



HEALTH AND SAFETY  
AUTHORITY



annual report | 2006

'06

Working to create a  
National Culture of  
Excellence in Workplace  
Safety, Health and  
Welfare for Ireland

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# Report by the Chairman and the Chief Executive

To the Minister for Labour Affairs  
Mr Tony Killeen TD

We are pleased to present the Annual Report for 2006 of  
the Health and Safety Authority of Ireland.

The Authority is the national body with responsibility for securing safety, health and welfare at work. The breadth of the Authority's work is challenging. Our remit covers every type of work and workplace in both the public and private sectors. Our objective is to create a culture of awareness in which the two million people who work in the Republic of Ireland, whether as employees or employers, can do so safely.

During the year, the Authority undertook a demanding programme of legislative initiatives in parallel with a comprehensive national programme of information, promotion, prevention and enforcement.

Building on the enactment of the Safety, Health and Welfare at Work Act 2005, the Authority brought forward a significant body of secondary legislation in 2006. This covered a range of areas such as:

- construction
- quarries
- noise at work
- dangerous substances and preparations/their marketing and use
- control of vibration at work
- exposure to asbestos
- carriage of dangerous goods by road

The Authority continued to develop the draft Safety, Health and Welfare at Work (General Application) Regulations, on which our work began in 2005. We consulted the public on updated 'Workplace' and 'Use of Work Equipment' provisions of the draft General Application Regulations. During the year, the Board and the Legislation & Guidance Sub-Committee (L&GSC) of the Board cleared the following provisions of the draft regulations: workplace; use of work equipment; manual handling of loads; work with display-screen equipment; and first-aid.

The Authority continued preparing for its role as interim competent authority for the New EU REACH (Registration, Evaluation, Authorisation and Restriction of Chemicals) regulation. REACH will fundamentally change the enforcement of chemical health and environmental safety throughout the EU.



A major focus of our work has been the development and promotion of codes of practice, and guidelines on safety and the prevention of accidents in various sectors. We have established strategic alliances and partnerships with stakeholders to extend our influence and further our work.

In response to the growing activity in the economy, we increased inspections by 13 per cent in 2006. We ran focused campaigns in the high-risk sectors of agriculture, construction, and mines and quarries.

Where necessary, we took legal action to enforce compliance. We pursued 39 prosecutions and those convicted were fined a total of €839,106, almost double the figure imposed in 2005. The media coverage of many of these cases served as a caution to employers and employees in respect of workplace safety, health and welfare.

Sadly, however, work-related accidents in the Republic in 2006 resulted in 50 deaths.

Looking forward to 2007, we face significant challenges to improve workplace safety in an increasingly complex and diverse environment. The message which the Authority will promote is that safety, health and welfare in the workplace is the responsibility of everybody – employers, employees and colleagues. We will inform all relevant people of their responsibilities and enforce the law to the maximum required in order to establish a national culture of compliance.

We wish to express our thanks to the Minister for Labour Affairs, Tony Killeen TD, and to his officials for their help and support during the year, to our Board for their committed and dedicated guidance, and to the diligent and professional staff of the Authority for their commitment to creating healthier and safer working environments throughout Ireland.

***A major focus of our work has been the development and promotion of codes of practice, and guidelines on safety and the prevention of accidents in various sectors.***

Jim Lyons  
*Chairman*



Martin O'Halloran  
*Chief Executive*



# Executive Summary

## Major programme completed, new regulations introduced

During 2006, the Health and Safety Authority completed a major programme of legislative, preventative, educational, advisory and enforcement work across a wide range of areas.

In particular, important regulations in relation to construction safety and work at heights were introduced in 2006. So that these regulations could be prepared, the Authority provided the Department of Enterprise, Trade and Employment with a substantial amount of professional and technical advice.

