable the Authority to operate with reduced staffing and budgets a comprehensive **modernisation programme** was delivered with the involvement of staff. This delivered significant savings and efficiencies in how the Authority delivers services. Stable industrial relations were maintained through regular consultation with staff through the Industrial Relations Council and Partnership fora. Updates on our implementation plan for the Croke Park Agreement were supplied to the Department as requested together with the Authority's submission to the Comprehensive Expenditure Review organised by the Department of Public Expenditure and Reform.





Benefits were delivered in a range of **accommodation and facilities** areas by reconfiguring some regional office accommodation and cleaning services. Staff input into these changes was an important element in their smooth implementation.

A number of **ICT projects** were delivered in 2011 including the implementation of enhanced security measures that were tested by external audit. A significant amount of work went into the specification, tender and delivery of the very successful BeSMART application within budget and to a very aggressive schedule. A new voice over internet protocol phone system was introduced with improved telecom links for the Authority's network. A knowledge management project was initiated and will be completed in 2012, which will enhance the storage, retrieval and sharing of information within the Authority.

“A significant amount of work went into the specification, tender and delivery of the very successful BeSMART application within budget and to a very aggressive schedule.”

The Authority published detailed **statistical information** on work related injuries and illness in its annual statistics report. A significant number of ad-hoc statistics requests from members of the public were responded to within agreed deadlines. Statistical reports were also developed for use

internally by policy and inspectorate staff and were made available within urgent timelines for press releases and Departmental responses to parliamentary questions. The Authority complied with legal requirements for data reporting at European level by submitting a data file of all reported injuries for the relevant reference year by 30 June 2011.

All **corporate documents** were prepared and submitted in line with legislative requirements, including the Authority's Annual Report 2010, quarterly reports and the Programme of Work 2012. Initial work began on the development of the

Authority's strategy for 2013-2015. The draft strategy will be submitted to the Minister by 30 September 2012.

Impact assessments were prepared for regulatory proposals relating to reporting of injuries and illness and protection from sharps injuries. These assessments consider the most

appropriate legislative option to achieve increased levels of protection while taking account of costs and benefits to business.



Financial Reports

'11

Financial Reports and Unaudited Accounts¹

Statement on Internal Financial Control

On behalf of the members of the Board of the Health and Safety Authority I acknowledge our responsibility for ensuring that an effective system of internal financial control is maintained and operated. The system can only provide reasonable and not absolute assurance that assets are safeguarded, transactions authorised and properly recorded, and that material errors or irregularities are either prevented or would be detected in a timely period.

Key Control Procedures

The Authority has taken steps to ensure an appropriate control environment by:

- Clearly defining management responsibilities and powers;
- Establishing formal procedures for reporting significant control failures and ensuring appropriate corrective action;
- Establishing a process to safeguard the assets of the Authority;
- Developing a culture of accountability across all levels of the organisation.

The Authority has established processes to identify and evaluate business risks by:

- Identifying the nature, extent and financial implication of risks facing the Authority including the extent and categories which it regards as acceptable;
- Assessing the likelihood of identified risks occurring;
- Assessing the Authority's ability to manage and mitigate the risks that do occur;
- Assessing the costs of operating particular controls relative to the benefit obtained;
- Working closely with Government and various Agencies to ensure that there is a clear understanding of the Authority's goals and support for the strategies to achieve those goals.

The system of internal financial control is based on a framework of regular management information, administrative procedures including segregation of duties, and a system of delegation and accountability; In particular it includes:

- A comprehensive budgeting system with an annual budget which is reviewed and agreed by the Board of the Authority;
- Regular reviews by the Authority of periodic and annual financial reports which indicate financial performance against forecasts;
- Setting of targets to measure financial and other performance;
- Clearly defined purchasing and approval guidelines;
- Formal project management disciplines.

¹ The Authority submitted its unaudited accounts to the Comptroller and Auditor General (C&AG) as required under the Safety, Health and Welfare at Work Act 2005. The C&AG had not completed their audit work at the time of publication and the accounts are therefore listed as unaudited.



The Authority has put in place an internal audit function which operates in accordance with the principles set out in the Code of Practice on the Governance of State Bodies published in June 2009. The work of internal audit is informed by analysis of the risk to which the body is exposed, and annual internal audit plans are based on this analysis. The analysis of risk and the internal audit plans are endorsed by the Audit Committee and approved by the Authority. At least annually, the Internal Auditor will provide the Authority with a report of internal audit activity. The report includes the Internal Auditor's opinion on the adequacy and effectiveness of the system of internal financial control.

The Authority's monitoring and review of the effectiveness of the system of internal financial control is informed by the work of the Internal Auditor, the Audit Committee, which oversees the work of the Internal Auditor, the Executive within the Authority who have responsibility for the development and maintenance of the financial control framework, and comments made by the Comptroller and Auditor General in his or her management letter or other reports.

Annual Review of Controls

The Authority's Audit Committee reviews the effectiveness of the internal financial control systems with a formal report then going to the Board. The Board has carried out a formal review of its internal financial controls during 2011.

On behalf of the Board.

Michael Horgan

Chairperson
March 2012





Statement of Authority Responsibilities

Section 48(1) of the Safety, Health and Welfare at Work Act, 2005 requires the Authority to prepare financial statements in such form as may be approved by the Minister of State at the Department of Enterprise, Trade and Innovation with the concurrence of the Minister for Finance. In preparing those financial statements, the Authority is required to:

- Select suitable accounting policies and then apply them consistently;
- Make judgements and estimates that are reasonable and prudent;
- Prepare the financial statements on the going concern basis unless it is inappropriate to presume that the Authority will continue in operation;
- State whether applicable accounting standards have been followed, subject to any material departures disclosed and explained in the financial statements.

The Authority is responsible for keeping proper books of account which disclose with reasonable accuracy at any time the financial position of the Authority and which enable it to ensure that the financial statements comply with Section 48(1) of the Safety, Health and Welfare at Work Act, 2005. The Authority is also responsible for safeguarding the assets of the Authority and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

Michael Horgan

Chairperson

Des Mahon

Member



Statement on Accounting Policies for Year Ended 31st December 2011

1. Basis for Accounting

The financial statements are prepared under the accruals method of accounting and in accordance with generally accepted accounting principles under the historical cost convention.

2. Fixed Assets and Depreciation

Fixed assets are stated at their historical cost less accumulated depreciation.

Expenditure on tangible fixed assets above €1,000 is capitalised.

Software development costs on major systems are written off over a period of 10 years from the date of implementation.

Depreciation is calculated on the straight-line basis as follows:-

Office Furniture and Equipment	20% per annum
Computer Equipment	33.33% per annum
Scientific Equipment	20% per annum
Fixtures and Fittings	10% per annum
Software Development	10% per annum

3. Stocks

Stocks of publications on hand have no net realisable value and are not regarded as assets.

4. Capital Account

The capital account represents the unamortised value of Oireachtas grants used to purchase fixed assets.

5. Income Recognition

Oireachtas Grants shown in the Income and Expenditure Account reflect the amounts received from the Department of Jobs, Enterprise and Innovation (DJEI) in respect of the year.

6. Foreign Currencies

Transactions denominated in foreign currencies converted in Euro at standard rates during the year are included in the Income and Expenditure for the year.

7. Superannuation

The Authority operates an unfunded defined benefit pension scheme, which is funded annually on a pay as you go basis from monies available to it, including monies provided by the DJEI.

Pension Costs reflect pension benefits earned by employees in the period and are shown net of staff pension contributions which are refunded to the DJEI in accordance with the Authority's financing arrangements. An amount corresponding to the pension charge is recognised as income to the extent that it is recoverable, and offset by grants received in the year to discharge pension payments.

Actuarial gains or losses arising on scheme liabilities are reflected in the Statement of Total Recognised Gains and Losses and a corresponding adjustment is recognised in the amounts recoverable from DJEI.

Pension liabilities represent the present value of future pension payments earned by staff to date. Deferred pension funding represents the corresponding asset to be recovered in future periods from the DJEI.

Draft Financial Statements

Income and Expenditure Account for Year Ended 31st December 2011			
INCOME	NOTES	2011 €	2010 €
Oireachtas grants	1(a)	19,968,000	19,984,000
Net deferred funding for pensions	9(c)	3,402,000	4,732,000
Employee deductions refundable to DJEI		(660,000)	(700,000)
Other income	1(b)	301,314	298,882
Sub total		23,011,314	24,314,882
Transfer from capital account	2	74,945	274,750
		23,086,259	24,589,632
EXPENDITURE			
Salaries costs	3	11,569,179	11,838,568
Pension costs	9(a)	3,809,000	4,997,000
Other administration costs	5	7,221,158	7,441,173
		22,599,337	24,276,741
Operating surplus for the year		486,922	312,891
Accumulated surplus at 1 January		1,036,657	723,766
Accumulated surplus at 31 December		1,523,579	1,036,657
The results for the year relate to continuing operations.			

The Statement on Accounting Policies and Notes 1–13 form part of the Financial Statements.

Michael Horgan

Chairperson

Des Mahon

Member



Statement on Total Recognised Gains and Losses for Year Ended 31st December 2011					
	NOTES	2011	2011	2010	2010
		€	€	€	€
Surplus for financial year			486,922		312,891
Changes in actuarial assumptions underlying the present value of scheme liabilities		2,340,000		(5,452,000)	
Experience (gains)/ losses on pension scheme liabilities	9(d)	(1,718,000)		(7,847,000)	
Actuarial gain on pension liabilities	9(b)		622,000		(13,299,000)
Adjustment to Deferred Pension funding			(622,000)		13,299,000
Total recognised gains and losses for the year			486,922		312,891

The Statement of Accounting Policies and Notes 1 to 13 form part of the Financial Statements.





Balance Sheet as at 31 December 2011					
	NOTES	2011 €	2011 €	2010 €	2010 €
FIXED ASSETS	6		504,497		579,442
CURRENT ASSETS					
Debtors and Prepayments	7	1,556,188		1,075,384	
Bank and cash Balances		713,857		545,019	
		2,270,045		1,620,403	
CREDITORS (due in less than one year)					
Creditors	8	746,466		583,746	
		746,465		583,746	
Net current assets			1,523,579		1,036,657
NET ASSETS BEFORE PENSIONS			2,028,076		1,616,099
Deferred pension funding	9(c)		48,357,000		44,333,000
Pension Liabilities	9(c)		(48,357,000)		(44,333,000)
NET ASSETS			2,028,076		1,616,099
REPRESENTED BY:					
Capital Account	2		504,497		579,442
Accumulated Surplus on Income and Expenditure Account			1,523,579		1,036,657
			2,028,076		1,616,099

The Statement on Accounting Policies and Notes 1–13 form part of the Financial Statements.