***In 2006 the Authority continued to implement a proactive inspection programme under the 2005 Act***

## 15,365 inspections

The Authority continued to implement a proactive inspection programme under the 2005 Act which came into force on September 1st 2005. A total of 15,365 inspections were carried out in 2006. In the course of these, inspectors advised employers of, and monitored compliance with, the new requirements. They emphasised in particular the updated requirements on carrying out risk assessments, preparing and maintaining safety statements, and the liabilities of directors.

Inspectors looked for safety statements in 89 per cent of workplaces inspected in 2006; these were available in 69 per cent of these workplaces. Enforcement actions were taken under the 2005 Act, where necessary. Our Special Investigation Unit, which was expanded in 2006, focused its investigations on serious incidents and fatal accidents.

***A total of 15,365 inspections were carried out in 2006, including 7,616 in the construction sector, 2,446 in manufacturing and 1,457 in agriculture***

## Legislative programme

While work continued at the end of the year on some items in the legislative programme that are scheduled for completion in 2007, significant progress was made in 2006 under the guidance and direction of the Legislation and Guidance Sub-Committee of the Board (L&GSC).

## Valuable service to workplaces

The Workplace Contact Unit (WCU), set up in 2005, continued to provide a valuable service to workplaces in 2006. The WCU is now the primary point of contact concerning occupational safety and health for employees and employers in Ireland.

The WCU received during 2006 a total of 37,461 contacts, including reports of serious incidents/deaths, requests for information and complaints.

***The WCU received a total of 37,461 contacts in 2006***



A further important development within the WCU in 2006 was the establishment of a REACH (Registration Evaluation and Authorisation of Chemicals) helpdesk. It will play a crucial role by spreading awareness and facilitating understanding of this new legislation in Irish industry.

## STAR achievement

Three more companies achieved STAR status under the Voluntary Protection Programme (VPP). This recognition initiative has been jointly piloted with the HSE Northern Ireland and supported by OSHA of the USA. Four Irish companies have now achieved STAR status in recognition of their position at the forefront of health and safety practice.

*The Authority developed in 2006 its three-year strategy for implementing and enforcing REACH, the new EU-wide chemical-safety programme*

## Progress in occupational health

The Authority also made considerable progress in the area of occupational health:

- A national Workplace Health and Well-being Strategy document was completed in December 2006 and submitted to the Board for consideration.
- Two occupational first-aid standards were submitted for approval to the Further Education and Training Awards Council (FETAC).
- An expert group to develop a FETAC manual-handling instruction standard was set up.
- A new Guidance on Ergonomics was published and has been disseminated via the HSA website.
- A joint cross-border stress project involving six companies, using the revised Work Positive Stress audit tool, was initiated. It will be completed and evaluated in early 2007.
- A major conference on work psychology supported by the Authority took place in Dublin Castle in November.
- The Health Sector Audit Tool and Guidance Document developed by occupational-health staff was launched and endorsed by the Health Services Executive.
- A Memorandum of Understanding was signed between the Authority and the Radiological Protection Institute of Ireland.

*In 2006, work-related accidents in the Republic resulted in 50 recorded deaths*

## Preparing for new regulations on chemicals

During the year, we developed our three-year strategy for implementing and enforcing REACH, the new EU-wide chemical-safety regulation entitled Registration, Evaluation, Authorisation and Restriction of Chemicals. We also began preparations for introducing the Globally Harmonised System (GHS) for classifying and labelling substances and preparations. Both of these regulations will fundamentally change the way in which industry registers, uses, classifies and labels chemicals.



A REACH and GHS implementation project team is in place to prepare for the future competent-authority role and also to provide industry with support and advice.

To prepare for the changes that these regulations will bring, we also established a new division, Chemicals Policy and Services. It will not only deal with REACH and GHS but also have responsibility for existing chemical legislation on dangerous substances and preparations, as well as chemical and biological agents.

**Construction-related deaths fell by almost 50% from 23 in 2005 to 12 in 2006**

## Communications campaigns

Key communications campaigns in 2006 included the promotion of the new Construction Regulations and the Agriculture Code of Practice. A series of seminars aimed at the construction sector were held nationwide to raise awareness and understanding of the new regulations. A major communications campaign was undertaken to promote awareness and usage of the Agriculture Code of Practice.

## Working with the advisory committees

The Authority worked with the established sub-board structures to promote the safety, health and welfare message. These included the national structures of the Construction Advisory Committee, the Dangerous Substances Advisory Committee and the Farm Safety Partnership Advisory Committee.

The activities of regional advisory committees fall into three broad categories: to act as a consultative and advisory forum for the Authority, to assist the Authority in promoting regional awareness of relevant initiatives, and to assist the Authority in delivering national initiatives at regional level.

A national meeting of the four regional advisory committees representing South, West, North-West and South-East regions was held in October. Representatives from all four committees attended in order to share information about best-practice initiatives and to identify opportunities for sharing lessons learned.

**The Authority investigated all reported workplace deaths and followed up as necessary by sending files to the Director of Public Prosecutions and the Chief Prosecution Solicitor**

## Reaching future workers

Excellent progress was made in the education sphere in 2006. Our primary aim in working with this sector is to promote good practices among the workers of the future who are currently in full-time education. With the support of the National Council for Curriculum and Assessment (NCCA), we have identified opportunities to include occupational safety across the full curriculum. The Authority will work with the Education Support Services to achieve this integration.





## Measuring progress

Throughout 2006, we measured our progress on our aims and objectives both quantitatively and qualitatively. We examined: customer satisfaction, the impact of prevention activity, the effectiveness of awareness-raising initiatives, and our progress in mainstreaming safety and health in the education system and in all aspects of the workplace.

## Work-related accidents in 2006

Despite all the proactive steps taken to reduce work-related accidents in 2006, such accidents resulted in 50 recorded deaths in the Republic during the year. This, however, was a decrease on the 2005 figure of 74 such fatalities. Most fatal accidents are due to victims being trapped or crushed by an object or machinery; injuries from falling, moving or flying objects; falls from heights, and injuries caused by vehicles in the workplace. The number of construction-related deaths fell by almost 50 per cent, from 23 in 2005 to 12 in 2006. Farming suffered 18 deaths in 2006, the same number as in 2005.

All reported deaths in 2006 were investigated and followed up as necessary. Where breaches of the legislation were observed and evidence to support a prosecution was available, files were sent to the Director of Public Prosecutions/Chief Prosecution Solicitor.

A range of non-fatal accidents also occurred in Irish workplaces in 2006. Accidents resulting in more than three consecutive days' absence from work must be reported to the Authority. We received reports of nearly 8,000 such incidents in 2006.

## Staff liaison and training, decentralisation

Staff are crucial to our successful operation. Our human-resources procedures continued to support the achievement of corporate objectives. These practices included liaison with staff through an industrial relations council, extensive training of teams and individuals, a revitalised partnership process, and continuing success in the Excellence Through People awards programme.

We relocated our HQ office in Dublin and our Athlone regional office. Work continued on our decentralisation plan: a new interim Kilkenny office was opened, while discussions continue with staff, the Department of Enterprise, Trade and Employment, and the Department of Finance.

# Organisational Information

The Health and Safety Authority is the national statutory body charged with responsibility for enforcing occupational safety and health law, promoting and encouraging accident prevention, and providing information, advice and research to all companies, groups, organisations and individuals who come under the Authority's responsibility.

The Authority, a state-sponsored body under the Safety, Health and Welfare at Work Act 2005, reports to the Minister for Labour Affairs.

## Board of the Authority

The Board comprises 12 members: a chairperson and 11 members appointed by the Minister for Labour Affairs. The minister appoints members nominated by organisations representative of the social partners and other interests associated with occupational safety and health, including employees, employers and other bodies. The Board determines Authority policy.