Michael Horgan

Chairperson

Des Mahon

Member



Cash Flow Statement as at 31 December 2011		
RECONCILIATION OF OPERATING SURPLUS TO NET CASH INFLOW FROM OPERATING ACTIVITIES	2011	2010
	€	€
Operating surplus for year	486,922	312,891
Movement on Capital Account	(74,945)	(233,621)
Depreciation	225,413	333,012
Increase in Debtors	(480,804)	(68,471)
Increase in Creditors	162,720	138,432
Net Cash Inflow from Operating Activities	319,306	482,243
Cash Flow Statement		
Net Cash Inflow from Operating Activities	319,306	482,243
Capital Expenditure		
Payments to acquire fixed assets	(150,468)	(99,391)
Increase in Cash	168,838	382,852
Reconciliation of net cash flow to movement in net funds		
Increase in cash in year	168,838	382,852
Net funds at 1 January	545,019	162,167
Net funds at 31 December	713,857	545,019
Analysis of Change in net funds	Cash at Bank and in hand	Total
	€	€
At start of year	545,019	545,019
Cash Flow	168,838	168,838
At end of year	713,857	713,857

The Statement on Accounting Policies and Notes 1–13 form part of the Financial Statements.



Notes to the Financial Statements year ended 31 December 2011

1(a).Oireachtas Grants			
		2011	2010
		€	€
		19,968,000	19,984,000
1(b). Other Income			
		2011	2010
		€	€
Driver training course income		80,734	69,630
SEVESO		23,109	44,882
Fines – ADR (carriage of dangerous goods by road)		15,280	11,400
Sale of Authority's publications		50,126	45,063
Miscellaneous (seminars, legal, witness expenses)		132,065	127,907
		301,314	298,882
2. Capital Account			
		2011	2010
		€	€
Balance at 1 January		579,442	854,192
Total grants applied towards purchase of Fixed Assets	150,468		
Amortisation in line with depreciation	(225,413)		
Transfer to the Income and Expenditure Account		(74,945)	(274,750)
Balance at 31 December		504,497	579,442
3. Salary Costs			
		2011	2010
		€	€
Gross Salaries		10,730,660	11,017,540
Employer PRSI		838,519	821,028
Total Salary Costs		11,569,179	11,838,568
Pension levy		758,594	766,312
€ 758,594 was deducted from staff by way of pension levy and was paid over to the Department of Jobs, Enterprise and Innovation.			
<i>Numbers Employed</i>			
Professional/Technical		126	135
Administration		57	55
		183	190
Chief Executive Officer - Salary			
		2011	2010
		€	€
Salary		153,445	153,445
The CEO received recoupment of travel and subsistence expenses of €7,815 in 2011.			
The CEO is a member of an unfunded defined benefit public sector scheme and his pension entitlements do not extend beyond standard entitlements in the public sector defined benefit superannuation scheme.			



Notes to the Financial Statements year ended 31 December 2011

4. Members' Fees and Expenses Fees		2011	2010
		€	€
Chairman	Michael Horgan	11,970	-
<i>Board Members</i>	Marion Byron	7,290	8,100
	Dermot Carey	7,290	8,100
	Esther Lynch	7,290	8,100
	Eamon Devoy	7,290	8,100
	Dessie Robinson	7,290	8,100
	Mary Bohan	7,695	-
	Dan O'Connell	7,695	-
	John Byrne	7,695	-
	George Brett	7,695	-
	Des Mahon	7,695	-
	Francis Rochford * no fees payable as Francis Rochford is an employee of the DJEI		
		86,895	40,500
Expenses		2011	2010
		€	€
Chairman	Michael Horgan	-	-
<i>Board Members</i>	Marion Byron	-	-
	Dermot Carey	1063	1,615
	Esther Lynch	-	-
	Eamon Devoy	-	-
	Dessie Robinson	-	-
	Mary Bohan	2689	-
	Dan O'Connell	2156	-
	John Byrne	3057	-
	George Brett	2990	-
	Des Mahon	4160	-
	Francis Rochford * no fees payable as Francis Rochford is an employee of the DJEI		
		16,115	-
5. Administration		2011	2010
		€	€
Accommodation		2,042,828	2,244,024
Communications costs		307,628	516,758
Travel & subsistence		925,347	917,778
Publications & marketing		1,419,795	888,542
Legal services		109,758	312,240
Research & consultancy		416,320	481,562
Business process review		434,048	337,411
Staffing costs		282,572	167,314
General equipment supplies		82,400	106,919
External partnership		140,000	200,000
Investment in learning		154,287	186,176
Technology costs		457,019	465,969
Depreciation		225,413	333,012
Internal audit fees		34,263	33,199
External audit fee		15,510	15,510
Members' fees	Note 4	85,635	93,600
Loss on disposal of assets		-	41,129
Other		88,334	100,030
		7,221,158	7,441,173



Notes to the Financial Statements year ended 31 December 2011

6. Fixed Assets	Fixtures & Fittings €	Furniture & Equipment €	Computer Equipment €	Scientific Equipment €	Software Development €	Total €
Cost						
At 1 January 2011	166,030	932,212	2,424,534	162,016	435,358	4,120,150
Additions in year	6,224	7,483	136,762	-	-	150,468
Disposals	-	-	-	-	-	-
At 31 December 2011	172,254	939,695	2,561,297	162,016	435,358	4,270,619
Accumulated Depreciation						
At 1 January 2011	85,482	816,346	2,359,628	148,644	130,608	3,540,708
Disposals	-	-	-	-	-	-
Charge for year	17,226	64,544	89,000	11,107	43,536	225,413
At 31 December 2011	102,708	880,890	2,448,628	159,751	174,144	3,766,121
Net book value						
At 31 December 2011	69,546	58,805	112,669	2,265	261,214	504,497
At 31 December 2010	80,548	115,866	64,906	13,372	304,750	579,442

7. Debtors and Prepayments	2011 €	2010 €
Prepayments	1,508,746	1,035,907
Other Debtors	47,442	39,477
	1,556,188	1,075,384
8. Creditors	2011 €	2010 €
Amounts due in less than one year		
Trade & Expense Creditors	151,942	68,483
Accrued expenses	315,262	285,566
Payroll Creditors	279,262	229,697
	746,466	583,746



Notes to the Financial Statements year ended 31 December 2011		
9. Superannuation Scheme and Accounting Treatment for Retirement Benefits	2011 €	2010 €
(a) Analysis of total pension costs charged to expenditure		
Current service cost	2,062,000	2,667,000
Interest on pension scheme liabilities	2,407,000	3,030,000
Employee contributions	(660,000)	(700,000)
	3,809,000	4,997,000
(b) Movement in Net Pension Liability during the financial year	2011 €	2010 €
Deficit at the beginning of the year	44,333,000	52,900,000
Current service cost	2,062,000	2,667,000
Benefits paid	(1,067,000)	(965,000)
Past service costs	-	-
Interest costs	2,407,000	3,030,000
Actuarial loss / (gain)	622,000	(13,299,000)
Net pension liability at 31 December	48,357,000	44,333,000
(c) Deferred funding for pensions		
<p>The Health and Safety Authority recognises these amounts as an asset corresponding to the unfunded deferred liability for pensions on the basis of the set of assumptions described above and a number of past events. These events include the statutory backing for the superannuation scheme and the policy and practice in relation to funding public service pensions, including contributions from employees and the annual estimates process. The Health and Safety Authority has no evidence that this funding policy will not continue to meet such sums in accordance with current practice. The deferred funding asset as at 31st December 2011 amounted to €48,357,000 (2010 €44,333,000). The quantification of the liability is based on the financial assumptions set out in this note. The financial assumptions used, which are based on professional actuarial advice, are advised to the Department of Jobs, Enterprise and Innovation but are not formally agreed with the Department.</p>		
Net Deferred Funding	2011 €	2010 €
Funding recoverable in respect of current pension year costs	4,469,000	5,697,000
State grant applied to pay pensioners	(1,067,000)	(965,000)
	3,402,000	4,732,000
(d) History of defined benefit obligations	2011 €	2010 €
Experience (Gains)/losses on scheme liabilities		
Amount (€)	(1,718,000)	(7,847,000)
Percentage of the present value of scheme liabilities	(3.6%)	(17.7%)
Total amount recognised in the Statement of Total Recognised (Gains) and losses:	622,000	(13,299,000)
% liabilities	61.3%	(30.0%)



Notes to the Financial Statements year ended 31 December 2011

(e) General description of the scheme

The Health and Safety Authority (HSA) operates unfunded defined benefit superannuation schemes for staff. Superannuation entitlements arising under the schemes are paid out of current income and are charged to the Income and Expenditure Account, net of employee superannuation contributions, in the year in which they become payable.

The results set out below are based on an actuarial valuation of the pension liabilities in respect of serving and former staff of HSA as at 31st December 2011. This valuation was carried out by a qualified independent actuary for the purposes of the accounting standard, Financial Reporting Standard No. 17 – Retirement Benefits (FRS 17).

The financial assumptions used were:

	At 31/12/11	At 31/12/10	At 31/12/09
Discount rate	5.00%	5.25%	5.5%
Rate of increase in salaries	3.50%	3.50%	4.0%
Rate of increase in pensions	3.25%	3.25%	4.0%
Inflation	2.00%	2.00%	2.0%

(f) Average future life expectancy according to the mortality tables used to determine the pension liabilities

	Male aged 65	Female aged 65
Current pensioners	21.0	23.9
Future Pensioners retiring 2031	23.8	25.8

10. Commitments under operating leases

At 31st December 2011 the Authority had annual commitments under non-cancellable operational leases as set out below.

	Land & Buildings
Operating Lease which expire:	€
In the second to fifth years inclusive	36,268
Over five years	1,344,029



Notes to the Financial Statements year ended 31 December 2011

11. Premises

Details of the various offices occupied by the Health and Safety Authority are set out in the tabular statement below. In addition to the offices occupied by the Authority there are two industrial units in Co. Tipperary which are used for the purpose of storing large items of evidential material that may be required in connection with investigations undertaken by the Authority. The Authority's Head Office is in Dublin.

All the premises are leased by the Authority. The Authority owns no freehold office or industrial premises. Most of the leases are with private landlords but in the case of the Cork and Waterford the Authority is in premises managed by the Office of Public Works. The Authority regularly reviews its network of offices to ensure that it continues to meet our ongoing operational requirements.