**The membership of the Board at the end of 2006 was as follows:**

### **Chairman**

**Jim Lyons**, former Chief Executive, County Clare VEC

### **Employer Nominees**

**Tony Briscoe**, Assistant Director, Social Policy (OHS), IBEC

**Peter McCabe** (Vice-Chairman), Director of Training, Education and Safety Services, Construction Industry Federation (CIF)

**Yvonne O'Sullivan**, Head of Organisational Capability & Small Pack, Diageo Ireland

### **Employee Nominees**

**Sylvester Cronin**, Head of Safety, Health and Welfare at Work Unit, SIPTU

**Louise O'Donnell**, National Secretary, Civil Service Division, IMPACT

**Fergus Whelan**, Industrial Officer, Irish Congress of Trade Unions (ICTU)

### **Minister's Nominees**

**Ann-Marie Hayes**

**Pat Kearney**

**Martin Lynch** (Department of Enterprise, Trade and Employment)

**Christina McEleney**

**Rosie Sheerin**



Chairman



Jim Lyons

Employer Nominees



Tony Briscoe



Peter McCabe



Yvonne O'Sullivan

Employee Nominees



Sylvester Cronin



Louise O'Donnell



Fergus Whelan

Minister Nominees



Anne-Marie Hayes



Pat Kearney



Martin Lynch



Christina McEleney



Rosie Sheerin



## Management

The Chief Executive manages and controls the implementation of strategy in line with the Authority's statutory responsibilities and policies.

The Authority currently has a sanctioned staffing level of 185, comprising inspectors, professional specialists, administrators and clerical support. It has around 115 inspectors who carry out a range of roles including developing legislative proposals at EU and national level; developing guidance; liaising with representative bodies; inspecting; promotion, information and advisory activities; investigating complaints and accidents, and prosecuting offenders.

**Management executives were as follows as at December 31st 2006:**



## Achieving together a healthy and safe working life

The job of the Authority is to promote the safe and healthy working environment that all workers in Ireland have a right to expect. In pursuit of this aim, we use our resources in national programmes aimed at preventing risk and enforcing compliance.

We make efficient use of our staff by developing their expertise so that they can help our customers to reduce risk and can, where required, enforce the law.

We consult our stakeholders, including workers and employers, to ensure that our services meet their needs. We ensure that we deliver services effectively and efficiently through continuing intelligence-gathering, market research, statistical analysis and the measurement and appraisal of our activities.

We have an open communications policy that maintains easy access to our organisation for all our partners and stakeholders, including workers, employers, representative bodies and the general public.

We monitor and review health and safety legislation and our guidelines and information to ensure that they are relevant, sensible and accessible. Our prevention, inspection, investigation and enforcement initiatives are designed to ensure that workers are provided with, and contribute to, a safe and healthy working environment.

# Detailed Account of the Work of the Health and Safety Authority In 2006

## Major programme completed, new regulations introduced

This part of the report reviews the work of the Authority in 2006 under three headings:

### 1 Key Sectors

Key Sectors – this section provides an account of recorded compliance and Authority initiatives in each of the following sectors:

- Agriculture and Forestry
- Construction
- Mines and Quarries
- Health Services
- Local Authorities
- Manufacturing

### 2 Key Hazards

Key Hazards – this section provides an account of progress made by the Authority during the year in relation to specific hazards.

- Major Accident Hazards
- Hazardous Substances
- Occupational Hygiene
- Transport and Storage of Dangerous Goods
- Manual Handling

Where available, compliance results are reported.

### 3 Programmes Spanning all Sectors

Programmes Spanning all Sectors – this section provides an account of enforcement activity, communications activity and several wide-ranging initiatives carried out in 2006 by the Authority which had an impact across sectors and hazards.