Notes to the Financial Statements year ended 31 December 2011

11. Premises Cont'd

Health and Safety Authority Office Network - December 2011

Location	Address	Annual	Lease
Athlone	Monksland Business Park Athlone	37026	2016
Evidence Store	Co. Tipperary	26313	2016
Evidence Store	Co. Tipperary	9600	2014
Cork	1A South Mall Cork	15998	-
Dublin (Head Office)	4th/5th and 6th Floors The Metropolitan Building James Joyce Street, Dublin 1	990783	2016
Galway	Odeon House Eyre Square, Galway	24337	2017
Kilkenny	Hebron House 1 (2nd/3rd Floor) MacDonagh Junction, Kilkenny	239495	2018
Limerick	Park House Barrington Street, Limerick	37000	2011
Sligo	Unit 1 Beulah Buildings Finisklin Road, Sligo	32670	2019
Waterford	Government Buildings The Glen Waterford	3719	-



Notes to the Financial Statements year ended 31 December 2011

12. Board Members – Disclosure of Transactions

Each year in addition to our Exchequer Grant (Subhead T - Grant for Administration and general expenses), the Authority is requested to administer a fund, from monies provided out of the Department of Jobs, Enterprise and Innovation's Subhead X01 - Commissions, Committees and Special Inquiries, to support a number of workplace safety initiatives approved by the Board to be undertaken by external organisations. The total value of the fund for 2011 was €140,000.

In the course of distributing the Grant X01 fund, the Board may approve financial assistance to undertakings with which individual Board members are associated.

The following members disclosed an interest in organisations to which financial assistance was approved during the year.

Organisation	Amount	Associated Board Member
CIF/Construction Safety Partnership	€140,000	Dermot Carey
ICTU/Construction Safety Partnership	Nil	Esther Lynch

The approved funding was paid by the Authority into the Partnership's bank account which is controlled by the Construction Industry Federation. Both the CIF and the ICTU have key roles in relation to the Construction Safety Partnership.

In accordance with the Authority's Code of Practice for Board members, the members referred to above absented themselves from the portion of the meeting where the decision was made granting funding to these organisations.

13. Approval of Financial Statements

The financial statements were approved by the Board on 08 March 2012, and signed on its behalf by:

Michael Horgan
 Chairperson

Des Mahon
 Member

Appendices

- Appendix A Enforcement Statistics 2011
- Appendix B Outcomes of Prosecutions 2011
- Appendix C Legislative Development Programme 2011
- Appendix D Code of Practice Development Programme 2011
- Appendix E Guidance Materials Published in 2011
- Appendix F Board Sub-Committees and Advisory Committees
- Appendix G Report for 2011 on the Performance of Designated National Authorities on their Functions under the Chemicals Acts 2008 and 2010
- Appendix H Statement on Compliance with the requirements of the Code of Practice for the Governance of State Bodies – Additional to the Statement on Internal Financial Control

'11

Appendix A: Enforcement Statistics 2011

Table A.1 Number of Inspections 2004 –2011

Year	2004	2005	2006	2007	2008	2009	2010	2011
Total	11,382	13,552	15,365	13,631	16,009	18,451	16,714	15,340

Table A.2 Number of Inspections by Economic Sector and Inspection Type - 2011

Economic Sector	Investigations	Inspections	Total
A – Agriculture, forestry and fishing	92	3130	3222
B – Mining and quarrying	25	262	287
C – Manufacturing	243	1206	1449
D – Electricity, gas, steam and air-conditioning supply	0	48	48
E – Water supply, sewerage, waste management and remediation activities	44	284	328
F – Construction	564	3845	4409
G – Wholesale and retail trade, repair of motor vehicles and motorcycles	194	1861	2055
H – Transportation and storage	86	1237	1323
J – Information and Communication	3	75	78
M – professional, Scientific and Technical Activities	22	150	172
N – Administrative and support service activities	53	142	195
O – Public administration and defence, compulsory social security	34	206	240
P – Education	30	249	279
Q – Human health and social work activities	53	389	442
R – Arts, entertainment and recreation	25	163	188
S – Other service activities	113	512	625
Total	1581	13759	15340



Table A.3 Percentage Employer Compliance with Safety and Health Requirements by Sector 2011

Economic Sector	% Safety Statement prepared and present	% Safety Consultation System (where applicable)	% Safety Representatives appointed (where applicable)
A – Agriculture, forestry and fishing	58	81	7
B – Mining and quarrying	92	99	21
C – Manufacturing	87	91	42
D – Electricity, gas, steam and air-conditioning supply	83	100	41
E – Water supply, sewerage, waste management, remediation activities	74	90	37
F – Construction	76	94	22
G – Wholesale and retail trade, repair of motor vehicles and motorcycles	60	83	15
H – Transportation and storage	39	92	29
J- Information and Communication	63	91	9
M - professional, Scientific and Technical Activities	78	89	18
N – Administrative and support service activities	67	84	13
O – Public administration and defense, compulsory social security	86	99	59
P – Education	89	97	53
Q – Human health and social work activities	88	95	43
R – Arts, entertainment and recreation	73	91	22
S – Other service activities	40	76	13



Table A.4 Number of Inspections by Economic Sector and Enforcement Action - 2011

	Inspections / Investigations	Agreed Prohibition	Improvement Notice	Payment in Lieu	Prohibition Notice	Written Advice	Total	% Enforcement
A – Agriculture, forestry and fishing	3222	0	190	0	140	1361	1691	52%
B – Mining and quarrying	287	0	2	0	5	113	120	42%
C – Manufacturing	1449	1	76	6	24	678	785	54%
D – Electricity, gas, steam and air-conditioning supply	48	0	0	0	0	13	13	27%
E – Water supply, sewerage, waste management and remediation activities	328	0	16	3	11	143	173	53%
F – Construction	4409	10	64	0	195	1451	1720	39%
G – Wholesale and retail trade, repair of motor vehicles and motorcycles	2055	1	107	32	35	941	1116	54%
H – Transportation and storage	1323	0	20	33	8	168	229	17%
J- Information and Communication	78	0	1	0	0	21	22	28%
M - Professional, Scientific and Technical Activities	172	0	7	0	0	63	70	41%
N – Administrative and support service activities	195	1	3	0	4	76	84	43%
O – Public administration and defense, compulsory social security	240	0	3	0	1	73	77	32%
P – Education	279	0	3	0	4	120	127	46%
Q – Human health and social work activities	442	0	13	0	1	236	250	57%
R – Arts, entertainment and recreation	188	0	2	0	1	91	94	50%
S – Other service activities	625	0	28	0	7	313	348	56%
Total	15340	13	535	74	436	5861	6919	45%

Appendix B: Outcomes of Prosecutions 2011

Type of proceeding	Total heard	% Total of cases heard summarily or on indictment	Dismissals	Appeals	Dismissed on basis that accused make contribution to charity	Prison Sentence substituted for community service	Suspended sentence	Probation Act	Fines €
Summary	10	31%	0	0	1	0	0	0	29,200
On Indictment	22	69%	2	3	0	1	5	1	790,500
Total	32	100%	2	3	1	1	5	1	819,700

Daniel Doyle

On Indictment

This case was heard on 10 February 2011 at Tullamore Circuit Court. Daniel Doyle pleaded guilty to six counts of supplying forged safe pass cards and two counts of impersonating an inspector.

Contravention	Legislation	Verdict	Fine	Sentence	Defendant
Section 77 2 (i) x 6	Safety Health and Welfare at Work Act 2005	Guilty plea entered	None	18 month sentence on each count to run concurrently (suspended for 2 years)	Daniel Doyle
Section 77 2 (j) x2	Safety Health and Welfare at Work Act 2005	Guilty plea entered	None	18 month sentence on each count to run concurrently (suspended for 2 years)	Daniel Doyle

General Paints Limited

On Indictment

On the 3rd March 2011 this case was heard at Naas Circuit Court. A fire /explosion occurred in the defendant's paint factory. The explosion resulted in burn injuries to 3 employees. General Paints pleaded guilty.

Contravention	Legislation	Verdict	Fine	Sentence	Defendant
Regulation 4(3) contrary to Section 77 (2)(c) on 29th March 2007	Safety, Health and Welfare at Work (Explosive Atmospheres) Regulations S.I. 258 of 2003	Guilty	€7,500	None	General Paints Ltd.



John H. Bennett & Co. Limited
(See also Outcome of Eamonn McSweeney below)

On Indictment

This case was originally heard on 9 February 2010 when fines were handed down after the accused pleaded guilty to two charges set out below. The case was appealed on the grounds of undue leniency of penalty and was heard in the Court of Criminal Appeal on 11 March 2011. The Court of Criminal Appeal stated that in its opinion the trial judge had considered all mitigating factors and that the fines were not unduly lenient and the appeal was refused.

On 7 July 2006 an employee suffered serious injuries while at work when he became entangled in a 'sweep auger' located in the base of a grain silo resulting in serious injuries.

Contravention	Legislation	Verdict	Fine	Sentence	Defendant
Section 8(2)(a) Contrary to Section 77(9) (a)	Safety, Health & Welfare at Work Act, 2005	Guilty Plea	€2,000	None	John H. Bennett & Co. Ltd.
Regulation 3(a)(i) Contrary to Section 77(2)(c)	Safety, Health & Welfare at Work (Children & Young Persons) Regulations, 1998	Guilty Plea	€2,000	None	John H. Bennett & Co. Ltd.

Eamonn McSweeney (director of John H. Bennett & Co. Limited)
(See also John H. Bennett & Co. Ltd. above)

On Indictment

This case was originally heard on 9 February 2010 when fines were handed down after the accused pleaded guilty to one charge set out below. The case was appealed on the grounds of undue leniency of penalty and was heard in the Court of Criminal Appeal on 11 March 2011. The Court of Criminal Appeal stated that in its opinion the trial judge had considered all mitigating factors and that the fines were not unduly lenient and the appeal was refused.

On 7 July 2006 an employee suffered serious injuries while at work when he became entangled in a 'sweep auger' located in the base of a grain silo resulting in serious injuries.

Contravention	Legislation	Verdict	Fine	Sentence	Defendant
Section 8(2)(a) Contrary to Section 77(9)(a) Contrary to Section 80	Safety, Health & Welfare at Work Act, 2005	Guilty Plea	None	Probation Act	Eamonn McSweeney



Padraig Thornton Waste Disposal Limited

On Indictment

In this case sentencing was handed down on the 14 March 2011 at the Circuit Criminal Court, Dublin. This case arose from an incident on a construction site when a subcontractor's employee became trapped between the side of the excavation and the cab of a roller machine. The Defendant Company was the Project Supervisor Construction Stage and the main contractor on site. The employee suffered fatal injuries. The Defendant Company pleaded guilty to three charges.

Contravention	Legislation	Verdict	Fine	Sentence	Defendant
Section 12 contrary to Section 77(9) (a)	Safety ,Health and Welfare at Work Act 2005	Pleaded Guilty	€10,000	None	Padraig Thornton Waste Disposal Limited
Section 19(1) contrary to Section 77(2)(a)	Safety ,Health and Welfare at Work Act 2005	Pleaded Guilty	€10,000	None	Padraig Thornton Waste Disposal Limited
Reg. 22 (1) contrary to Section 77(2)(c)	Safety ,Health and Welfare at Work (Construction) Regulations 2006	Pleaded Guilty	€10,000	None	Padraig Thornton Waste Disposal Limited
Reg. 55 (1)	Safety ,Health and Welfare at Work (Construction) 2006	Taken into account	None	None	Padraig Thornton Waste Disposal Limited



Smyth Trailers Limited

Summary

An employee of an agricultural contractor sustained fatal injuries whilst securing a trailer stand to its storage bracket on the chassis of a silage trailer. During the course of the investigation it was found that the Silage Trailer had a CE mark affixed to it but no EC Declaration of Conformity existed for the trailer.

The matter came on for hearing on 5 May 2011 at Carlow District Court but sentencing was adjourned to August 2011 to allow Smyth Trailers Limited time to give notice of the design defects, to allow for an undertaking from the manufacturer to carry out modifications to the trailer and to bring it up to CE mark standard and finally to issue an Operator's Manual to all end users. The accused pleaded guilty to all charges.

Contravention	Legislation	Verdict	Fine	Sentence	Defendant
S16(1)(a)(ii)	Safety, Health & Welfare at Work Act 2005	Pleaded Guilty	€3,000	None	Smyth Trailers Ltd.
S16(1)(b)	Safety, Health & Welfare at Work Act 2005	Pleaded Guilty	Taken into consideration	None	Smyth Trailers Ltd.
S16(1)(c)	Safety, Health & Welfare at Work Act 2005	Pleaded Guilty	Taken into consideration	None	Smyth Trailers Ltd.
Regulation 7(1)	EC Machinery Regulations 2001	Pleaded Guilty	Taken into consideration	None	Smyth Trailers Ltd.
Regulation 7(2)	EC Machinery Regulations 2001	Pleaded Guilty	Taken into consideration	None	Smyth Trailers Ltd.
Regulation 12(3)	EC Machinery Regulations 2001	Pleaded Guilty	Taken into consideration	None	Smyth Trailers Ltd.



Technical Engineering and Tooling Services Limited

On Indictment

(See also outcome of prosecution for Tommy Kelly, Eugene Shiel and John Hunt)

On the 6 of March 2006, the drill bit from a Hurco VMX30S CNC milling machine struck an employee at speed. The employee died later from his injuries. The accused pleaded guilty and was sentenced on the 12th May 2011, in Mullingar Circuit Court.

Contravention	Legislation	Verdict	Fine	Sentence	Defendant
Section 14 and Section 77 (9) (a)	Safety Health and Welfare Act of 2005	Guilty Plea entered	€50,000 to be paid within 4 weeks of sentencing	None	Technical Engineering and Tooling Services Ltd
Section 8(1) and (2) (e) and Section 77(2)	Safety Health and Welfare Act of 2005	Guilty Plea entered	Taken into account	None	Technical Engineering and Tooling Services Ltd.

Eugene Shiel

On Indictment

See outcome of prosecution for Tommy Kelly, John Hunt and Technical Engineering and Tooling Services Ltd.)

On the 6 of March 2006, the drill bit from a Hurco VMX30S CNC milling machine struck an employee at speed. The employee died later from his injuries. This accused entered a plea of guilty to count 1 on the indictment was sentenced on the 12th May 2011, in Mullingar Circuit Court. Mr Shiel received a one year term of imprisonment suspended unconditionally.

Contravention	Legislation	Verdict	Fine	Sentence	Defendant
Section 14 and Section 77(9) (a)	Safety, Health and Welfare at Work Act 2005	Guilty Plea entered	None	1 year suspended jail sentence	Eugene Shiel



Tommy Kelly

On Indictment

(see also outcome of prosecution for Eugene Shiel, John Hunt and Technical Engineering and Tooling Services)

On the 6 of March 2006, the drill bit from a Hurco VMX30S CNC milling machine struck an employee at speed. The employee died later from his injuries. This accused entered a plea of guilty to count 1 on the indictment and was sentenced on the 12th May 2011, in Mullingar Circuit Court. Mr Kelly received a one year term of imprisonment, suspended unconditionally.

Contravention	Legislation	Verdict	Fine	Sentence	Defendant
Section 14 and Section 77(9) (a)	Safety, Health and Welfare at Work Act 2005	Guilty Plea entered	None	1 year suspended jail sentence	Tommy Kelly

John Hunt

On Indictment

(see also outcome of prosecution for Tommy Kelly, Eugene Shiel and Technical Engineering and Tooling Services)

On the 6 of March 2006, the drill bit from a Hurco VMX30S CNC milling machine struck an employee at speed. The employee died later from his injuries. This accused entered a plea of guilty to count 4 on the indictment and was sentenced on the 12th May 2011, in Mullingar Circuit Court. Mr Hunt received a one year term of imprisonment suspended unconditionally.

Contravention	Legislation	Verdict	Fine	Sentence	Defendant
Section 8 and Section 77(2) (a) contrary to Section 80	Safety, Health and Welfare at Work Act 2005	Guilty Plea entered	None	1 year suspended jail sentence	John Hunt



Rice & Roddy Ltd

On Indictment

On 3 July 2009 an employee of Rice and Roddy Ltd. suffered severe injuries when he was struck by a car display ramp as it was being moved by a forklift. The accused pleaded guilty and was sentenced on the 6 May 2011 in Dundalk Circuit Court.

Contravention	Legislation	Verdict	Fine	Sentence	Defendant
Section 8(2)(a), contrary to Section 77(9)(a)	Safety Health and Welfare Act of 2005	Guilty plea entered	€10,000	None	Rice & Roddy Ltd.
Section 19(1)	Safety Health and Welfare Act of 2005	Guilty plea entered	€10,000	None	Rice & Roddy Ltd.

Aquiline Ltd

Summary

(See also outcome of prosecution for Pat Denn (Agriculture) Ltd).

On the 19 June 2009, while undertaking construction work at height from a makeshift platform, an employee of Aquiline Ltd., fell 2.74 meters to the ground and suffered injuries. The accused pleaded guilty and was sentenced on the 13 May 2011 in the Lismore District Court.

Contravention	Legislation	Verdict	Fine	Sentence	Defendant
Section 8(2)(a), contrary to Section 77(9)(a)	Safety Health and Welfare Act of 2005	Guilty plea entered	€1,500	None	Aquiline Ltd.

Pat Denn (Agriculture) Ltd

Summary

(See also outcome of prosecution for Aquiline Ltd)

On the 19 June 2009, while undertaking construction work at height from a makeshift platform, an employee of Aquiline Ltd., fell 2.74 meters to the ground and suffered injuries. Pat Denn (Agriculture) Ltd pleaded to two charges.

Contravention	Legislation	Verdict	Fine	Sentence	Defendant
Regulation 6(1)(a)	Construction Regulations 2006	Guilty plea entered	€1,500	None	Pat Denn (Agriculture) Ltd.
Regulation 6(1)(b)	Construction Regulations 2006	Guilty plea entered	Taken into account	None	Pat Denn (Agriculture) Ltd.



OS Sheetmetal Ltd

On Indictment

On the 16 of October 2009 an employee of OS Sheetmetal Ltd. suffered severe injuries whilst operating a Coventry lathe. A section of the stock bar was not securely fenced and the lathe did not have a safety guard in place. The accused pleaded guilty and was sentenced on the 24 May 2011 in the Cork City Circuit Court.

Contravention	Legislation	Verdict	Fine	Sentence	Defendant
Section 19(1)	Safety Health and Welfare Act of 2005	Guilty plea entered	€3,500	None	OS Sheetmetal Ltd.
Section 8(1) as it relates to Section 8(2)(g)	Safety Health and Welfare Act of 2005	Guilty plea entered	€3,500	None	OS Sheetmetal Ltd.

Holgate Infrastructure and Motorway Services Ltd

Summary

On 14 of August 2009 an employee of Holgate Infrastructure and Motorway Services Ltd. suffered extensive injuries when he was struck by an uncertified lifting accessory on a teleporter. The accused pleaded guilty to four counts and was sentenced on the 21 of June 2011 in the Dublin District Court.

Contravention	Legislation	Verdict	Fine	Sentence	Defendant
Section 8 (1) as it relates to 8(2) (a) contrary to 77(9)(a)	Safety Health and Welfare Act of 2005	Guilty plea entered	€1,600 to be paid within 3 months of sentencing	None	Holgate Infrastructure and Motorway Services Ltd.
Section 19 (1) contrary to Section 77(2)(a)	Safety Health and Welfare Act of 2005	Guilty plea entered	€1,600 to be paid within 3 months of sentencing	None	Holgate Infrastructure and Motorway Services Ltd.
Section 8(1) as it relates to Section 8 (2)(g) contrary to Section 77(9)(a)	Safety Health and Welfare Act of 2005	Guilty plea entered	€1,600 to be paid within 3 months of sentencing	None	Holgate Infrastructure and Motorway Services Ltd.
Section 8(1) as it relates to Section 8 (2)(e) contrary to Section 77(9)(a)	Safety Health and Welfare Act of 2005	Guilty plea entered	€1,400 to be paid within 3 months of sentencing	None	Holgate Infrastructure and Motorway Services Ltd.



G&T Crampton Ltd

On Indictment

This case arose from a fatal accident to the employee of a sub-contractor whilst crossing a designated pedestrian walkway to a building site compound. He was struck by a scaffold board. The case came on for hearing on 6 July 2011 at the Dublin Circuit Criminal Court and the accused pleaded guilty and was sentenced as follows:

Contravention	Legislation	Verdict	Fine	Sentence	Defendant
Section 12 contrary to section 77 (9) (a)	Safety, Health and Welfare at Work Act 2005	Guilty plea entered	€100,000 90 days to pay	None	G&T Crampton Ltd

Dermot Boyce

On Indictment

On 8 January 2011 a fatal accident occurred on a construction site at Milford Co. Donegal when the bucket of an excavator became detached from the machine and fell on the individual. The excavator was not fitted with a safety pin in the quick hitch device that attached the bucket to the machine. The matter came on for hearing on 12 July 2011 at Letterkenny Circuit Court. Mr. Boyce pleaded guilty to one count and was sentenced to 3 months in prison, substituted by 150 hours of community service.

Contravention	Legislation	Verdict	Fine	Sentence	Defendant
Section 13 (1) (G) contrary to section 77 (2)(a)	Safety, Health and Welfare at Work Act 2005	Guilty Plea	None	3 months in prison but substituted by 150 hours community service	Dermot Boyce

Lucey Transport Ltd

Summary

Fatal accident when a reversing vehicle crushed an employee of the accused between the rear of the vehicle and a fixed object at Mallow, Co Cork. The accused plead guilty to 2 charges and was sentenced on 20 July 2011.