- Workplace Safety and Health Management
- Implementation of the Safety, Health and Welfare at Work Act, 2005
- Reactive Inspections
- Prosecutions and Court Actions
- Enforcement Systems
- Workplace Contact Unit
- Voluntary Protection Programme
- Strategic Alliances
- Education
- Micro-Business
- Occupational Health
- Communications
- Legislation and Guidance
- Internal Efficiencies



# Key Sectors

A Number of industrial sectors, because of the nature of the work, carry a higher risk of accident, injury or death for their workers. These are, typically, sectors that involve working at height, working around transport equipment and using machinery or that require high levels of manual labour. In these sectors, greater vigilance is required to minimise the risks.

In 2006, the Authority placed a priority on improving the management of health and safety in the three following high-risk sectors: agriculture and forestry, construction, and mines and quarries.

The overall compliance rate observed during inspections in these sectors is presented below:

2006 – Overall Compliance Rates in High-Risk Sectors	
Agriculture and Forestry:	53% (2005: 58%)
Construction:	48% (2005: 55%)
Mines and Quarries:	44% (2005: 40%)



## Agriculture and Forestry

Farming suffered 18 work-related deaths in 2006, the same number as in 2005.

We recognise that the agricultural workplace is unique since it encompasses both home and workplace. As well, in general, both the farmer and family members run the business, often part-time and with little external help.

Farming as a lifestyle is under increasing social and economic pressures, leading to relatively higher work demands on farmers and their families, including elderly members of the household.

It is vitally important to ensure that the appropriate health and safety standards are established and maintained throughout all agricultural enterprises. Throughout 2006, we continued our initiatives to achieve improvements in the following areas:



### General farm safety

- Awareness of the legal requirement for safety statements and risk assessments on farms
- Safety performance in forestry work practices, particularly where contractors are working

Our inspectors carried out 1,458 proactive farm inspections in 2006. Farms, agricultural suppliers and agricultural contractors were inspected in relation to safety statements, farm safety self-assessments, machine operation (with particular emphasis on tractor use), slurry handling, livestock handling,

electrical installations, and child safety. Particular attention was given to the safety of elderly people.

An intensive campaign of over 500 farm inspections took place in April 2006. The campaign was supported by extensive media coverage.

We also carried out 38 forestry inspections, which concentrated on risk assessment, safety management, chemical handling, machine safety and operator training.

The promotion and implementation of the Farm Safety Action Plan (FSP) 2003–2007 was progressed through four meetings of the Farm Safety Partnership Committee. The FSP established three sub-committees to address particular items:

- finalisation of the Farm Safety Code of Practice
- project management of the Farm Safety Village for the World Ploughing Championships in Tullow, Co Carlow
- review of the Farm Safety Action Plan 2003–2007, with particular emphasis on identifying continuing areas of concern

The Farm Safety Partnership members along with the Authority operated and managed the Farm Safety Village which was the biggest event of its kind ever held in Ireland. Over 28 individual stands were housed in the village at the World Ploughing Championships.

Both the Minister for Agriculture Mary Coughlan and the Minister for Labour Affairs Tony Killeen attended the Farm Safety Village to launch the Farm Safety Code of Practice. The code, produced jointly by the Health and Safety Authority and Teagasc, was fully supported by the FSP. It provides farmers with a user-friendly means of complying with safety-statement requirements. We published the code to comply with section 20 (8) of the 2005 Act. We also published a Risk Assessment pro forma which facilitates compliance with section 19 of the Act. A Safe System of Work Plan (SSWP) was produced to facilitate annual updates or for planning particularly hazardous work on the farm.





Late in 2006, the Farm Safety Code of Practice was distributed to over 160,000 farmers countrywide. A multi-media communications campaign started in early 2007 to encourage farmers to use the code.

A Farm Safety DVD was launched at the World Ploughing Championships and was distributed as support material along with the Farm Safety Code of Practice.

### Compliance Indicators

Comparison of compliance rates for 2005 and 2006 reveal some improvement in this sector. Only 14% of farms inspected in 2006 showed limited or no compliance. The percentage of safety statements prepared on inspected farms has dropped to 21%,

well below the average in other sectors. It is anticipated that compliance will improve with the take-up of the Farm Safety Code of Practice; it removes the need for most farms to have a safety statement. We will monitor compliance with the code in our agricultural inspection programme in 2007 in conjunction with a renewed information campaign.

**Compliance Rates in Agriculture and Forestry Enterprises Inspected**

COMPLIANCE	2005	2006
Full/broad compliance	58%	53%
Some compliance	14%	33%
Limited/no compliance	28%	14%



## Construction

Work-related deaths in the construction sector fell from 23 in 2005 to 12 in 2006.

Throughout 2006, we managed a focused programme of inspections to improve health and safety standards on construction sites throughout Ireland.



We carried out 7,616 inspections on construction sites (a 23% increase over the 6,203 inspections in 2005). Our inspectors looked for site-specific health and safety plans, safety statements, the provision of welfare facilities, and the notification and appointment of health and safety dutyholders. We also examined measures in place for working at heights and managing plant and equipment. We scrutinised overall site traffic with regard to workplace health and safety requirements.

The Safety Health and Welfare at Work (Construction) Regulations 2006 and the Safety and Health and Welfare at Work (Work at Height) Regulations 2006 were signed into effect. We published detailed guidance to accompany these regulations. In addition, we produced simple guidance on the Work at Height Regulations and the safe use of ladders.

We held a nationwide series of seminars on the Construction and Work at Height Regulations. Over 1,200 designers, clients and contractors attended these.

We conducted three intensive compliance campaigns in the construction sector during the year. These aimed to spread awareness of the Safety Health and Welfare at Work (Construction) Regulations 2006 and the Safety Health and Welfare at Work (Work at Height) Regulations 2006. Particular attention was given to the north-west region during the third campaign. Inspectors placed strong emphasis on the safe use of equipment such as ladders, trestles and man cages, and will continue the programme in 2007.

Throughout 2006, a team of inspectors assessed the compliance of each local authority with its duties under the design and management provisions of the construction regulations, with particular emphasis on roadworks. This followed up on an assessment undertaken by inspectors in September 2005. We continued to develop and promote the Safe System of Work Plan (SSWP) for the construction industry. It won the Supreme Innovation Award for the construction industry in 2005. Over 30,000 SSWP publications have been purchased by industry to date, making this our most successful priced publication. We continued to cooperate with the social partners through our Board's Construction Advisory Committee, the Construction Safety Partnership and other key bodies.

### Compliance Indicators

Compliance rates decreased in 2006 compared to 2005. It is not acceptable that more than a quarter of construction sites continue to show limited or no compliance. As many as 17% of sites visited in 2006 did not have the required dutyholders appointed. We will continue our inspection programme in 2007 and put renewed emphasis on ensuring that dutyholders comply with their legal responsibilities.

**Compliance Rates in Construction Sites Inspected**

COMPLIANCE	2005	2006
Full/broad compliance	55%	48%
Some compliance	17%	23%
Limited/no compliance	28%	29%



## Mines and Quarries

Fatal accident trends in the sector continue to fluctuate. There were no deaths in 2004, six in 2005 (five in quarries and one in mining), and two in 2006. However, the rate of deaths in this relatively small sector was unacceptably high.

The two fatal accidents in 2006, both in quarrying, were associated with fixed plant. Of particular concern was the increase in the number and seriousness of non-fatal accidents related to the use of explosives. This sector must strive for zero deaths through effectively managing the few key issues of health and safety that apply in its workplaces.

During 2006, we inspected 478 mining and quarrying operations. These inspections focused on health and safety management, traffic management, fixed-plant safety, falls of ground, falls from height, maintenance work, explosives safety and security of fencing.

We conducted 67 inspections of quarries across the country as part of Quarry Safety Week. Similarly to previous campaigns, inspectors again found that many of the known causes of fatal accidents in this sector were not being proactively managed, particularly by smaller to medium-sized operators. It was clear that risks from fixed and mobile plant, falls from height and safe use of explosives required greater attention.