Contravention	Legislation	Verdict	Fine	Sentence	Defendant
Regulation 29 (a) contrary to 77(2)(c)	Safety Health and Welfare Act of 2005	Guilty plea entered	€2,500	None	Lucey Transport Ltd.
Regulation 31 (c) contrary to Section 77(2)(c)	Safety Health and Welfare Act of 2005	Guilty plea entered	€2,500	None	Lucey Transport Ltd.



Concast Precast Ltd

On Indictment

On the 4 April 2008 in the manufacturing facility of Concast Precast Ltd., Hazelhatch, Co. Dublin and during the course of excavation works for foundations, a bucket attached to a quick hitch mechanism of a 360° excavator became detached falling into an excavation and fatally injuring an employee. The accused pleaded guilty to two counts and was sentenced on 21 July 2011 in the Dublin Circuit Court.

Contravention	Legislation	Verdict	Fine	Sentence	Defendant
Section 8 (2) (e) Contrary to Section 77 (9) (a)	Safety, Health and Welfare at Work Act 2005	Guilty Plea	€150,000	None	Concast Precast Ltd.
Section 19: Contrary to Section 77 (2) (a)	Safety, Health and Welfare at Work Act 2005	Guilty Plea	Taken into Account	None	Concast Precast Ltd.

B and Q Ireland Ltd

On Indictment

On the 29 March 2009 a member of the public suffered fatal injuries while shopping in the B&Q DIY store, Belgard Retail Park, Belgard Road, Tallaght, Dublin 24. He was struck by a 500kg bundle of lap-panel fencing which fell approximately 4 meters from the top bay of storage racking in the garden centre. The matter came before the Dublin Circuit Criminal Court on 27 July 2011 and the accused pleaded guilty to one count.

Contravention	Legislation	Verdict	Fine	Sentence	Defendant
Section 12: Contrary to Section 77 (9) (a)	Safety, Health and Welfare at Work Act 2005	Guilty Plea	€250,000	None	B&Q Ireland Ltd



Mr. Binman Limited

On Indictment

A fatal accident involving an employee of Mr. Binman Limited when he was struck with a loading shovel machine. The matter came on for hearing on 27 July 2011 at Limerick Circuit Court. The accused pleaded guilty to two charges.

Contravention	Legislation	Verdict	Fine	Sentence	Defendant
Section 8(2)(a) contrary to Section 77(9)(a)	Safety, Health and Welfare at Work Act 2005	Guilty plea entered	€40,000	None	Mr. Binman Ltd.
Regulation 14(a) contrary to Section 77(2)(c)	Safety, Health and Welfare at Work (General Application) Regulations 2007	Guilty plea entered	Taken into account	None	Mr. Binman Ltd.

Henkel Ireland Limited

Summary

An over-pressurisation event which initiated a 200 litre steel tight head drum to explode at Henkel Ireland Limited, Kylemore Park North, Ballyfermot, Dublin 10. There were no injuries from the incident with only slight structural damage to an external roof structure. Henkel Ireland Limited pleaded guilty to three charges. The matter came on for sentencing on 5 September 2011 at Dublin District Court.

Contravention	Legislation	Verdict	Fine	Sentence	Defendant
Section 8(1) and 8(2)(e), contrary to section 77(2)(a)	Safety, Health and Welfare at Work Act 2005	Pleaded Guilty Convicted	€3,000	None	Henkel Ireland Limited
Section 8(1) and 8(2)(e), contrary to section 77(2)(a)	Safety, Health and Welfare at Work Act 2005	Pleaded Guilty Taken into consideration	None	None	Henkel Ireland Limited
Regulation 4(2), Contrary to Section 77 (2)(c)	Safety, Health and Welfare at Work (Chemical Agents) Regulations 2001	Pleaded Guilty Take into consideration	None	None	Henkel Ireland Limited



Oatfield Confectionery

Summary

An employee of a contractor suffered severe injuries from a fall to the ground from a cage attached to a forklift supplied by Oatfield Confectionery, Letterkenny. The cage was not purpose built for carrying persons. The company pleaded guilty to two charges. The matter came on for sentencing on 3 October 2011 at Letterkenny District Court.

Contravention	Legislation	Verdict	Fine	Sentence	Defendant
Section 12 contrary to Section 77(9)(a)	Safety, Health and Welfare at Work Act 2005	Guilty plea entered	€750	None	Oatfield Confectionery
Section 15(3) contrary to Section 77(9)(a)	Safety, Health and Welfare at Work Act 2005	Guilty plea entered	€750	None	Oatfield Confectionery

Ray Whelan Ltd.

Summary

An employee fell from a man-riding footboard on the rear of a refuse collection truck into the path of an oncoming vehicle. He sustained multiple serious injuries. Examination of the man-riding footboard on the rear of the vehicle confirmed it did not meet the requirements of European Standard EN1501-1. The footboards had been manufactured and installed by Ray Whelan Ltd. The company pleaded guilty to two charges. The matter came on for sentencing on 6 October 2011 at Carlow District Court.

Contravention	Legislation	Verdict	Fine	Sentence	Defendant
Regulation 28(c)	Safety, Health and Welfare at Work (General Application) Regulations 2007	Guilty plea	€2,000	None	Ray Whelan Ltd
Regulation 29(a)	Safety, Health and Welfare at Work (General Application) Regulations 2007	Guilty plea	Taken into account	None	Ray Whelan Ltd



Carty Contractors Limited

Summary

An accident resulting in a fatality on a roadwork construction site at Clonlara, Co. Clare. This activity involved the use of a large 360° excavator, a small articulated dumper and other mobile machinery being operated in a relatively restricted space on a roadway approximately 5 metres wide. The company pleaded guilty to all charges. The matter came on for sentencing on 20 October 2011 at Limerick District Court.

Contravention	Legislation	Verdict	Fine	Sentence	Defendant
Section 8(1) and Section 8(2)(a) contrary to Section 77(2)(a)	Safety, Health and Welfare at Work Act 2005	Guilty plea entered	€2,500	None	Carty Contractors Limited
Regulation 87(1)(e) contrary to Section 77(2)(c)	Safety, Health and Welfare at Work (Construction) Regulations 2006	Guilty plea entered	€2,500	None	Carty Contractors Limited

Kilwex Limited

On Indictment

(see also Al Read Electrical Company Limited below)

On the 14 January 2008 an employee of Al Read Electrical Ltd received serious electrocution injuries when installing public lighting poles at a Dundalk construction site. Kilwex Ltd. was the Project Supervisor Construction Stage. There were no measures such as goalposts or signs at the accident location to warn of the presence of overhead electricity lines. The company pleaded guilty to two charges set out below. The matter came on for hearing on 14 October 2011 at Dundalk Circuit Court.

Contravention	Legislation	Verdict	Fine	Sentence	Defendant
Section 12 contrary to Section 77.2(a)	Safety, Health and Welfare at Work Act 2005	Guilty plea	€15,000	None	Kilwex Ltd
Reg. 41(e)	Safety, Health and Welfare at Work (Construction) Regulations 2006	Guilty plea	€15,000	None	Kilwex Ltd



Al Read Electrical Company Limited
(See also Kilwex Limited)

On Indictment

On the 14 January 2008 an employee of Al Read Electrical Ltd received serious electrocution injuries when installing public lighting poles at a Dundalk construction site. Kilwex Ltd. was the Project Supervisor Construction Stage. There were no measures such as goalposts or signs at the accident location to warn of the presence of overhead electricity lines. The company pleaded guilty to two charges set out below. The matter came on for hearing on 14 October 2011 at Dundalk Circuit Court.

Contravention	Legislation	Verdict	Fine	Sentence	Defendant
Section 8.2(e) contrary to Section 77.9(a)	Safety, Health and Welfare at Work Act 2005	Guilty plea	€15,000	None	Al Read Electrical Ltd
Section 8.2(g) contrary to Section 77.2(a)	Safety, Health and Welfare at Work Act 2005	Guilty plea	€15,000	None	Al Read Electrical Ltd

K.S.D. Construction Services Limited
(see also Daniel Kelleher)

On Indictment

Offences were detected during a routine inspection on 27 August 2009 at a construction site at Oliver Plunkett Street, Cork. Failure to ensure scaffolding was erected, assembled and installed in a safe manner. The company pleaded guilty to all charges. The matter came on for hearing on 7 November 2011 at Cork Circuit Criminal Court.

Contravention	Legislation	Verdict	Fine	Sentence	Defendant
Section 16(4) contrary to Section 77(2)(a)	Safety, Health and Welfare at Work Act 2005	Guilty plea	€10,000	None	K.S.D. Construction Services Limited
Section 16(4) contrary to Section 77(2)(a)	Safety, Health and Welfare at Work Act 2005	Guilty plea	€10,000	None	K.S.D. Construction Services Limited
Section 16(4) contrary to Section 77(2)(a)	Safety, Health and Welfare at Work Act 2005	Guilty plea	€10,000	None	K.S.D. Construction Services Limited
Section 16(4) contrary to Section 77(2)(a)	Safety, Health and Welfare at Work Act 2005	Guilty plea	€10,000	None	K.S.D. Construction Services Limited



Daniel Kelleher (Director of K.S.D. Construction Services Ltd.)
(see also in K.S.D. Construction Services Limited)

On Indictment

Offences were detected during a routine inspection on 27 August 2009 at a construction site at Oliver Plunkett Street, Cork. Failure to ensure scaffolding was erected, assembled and installed in a safe manner.

The matter came on for hearing on 7 November 2011 at Cork Circuit Criminal Court and the accused director pleaded guilty as follows:

Contravention	Legislation	Verdict	Fine	Sentence	Defendant
Section 16(4) contrary to Section 77(2)(a) as provided by Section 80(1)	Safety, Health and Welfare at Work Act 2005	Guilty plea	€500	None	Daniel Kelleher

Gibson Bros (Ireland) Ltd.

On Indictment

This matter came on for hearing on 19 October 2011 at Dundalk Circuit Court. A fatal accident concerning a member of the public at Clogherhead, Co. Louth involving roadworks. The accused was the Project Supervisor for the Construction Stage for a road realignment project and pleaded guilty to all charges.