Mine inspections (10 in 2006), including some covering accident investigation, addressed emergency procedures, health and safety management, mobile-plant safety, falls of ground, falls from height, and machinery and explosives safety.

The annual Mines Rescue competitions were held in Kilroot Salt Mines in Northern Ireland. Teams from across Ireland and the UK competed. These competitions are an integral part of emergency preparedness for mine operators.



The draft Consolidated Regulations and Guidelines for the Quarries Sector were introduced by Minister Killeen at a major IMQS conference supported by the Authority. The progress of these regulations has again been held up due to EU requirements in relation to the development of directive-based regulations.

The Atlantic Alliance, a major international quarries conference, was jointly hosted by the Authority and the Health and Safety Executive of Northern Ireland. The conference focused on the sharing of best practice in surface quarrying operations.

### Compliance Indicators

The 2006 compliance figures show a slight improvement compared to 2005. (Note that every effort was made to ensure that the same quarries were re-visited.) The inspection programme for 2007 will seek to address the significant proportion of quarries that had limited or no compliance.

Compliance Rates in Mines and Quarries Inspected		
COMPLIANCE	2005	2006
Full/broad compliance	40%	44%
Some compliance	32%	33%
Limited/no compliance	28%	23%



## Health Services

In 2006, we promoted the Occupational Safety, Health and Welfare Management System and the Audit Tool for the Health Sector, which was developed in partnership with the sector.

On the compliance side, we carried out 237 inspections which were concentrated on health and safety management, following up on the 2005 campaign in the accident and emergency departments of large hospitals. This programme also reviewed procedures for ensuring better infection control in hospitals so that the health and safety of employees is protected.

The inspections highlighted problems and inadequate procedures in most of the hospitals in the following areas:

- Risk assessments for manual handling and ergonomics
- Procedures for dealing with violence and aggression in overcrowded departments
- Handling of chemical and biological agents
- Prevention of slips, trips and falls
- Overcrowding and congestion
- Infection control

The Authority has followed up on these inspections with the Health Services Executive (HSE).

### Compliance Indicators

Compliance rates for 2006 show that over one-third of health establishments had either limited or no compliance with safety and health requirements. These issues will be followed up in 2007.

#### Compliance Rates in Health Services Premises Inspected

COMPLIANCE	2005	2006
Full/broad compliance	52%	44%
Some compliance	36%	22%
Limited/No compliance	12%	34%

## Local Authorities

During 2006, we conducted 245 inspections in the public-administration sector, of which 205 involved local authorities. Inspections concentrated on the manner in which county managers and directors of services dealt with their safety-management responsibilities. This was the third year of a programme of inspection of local-authority compliance.

Our inspection programme placed particular emphasis on safety at roadworks and on traffic management. A specialist team of inspectors also assessed the compliance of each local authority with sequencing roadworks and with road-surface standards. Procedures were found to be inadequate among many local authorities, particularly in relation to signing and guarding of roadworks.

### Compliance Indicators

Compliance rates in 2006 showed a welcome improvement compared to 2005. In particular, directors of services are showing greater awareness of their safety and health responsibilities – an 88% compliance rate was achieved.

#### Compliance Rates in Local Authority Workplaces Inspected

COMPLIANCE	2005	2006
Full/broad compliance	53%	58%
Some compliance	23%	28%
Limited/no compliance	24%	14%



## Manufacturing

We conducted 2,446 manufacturing inspections in 2006, covering risk assessments and handling of chemical agents, forklift driver training, the use of mechanical handling devices, and protection against falls from a height.

### Compliance Indicators

Compliance rates on the above issues were similar in 2005 and 2006. There is a continuing trend where

almost one-quarter of the manufacturing premises inspected had limited or no compliance. We will continue to concentrate on this sector in 2007.