Contravention	Legislation	Verdict	Fine	Sentence	Defendant
Section 12 contrary to Section 77(9)(a)	Safety, Health and Welfare at Work Act 2005	Guilty	€15,000	None	Gibson Bros (Ireland) Ltd
Regulation 16 (d) contrary to Section 77(2)(c)	Safety, Health and Welfare at Work (Construction Regulations 2006)	Guilty	€15,000	None	Gibson Bros (Ireland) Ltd

Pouladuff Dismantlers Cork Limited

On Indictment

This case arose from the investigation of a fatal accident to an employee of Pouladuff Dismantlers Cork Limited. He was killed on the 10th of April 2010 when a 5 tonne weight struck him. The investigation found that the company failed to provide a written risk assessment for the operation. The company pleaded guilty. The matter came on for hearing at Cork Circuit Court on 30 November 2011.

Contravention	Legislation	Verdict	Fine	Sentence	Defendant
Section 19 (1).	Safety, Health and Welfare at Work Act, 2005.	Guilty plea entered	€1,500	-	Pouladuff Dismantlers Cork Limited.



Swords Sports and Leisure Ltd.

Summary

Swords Sports and Leisure Ltd. were the main contractor on a construction site at O’Connell School, North Richmond Street, Dublin 1. While steel posts were being transported from a delivery lorry by a teleporter, the steel posts fell from the forks of the teleporter. The posts fell from a height and penetrated the ground floor window of an apartment adjacent to the school. The incident did not result in any injury. The matter came on for hearing on 30 November 2011 at the District Court, Four Courts, Dublin.

Contravention	Legislation	Verdict	Fine	Sentence	Defendant
Regulation 19(1)(b)	Safety, Health and Welfare at Work (Construction) Regulations 2006	Guilty plea entered	€500	None	Swords Sports and Leisure Ltd.

Appendix C: Legislative Development Programme 2011

Regulation	Type	Status
Reporting of Accident Regulations	Review	<i>Draft regulations prepared in 2011 for public consultation early in 2012</i>
Safety in Industry Acts 1955 and 1980	Review	<i>Draft regulations prepared in 2011 for public consultation early in 2012</i>
Draft Safety, Health and Welfare at Work (General Application) (Amendment) Regulations (Pressure Systems)	Review	<i>Draft Regulations are currently with the Office of Parliamentary Counsel</i>
Draft Safety, Health and Welfare at Work (General Application) (Amendment) Regulations (Use of Work Equipment)	Review	<i>Draft Regulations are currently with the Office of Parliamentary Counsel</i>
Draft Safety, Health and Welfare at Work (Diving) Regulations	Review	<i>Draft Regulations are currently with the Office of Parliamentary Counsel</i>
Draft Safety, Health and Welfare at Work (Mines) Regulations	New/ review	<i>Draft Regulations are currently with the Office of Parliamentary Counsel</i>
Chemicals Act (CLP Regulation) Regulations, 2011 (SI No. 102)	New	<i>These came into effect on 1st March 2011</i>
Chemicals (Asbestos Articles) Regulations, 2011 (SI No. 248)	New	<i>These came into effect on 31st May 2011</i>
European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) Regulations, 2011 (SI No. 349)	New	<i>These came into effect on 1st July 2011</i>
Dangerous Substances (Retail and Private Petroleum Stores) Regulations, 2011 (SI No. 712)	Review	<i>These came into effect on 22nd December 2011</i>



Appendix D: Code of Practice Development Programme 2011

Code of Practice	Status
Code of Practice for Safety in Roofwork	<i>Came into operation on 1 September 2011</i>
Code of Practice for the Docks Industry	<i>Public consultation concluded 4 August 2011</i>
Code of Practice for Employers with Three or Less Employees in Inshore Fishing	<i>Public consultation concluded 19 August 2011</i>
Code of Practice for Inland/Inshore and Offshore Diving Operations	<i>To be finalised following formal legal settlement of the draft Safety, Health and Welfare at Work (Diving) Regulations</i>
2011 Code of Practice for the Safety, Health and Welfare at Work (Chemical Agents) Regulations, 2001	<i>Came into operation on 5 December 2011</i>



Appendix E: Guidance Materials Published in 2011

Guidance topic	Guidance title
Agriculture	<p><i>Safe handling on farms – Guidance booklet</i></p> <p><i>Safe handling on farms - Information sheet</i></p>
Construction	<p><i>Safe use of dumpers on construction sites - Information sheet</i></p> <p><i>Site Dumper and 360 excavator - Pre-start checklist</i></p> <p><i>SSWP – Working in Graveyards and Cemeteries</i></p>
Education	<p><i>Protecting young people at work (5th edition)</i></p> <p><i>Young People at work and workplace accidents (6th Edition)</i></p>
Healthcare	<p><i>Guidance on the management of manual handling in healthcare</i></p> <p><i>Tuberculosis: Protecting healthcare workers from workplace exposure –Information sheet</i></p> <p><i>Controlling legionnaires disease in healthcare settings – Information sheet</i></p> <p><i>Guidance on lone working in the healthcare sector</i></p> <p><i>Prevention of sharps injuries in healthcare – Information Sheet</i></p> <p><i>Patient hoists - Information sheet</i></p>
Occupational Health	<p><i>Intoxicants at work - Information sheet</i></p> <p><i>Work related stress - Information sheet for employees</i></p> <p><i>Work related stress - Guide for employers</i></p> <p><i>Biological Monitoring Guidelines – Guidance booklet</i></p>
Chemicals/ADR	<p><i>Your Steps to Chemical Safety – Guidance Booklet</i></p> <p><i>Chemical Distributor Duties under REACH and CLP – Information sheet</i></p> <p><i>Interim Policy Recommendation on Assigned Protection Factors for Air-Supplied or Powered Respirators - Information sheet</i></p> <p><i>Main changes made to the European Agreement Concerning the International Carriage of Dangerous Goods by Road (ADR) for the 2011 edition - Report</i></p> <p><i>Carriage of Dangerous Goods by Road Regulations / ADR - Guidance on the appointment of a Dangerous Goods Safety Adviser – Guidance Booklet</i></p> <p><i>Guidance note for the application of the Environmentally Hazardous Substance mark to dangerous goods transported under the requirements of ADR – Information sheet</i></p> <p><i>Industry Notice for Fuel Oil Classification under ADR – Information sheet</i></p>



Guidance topic	Guidance title
Taking Care of Business	<i>Display screen equipment - Information sheet</i>
	<i>Electricity - Information sheet</i>
	<i>Fire - Information sheet</i>
	<i>Manual handling - Information sheet</i>
	<i>Maintenance - Information sheet</i>
	<i>Slips, trips and falls - Information sheet</i>
	<i>Workplace transport - Information sheet</i>
	<i>Work at height / falling objects - Information sheet</i>
Work Related Vehicle Safety	<i>Forklift truck Operator pre use Checklist and Poster</i>
	<i>Forklift Truck operator - Checklist and poster</i>
	<i>Load security - Information sheet</i>
	<i>Van driver - Walk around checklist</i>
	<i>Bus driver - Walk around checklist</i>
	<i>HGV driver - Walk around checklist</i>



Appendix F: Board Sub-Committees and Advisory Committees 2011

Legislation and Guidance Sub-Committee of the Board

- George Brett (Chairperson)
- Marian Byron
- Dermot Carey
- Esther Lynch
- Mary Bohan
- Eamonn Devoy (alternate)

Finance Sub-Committee of the Board

- Des Mahon (Chairperson)
- Dan O'Connell
- Dessie Robinson

Audit Sub-Committee of the Board

- Des Mahon (Chairperson)
- Dermot Carey
- Dan O'Connell
- Dessie Robinson

Strategic Review and Implementation Sub-Committee of the Board

- Micheal Horgan (Chairperson)
- Francis Rochford
- Marian Byron
- Eamon Devoy
- George Brett

Construction Advisory Committee (CAC)

- Dessie Robinson (Chairperson) Health and Safety Authority Board member and IMPACT
- Denis Farrell Building and Allied Trades' Union
- Kathy O Leary Construction Industry Federation
- Robert Butler Construction Industry Federation
- Carl Anders Irish Business and Employers Confederation
- Alan Farrell FÁS
- James Coughlan SIPTU
- Kevin Rudden Association of Chartered Engineers Ireland
- Michael McDonagh Health and Safety Authority
- Paraig Earley Health and Safety Authority
- Carol O Shea (Secretary) Health and Safety Authority



Technical Scientific Advisory Committee (TSAC)

- Marian Byron (Chairperson) Health and Safety Authority Board member
- Darren Byrne Department of the Environment and Local Government (Deputy Chair)
- Frank Barry Irish Congress of Trade Unions
- Bobby Carty Irish Congress of Trade Unions
- John Hughes Department of Jobs, Enterprise and Innovation
- Michael Gillen Irish Business and Employers Confederation
- Carl Anders Irish Business and Employers Confederation
- David McGilloway Pesticide Registration and Control Division
- Peter Webster Environmental Protection Agency
- Frances Wright Occupational Hygiene Society of Ireland
- Aisling Murtagh Consumer Association of Ireland
- Peter J Claffey Health and Safety Authority
- Shara Smith (Secretary) Health and Safety Authority

Farm Safety Partnership Advisory Committee (FSPAC)

- Mary Bohan (Chairperson) Health and Safety Authority Board member
- Brian Carroll Agricultural Consultants Association
- Jim Dockery Farm Relief Network
- Declan Gibney Institute of Occupational Safety and Health
- Pat Kirwan Veterinary Ireland
- Seán O Laoide Veterinary Council of Ireland
- Gerard Mawn Coillte
- Michael Larkin Macra na Feirme
- John McNamara Teagasc
- Patricia Torpey Department of Agriculture, Fisheries and Food
- Tom Murphy Professional Agricultural Contractors Association
- Vincent Nally Irish Rural Link
- Willie O Donohue Irish Creamery Milk Suppliers Association
- Noel Richardson Health Service Executive
- Ciarán Roche FBD Insurance
- Margaret Healy Irish Farmers Association
- Pat Griffin Health and Safety Authority
- Anthony Morahan Health and Safety Authority
- Margaret Egan (Secretary) Health and Safety Authority



Southern Regional Advisory Committee (SRAC)

- Sylvester Cronin (Chairperson) Safety and Health Adviser, SIPTU
- Anne Keohane IFA
- Michael Reidy, Limerick County Council
- Austin Noonan Limerick Institute of Technology
- Conor O'Connell Construction Industry Federation (CIF)
- David Neal IFO
- Donal Harte ICMSA
- Pat O'Flynn, SIPTU
- Eddie Ronayne Cork Co. Council
- Gus Connolly ESB Networks
- Bob Seward, IOSH
- Maria O'Brien Health Service Executive
- Mary Keane NISO
- Michael Hanley, C.E.O., West Cork Enterprise Board
- Robert Stuart Kerry Co. Council
- Tony Briscoe IBEC
- Sean Hyde Senior Inspector, Health and Safety Authority
- Patricia Truscott (Secretary) Health and Safety Authority

South-East Regional Advisory Committee (SERAC)

- Dan O'Connell (Chairperson) Health and Safety Authority Board member)
- John Cassidy FÁS
- Ita Leyden Institute of Occupational Health and Safety
- Lorraine Casey Power, Deputy Institute of Occupational Health and Safety
- Eileen Curtis, Kilkenny VEC
- Geraldine Moran, Deputy Kilkenny VEC
- Zena Keane, Carlow County Council
- Geraldine Moran, Deputy, Kilkenny VEC
- James Curran Construction Industry Federation
- Mary Flynn, Waterford IFA Farm Family & Social Affairs
- Marion Dalton, Deputy, Waterford IFA Farm Family & Social Affairs
- John Hickey Bord Iascaigh Mhara
- John Hogan Teagasc
- Mary Kelly, Health Services Executive
- Richard King, ESB
- Kieran Leahy Garda Representative Association
- Conor O'Reilly, Deputy Garda Representative Association
- John Mulholland, Kilkenny County Council
- Ray Murray Bord Iascaigh Mhara
- Frank Nolan, Irish Water Safety
- Sean Hennessy, Irish Water Safety
- Mary O'Doherty Waterford Institute of Technology
- Paul O'Mahony, Irish Concrete Federation
- Brian Sheerin, Inland Fisheries Ireland
- Michael Cusack, Inland Fisheries Ireland
- Eddie Taaffe, Wexford County Council
- Mark Cullen Health and Safety Authority
- Maura Kavanagh (Secretary) Health and Safety Authority



North-West Regional Advisory Committee (NWRAC)

- John Byrne (Chairperson)
- Martin Shields Irish Business and Employers Confederation
- John Quinn National Irish Safety Organisation
- Olive Henry FÁS
- Fintan Byrne An Garda Síochána
- Darragh Gannon An Garda Síochána
- Maura Canning Irish Farmers Association
- Elizabeth Tilson (deputy) Irish Farmers Association
- Art McGrath Teagasc
- Tom Farrell IMPACT
- David Mullarkey Sligo Institute of Technology
- Tom Currid Construction Industry Federation
- John McGovern Coillte
- James Hughes North West American Chamber of Commerce
- Rosemary Russell (deputy) North West American Chamber of Commerce
- Adrian Maye Irish Concrete Federation
- Anthony Moran (deputy) Irish Concrete Federation
- Sonya Maguire Local Authority Safety Advisors Group
- Brian Morris (deputy) Local Authority Safety Advisors Group
- Pat Kelly ESB Networks
- Bernadette McLoughlin Irish Countrywomen's Association
- Hilary Byrne Health and Safety Authority
- Orla Cahalan (Secretary) Health and Safety Authority



Appendix G: Report for 2011 on the Performance of Designated National Authorities on their Functions under the Chemicals Acts 2008 and 2010

Background

The Health and Safety Authority (herein referred to as 'the Authority') was appointed as the principal national authority under the Chemicals Acts 2008, No. 13 of 2008, which was amended in 2010 by the Chemicals (Amendment) Act, No. 32 of 2011 (herein referred to as 'the Chemicals Acts of 2008 and 2010') and as such has responsibility for co-coordinating the operation of the Acts. The Acts provide for the implementation and administration of the REACH Regulation (EC 1907/2006), the CLP Regulation (EC 1272/2008), the Rotterdam Regulation (EC 689/2008) and the Detergents Regulation (EC 648/2004).

Five other national authorities have administrative and/or enforcement obligations under the 2008 and 2010 Acts, namely, the Department of Agriculture, Fisheries and the Marine (DAFM), the Environmental Protection Agency (EPA), Beaumont Hospital Board, the Customs Service of the Department of the Revenue Commissioners and the Irish National Accreditation Board (INAB). This addendum summarises the performance of the functions of these Authorities for 2011, details of which were submitted to the Authority in reports as required under Sections 8(4) and 8(5) of the 2008 Act.

1. Key Achievements for Competent Authorities

The Authority fully met its statutory obligation under the Chemicals Acts 2008 and 2010 to provide national leadership for the implementation and administration of REACH, CLP, Detergents and The Rotterdam Regulation. We provided a national service in the form of the Irish Helpdesk on REACH and CLP which handled a total of 426 chemicals queries in 2011. A key achievement for the Authority in 2011 was gaining access to REACH-IT to facilitate our competent authority roles and responsibilities under REACH & CLP. An external audit to assess compliance with ECHA Security Requirements was successfully completed in 2011. Preparation for the rollout of the new REACH Information Portal for Enforcement, (RIPE) for use by inspectors in performance of their enforcement duties under the Chemicals Acts 2008 & 2010 is underway.

In relation to policy, we had a leading role on submissions to ECHA and Commission consultations on a range of issues; we attended CARACAL and related subgroups and our staff participated as national representatives or experts on the relevant ECHA working groups and committees.

We worked closely with our colleagues in the Department of Jobs, Enterprise, & Innovation, (DJEI) providing technical advice to support the EU Council negotiations on the Detergents Regulations, and the Rotterdam Regulation recast. We provided significant technical advice and support to DJEI in the development of the Chemicals (Asbestos Articles) Regulations 2011 (S.I. No. 248 of 2011) to comply with provisions of Article 67 and Annex XVII of the EU REACH Regulation 1907/2006.

A highlight for the Authority in 2011 was hosting the visit of the Executive Director of the European Chemicals Agency (ECHA), Geert Dancet in April. During his visit, Mr Dancet met with the Minister for Jobs, Enterprise and Innovation and key Department officials as well as Authority staff, other Competent Authorities and a number of REACH stakeholders and interested parties. He praised Ireland's commitment and contributions to REACH and CLP and requested that the Authority remain active and engaged into the future.

The **Department of Agriculture, Food and the Marine (DAFM)** are a competent authority for the purposes of the REACH, CLP and Rotterdam Regulations. In 2011, they contributed an expert to the Risk Assessment Committee (RAC) and processed harmonised classification dossiers for plant protection products. DAFM and the Authority also agreed a Memorandum of Understanding for mutual areas under the Chemicals Acts 2008 and 2010.

The **Environmental Protection Agency (EPA)** has been named as a competent authority for the purposes of the REACH Regulation, in respect of the prevention of environmental pollution (as defined by the EPA Act



1992). The EPA is also named as a competent authority for the purposes of the Detergents Regulation, in respect of matters relating to biodegradability of surfactants in detergents.

The **Revenue Commissioners** are appointed as the Designated National Authority under Article 17 of the Rotterdam Regulation, and **Revenue's Custom Service** is responsible for the control of the import and export of dangerous chemicals listed in the Regulation. In this regard, throughout 2011 chemicals prohibited or restricted from exportation were profiled on Revenue's Automated Entry Processing (AEP) Customs Clearance System.

The **Beaumont Hospital Board** is appointed as the National Authority in relation to the Detergents Regulation (Article 9(3) only) and CLP Regulation (Article 45 only) under the Chemicals (Amendment) Act 2011. The task of providing product information to meet the needs of medical professionals has been assigned to the **National Poisons Information Centre (NPIC)**, which is based in Beaumont Hospital. The Beaumont Hospital IT Department provides and supports a document management system for storing and retrieving product information. Preliminary data indicates that in 2011 the NPIC answered 976 enquiries about suspected human poisoning/exposure incidents which involved mainly detergent & disinfectant products. Fabric cleaning liquid sachets/capsules, bleach, disinfectants, washing-up liquid and dishwasher tablets were the detergent products most frequently involved in these cases.

The **Irish National Accreditation Board (INAB)** accredits laboratories to ISO/IEC 17025 and operates a GLP programme in accordance with the OECD Principles of Good Laboratory Practice. The INAB reported that there are currently no laboratories accredited by INAB to ISO/IEC 17025 for testing activities under Articles 8(2) and 8(3) of the Detergents Regulation, i.e. there are no approved testing laboratories in Ireland.

2. Key Issues

We contributed significantly to the first Member State Report to ECHA on the Implementation of the CLP Regulation, under Article 46 (2), which was submitted by DJEI.

Revenue's Customs Service (RCS) reported that customs codes do not always identify the specific chemicals that are subject to the Rotterdam Regulation. This issue is still awaiting resolution by the EU Commission. The NPIC is planning to prepare a schedule of fees for submission to Ministers in relation to the provision of an emergency contact telephone number on SDS for various companies who wish to use that service, which is currently free of charge.

3. Enforcement Programmes

3.1 Description of the enforcement activities carried out by each of the national authorities under each of the relevant regulations

The Authority carried out 1,165 REACH inspections, including 21 detailed inspections checking compliance with Registration, in line with the 2011 REACH/CLP Enforcement Strategy.

The EPA and DAFM undertook no specific enforcement actions in relation to REACH and CLP Regulations under the Chemicals Acts 2008 and 2012. Enforcement action taken by DAFM or EPA was primarily undertaken under other legislative programmes.

Enforcement activity by the Customs Service in fulfilment of obligations under the Rotterdam Regulation involved the electronic profiling of certain dangerous chemicals on the AEP Customs Clearance System, and validation by Customs staff at the point of export.



3.2 Description of inspector development programmes and inspection process development programmes undertaken by each of the national authorities

The Authority prepared a 2011 Enforcement Strategy and Training Plan which outlined the development and training needs of inspectors and the requirements and the resources required to deliver them. Inspectors were trained on the requirements under the CLP Regulation and received training prior to participation in a REACH En-Force project focusing on downstream user obligations under REACH and CLP, which was coordinated by the Forum for Exchange of Information on Enforcement.

EPA licensing and enforcement inspectors are kept up to date on information arising from various REACH processes as it becomes available.

Revenue prepared an information manual which has been issued to all Customs staff to support procedures for regulating export of chemicals under Rotterdam Regulation.

4. Co-operation Arrangements

4.1 Memoranda of Understanding (MoU) between national authorities

The Authority lead the preparation of a Memorandum of Understanding, between the Authority and DAFM setting out their respective roles and responsibilities in the implementation and enforcement of the REACH & CLP Regulations, which was signed in November 2011.

The Authority has drafted a consolidated MoU outlining cooperation arrangements on the REACH and Detergents Regulations and the Chemicals Acts, which has been submitted in 2011 to the EPA for their consideration. It is hoped this will be signed off by the two organizations in 2012.

The Authority has established a data sharing relationship with the Customs Authorities in order to obtain information on importers for market surveillance purposes under REACH.

4.2 Mutual co-operation arrangements with external authorities

In 2011, one Interdepartmental meeting was chaired by the Department and attended by all national Competent Authorities, and some bilateral meetings between the Authority and EPA, and DAFM were also held in 2011 to advance a number of issues under the Chemicals Acts, including Detergents MoU, the preparation of a dossier by Ireland to identify a substance of very high concern and the selection of a substance for Ireland to evaluate under substance evaluation, from the first Community Rolling Action Plan (CoRAP).

The Authority also engaged with the relevant REACH Competent Authorities in the UK and Northern Ireland (HSE and HSE-NI) for the purpose of sharing experiences of, and information on, REACH implementation, and participated in one UK REACH Enforcement Liaison Group meeting in 2011.

One Joint Irish Designated National Authority meeting was held between Revenue's Customs Service, the Authority and the DAFM. Issues surrounding the implementation of the Rotterdam Regulation in Ireland were discussed in addition to operational and policy matters.

5. National Advisory Committees

The Authority's Technical and Scientific Advisory Committee (TSAC) is the principal forum for consultation with external bodies on chemicals, and representatives from both the EPA and the DAFM participate in this forum. Three meetings were held in 2011 following developments in relation to the REACH and CLP Regulations, as well as the development of Authority guidance in relation to safe chemicals management.



6. National Authority Obligations

6.1 Administration

The REACH and CLP Regulations:

The Authority lead the national programme on REACH and CLP in 2011 by attending three CARACAL meetings and additional subgroups on nanomaterials and the adaptation of the CLP Regulation. We also provided policy inputs on a range of issues in these different forums. We attended 6 ECHA Member State Committee meetings, dealing with issues such as identification of substances of very high concern, decisions on testing proposals and compliance checks of dossiers and recommendations to include substances in Annex XIV of REACH. As part of our MSCA role, under dossier evaluation we reviewed 43 testing proposal ECHA draft decisions and submitted 4 proposals for amendment as well as limited reviews on compliance checks. In relation to public consultations, the Authority directly submitted comments on 14 harmonised classification and labelling proposals, 2 restriction proposals and 28 Annex XV SVHC proposals.

Under substance evaluation, we worked with other Member States and ECHA to finalise the first **Community Rolling Action Plan** (due for publication February 29th 2012) and secured **one substance** for Ireland to evaluate in 2012.

On CLP Policy, we continued to lead on this both nationally and at an EU level, as well as attending 2 United Nations Sub-Committee of Experts on GHS (UN SCE GHS) meetings.

The EPA attended one CARACAL meeting in 2011 – it was agreed in 2011 for efficiency reasons to reduce attendance to one lead agency (HSA) and EPA to provide input through the Authority.

As Competent Authority for REACH, the Authority provided one expert participant at the Risk Assessment and Socio-Economic Analysis Committees (RAC and SEAC), and DAFM also provided an expert to the RAC. The Authority expert participated in 4 SEAC meetings and contributed to the expert opinion delivered to the Commission on restriction proposals for dimethylfumarate (DMFu), lead in jewellery, mercury in measuring devices and phenylmercury. For the RAC, the Authority and the DAFM representatives participated in all 5 RAC meetings held in 2011 and contributed to final opinions on 22 substances for harmonized classification and labeling as well as contributing to the opinions on the same dossiers as listed above in relation to the SEAC. The Authority's RAC experts also undertook an accordence check on 2 CLH dossiers and submitted some 14 written comments on CLH and restriction proposals on the agenda.

Rotterdam Regulation:

In 2011, representatives from the Authority attended one EU Designated National Authority (DNA) Meeting, as well as one Regulatory Committee meeting held to amend Annex I of the Rotterdam Regulation. The DAFM did not attend any DNA meetings in 2011.

We processed 4 export notifications and 1 explicit consent under the Rotterdam Regulation and responded to 21 other queries in relation to implementation of the Regulation.

As Designated National Authority under the Rotterdam Regulation for pesticides, the Department of Agriculture, Fisheries and Food (DAFM) reported that in 2011 no PIC applications related to pesticides were received.

Revenue's Customs Service provides relevant information for reporting via the Authority and has no direct reporting requirements under this legislation.



Detergents Regulation:

The Authority consulted with Irish stakeholders to prepare and provide EU Commission with the national position on proposals to restrict phosphates in detergents.

The EPA corresponded with their parent department, DECLG with respect to the issue of phosphates in detergents.

6.2 Regulatory developments

The Authority also provided technical support for the legislative developments of the REACH Regulation and its Annexes, in particular in relation to the revision of Annex XVII, Annex XIV, and the 3rd adaptation to the CLP Regulation. National positions were prepared to support the DJEI in the Comitology process.

HSA prepared briefing reports for DJEI and EU Permanent representative for all Council negotiations on the Rotterdam Regulation, as well as attendance by our technical expert. We also prepared briefing reports for DJEI and EU Permanent representative for all Council negotiations on the Detergents Regulation, and also provided a technical expert attendance at the technical Council negotiations.

DAFM provided input in relation to the Commission proposal for a recast of the Rotterdam Regulation introduced in 2011.

The Authority provided technical advice to DJEI for drafting of the Chemicals (Asbestos Articles) Regulations 2011 (S.I. No. 248 of 2011), made under the Chemicals Acts. These Regulations specify how the Authority may issue a certificate to exempt an asbestos-containing article, or category of such articles, from the prohibition on the placing on the market of an asbestos-containing article provided for by Article 67 and Annex XVII of REACH.

6.3 Guidance and enforcement policy

REACH and CLP:

The Authority's 2011 REACH and CLP enforcement strategy and training programme took into account the work of the ECHA FORUM and policies arising from the efforts of various working groups. In addition, the Authority provided policy and technical input at the FORUM (3 meetings held in 2011), and contributed to a number of working groups (WG) including the Interlinks WG tasked with reporting on the communication, cooperation and coordination between ECHA and Member States authorities in the context of REACH and CLP enforcement. The Authority also took part in the Forum coordinated enforcement REACH En-Force 2 project aimed at downstream users obligations, specifically duties of formulators of mixtures. We also participated in a Forum training workshop for the new RIPE (REACH Information Portal for Enforcement) tool and we will use that experience as well as materials from the event in our in-house training to prepare inspectors to use the new RIPE tool.

In relation to guidance development the Authority also contributed to the work of ECHA's Partner Expert Groups (PEGs) for the review and updating of guidance documents in relation to various aspects of REACH and CLP, including guidance on Safety Data Sheets,

The NPIC contributed to a working group developing harmonised guidelines for product information for Poisons Centres & appointed bodies, which have been submitted to the Commission in late 2011; the Commission will complete its review in 2012.



6.4 Awareness-raising

The deadline for companies to notify substances in articles was in June 2011, and the Authority carried out a "Countdown to Notification" campaign for industry, which included a training seminar hosted with our colleagues in IBEC.

The Authority remains the lead Authority in the provision of advice and information, and this year consolidated the REACH & CLP Helpdesks to provide a single point of contact (chemicals@hsa.ie), through which a total of 426 REACH and CLP queries were processed in 2011. We also delivered a successful webinar for Local Authority outdoor staff working with chemical substances and mixtures, and held 2 awareness-raising seminars and 2 webinars through 2011.

The Authority maintains chemicals-dedicated web-pages and produces a quarterly Chemicals E bulletin, primarily addressing updates on REACH and CLP, which is circulated to approximately 500 customers. We also published a short guide for small business titled 'Your Steps to Chemical Safety, which shows a three step approach whereby a small business can safely manage its chemicals.

The EPA raises awareness about chemicals through a REACH webpage, which achieved 1561 hits in 2011, and also via publications, conferences and the media. In 2011, the EPA alerted potentially relevant EPA licensees to ECHA public consultations on the proposed inclusion of substances in the candidate list and the authorisation list (REACH Annex XIV) and for restriction.

Revenue's Customs Service has (via the Customs Consultative Committee) informed the trade of the export declaration and Reference Identification Number (RIN) requirements for the exportation of chemicals covered by the Rotterdam Regulation, including access to the staff manual via their website. The Revenue website also sets out general information in respect of Prohibited/Restricted goods, including information in respect of the exportation of Dangerous Chemicals under the Rotterdam Regulation.

7.0 Research

The EPA was involved in a research project recently published, titled *Nanomaterials in REACH - evaluation of applicability of existing procedures for chemical safety assessment to nanomaterials*, which is to make an assessment, based on currently available scientific evidence, of whether the REACH legislation and its associated guidance documents may need adjustment in order to ensure that the purpose of this regulation is satisfied also for nanomaterials.



Appendix H:

Overview of Energy Usage In 2011

The main energy users at the Health and Safety Authority are our headquarters in James Joyce Street, 7 regional offices and 2 warehouses. Most of the energy consumption is for lighting, air conditioning, office equipment and catering equipment.

In 2011, the Health and Safety Authority consumed 717,096 kWh of energy consisting of

- 68,107 kWh of natural gas
- 648,989 kWh of electricity

Actions undertaken in 2011

The Health and Safety Authority undertook a range of initiatives to improve our energy performance in 2011

- Installation of a more energy efficient boiler in our Athlone Office
- Installation of more energy efficient lighting throughout HQ
- Paper recycling. The Authority saved 80 trees in 2011 by participating in recycling scheme
- Energy efficient driver training included in the Advanced Driving Skills Course provided to staff
- Ongoing service and maintenance of air conditioning system to improve energy efficiency

Actions planned for 2012

The Health and Safety Authority plans to undertake a range of initiatives to further improve our energy performance in 2012

- Change to a more efficient energy plan in our HQ office
- Further installation upgrades
- Installation of energy efficient lighting in regional offices
- Promote other ways of commuting to work
- Recycle or reduce waste where possible



Appendix I: Statement on Compliance with the requirements of the Code of Practice for the Governance of State Bodies – Additional to the Statement on Internal Financial Control

This Statement of Compliance must be read in conjunction with the Statement of Internal Control that appears in both the Annual Report and Financial Statements of the Authority. This Statement seeks to provide assurance in connection with a range of items detailed in Paragraph 10.2 of the Code that are not addressed in the Statement of Internal Financial Control.

A Code of Standards and Behaviour has been put in place for employees and a Code of Corporate Governance has been put in place for Board Members and both are adhered to.

Government policy on the pay of Chief Executives and all State body employees is being complied with. Details of the salary of the Chief Executive Officer are published in the Annual Report.

Government guidelines on the payment of Directors' fees and expenses are being complied with. The fees and expenses paid to Board members during 2011 are detailed in a note to the Financial Statements and in the Annual Report.

There have been no significant post balance sheet events.

The Authority has complied with the Government travel policies in all respects, is adhering to the relevant procurement policy and procedures and is compliant with the asset disposal procedures.

The Authority was in compliance with all relevant tax laws and the Code of Practice for the Governance of State Bodies is being complied with.

On behalf of the Board.

Michael Horgan

Chairperson

March 2012

*Working to
create a
National Culture
where All Commit to
Safe and Healthy
Workplaces and the Safe
and Sustainable
Management of
Chemicals*

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