### Compliance Rates in Manufacturing Workplaces Inspected

COMPLIANCE	2005	2006
Full/broad compliance	46%	46%
Some compliance	30%	30%
Limited/no compliance	24%	24%

# Key Hazards

## Major Accident Hazards

The Health and Safety Authority fulfills the EU National Competent Authority role in Ireland in respect of Major Accident Hazards.

In 2006, the Authority inspected all designated sites under the EU Control of Major Accident Hazards Involving Dangerous Substances Regulations, 2006 (COMAH) by carrying out 91 inspections.

All safety reports submitted under these regulations have been assessed in detail and to date 17 have been signed off as complete.

We advised planning authorities and An Bord Pleanála in 382 instances concerning land-use in areas surrounding major-accident-hazard establishments. We issued generic land-use planning advice in five cases.

We ensured that obligations under the Chemical Weapons Act were fulfilled by making a declaration to the UN body, the Organisation for the Prohibition of Chemical Weapons (OPCW), which was set up under the UN Convention on Chemical Weapons. We assisted in two verification inspections carried out by OPCW in Ireland during 2006.

Our inspectors also monitored the testing of three external emergency plans (in relation to upper-tier (COMAH sites) by local competent authorities.

## Hazardous Substances

THE Authority fulfills the EU role of national competent authority for classification, packaging, labelling and notification of dangerous substances, export/import regulation, and marketing and use of dangerous substances and preparations.

Our inspections included detailed audits for compliance with the regulations on classification, packaging and labelling of dangerous substances and preparations.

We evaluated and processed 15 new substance notifications within the mandatory timeframe, in addition to 44 notification exemptions, five notification updates, one higher-level testing proposal and three higher-level notifications. We processed 18 export notices under the regulation concerning import and export of dangerous chemicals.

Risk assessments on three priority chemical substances were progressed and are close to completion.

We continued to support the EU development of chemical safety regulatory policies on nanotechnology by organising consultation of stakeholders nationally and participating in relevant meetings.



We participated in 32 EU meetings and in working groups on the development of chemical safety legislation. When required, we consulted appropriate stakeholders concerning the development of the national position at these EU meetings. We played a significant role in negotiating the Marketing and Use Directive regarding PFOS (a group of substances called perfluorooctane sulfonate) and ensured that derogations of national importance were obtained.

We took part in developing the globally harmonised system for classification and labelling (GHS). This involved organising and participating in a number of stakeholder awareness-raising seminars, participating in EU and UN meetings, and submitting a technical position on behalf of Ireland to the EU public internet consultation on the draft EU



Regulation on GHS. We also played an active role in the Interdepartmental/Agency committee on GHS led by the Department of Enterprise, Trade and Employment.

As part of the Authority's Education Strategy, we delivered presentations concerning chemical safety in the laboratory to science teachers.

In 2006, our implementation strategy for REACH (Registration, Evaluation, Authorisation and Restriction of Chemicals) was defined. The project team for the REACH regulation was established, using resources from across the Authority.

Implementation plans and progress are already well in advance of that in other member states. A key part of this effort was providing technical and scientific support to the Department of Enterprise, Trade and Employment throughout the second-reading negotiations between the European Parliament and the Council. This active support helped ensure that negotiations on the REACH regulation were concluded without the need for additional conciliation. The REACH regulation, published on December 30th 2006, comes into force on 1st June 2007.

We actively participated in seven REACH Implementation Projects; in stakeholder expert groups for four projects, and in two drafting groups (a total of 13 meetings). We also monitored progress in and outcomes from a further nine projects. These projects are aimed at developing technical guidance and advice for industry and competent authorities to deal with their obligations under REACH.

We realised our objective to support businesses in fulfilling their obligations under REACH by establishing a REACH helpdesk, using our existing Workplace Contact Unit structure. Additional support was made available through our REACH website ([www.reachright.ie](http://www.reachright.ie)) where FAQs and useful links are provided. At the EU level, we participated in the EU SHERPER project on setting up a helpdesk and were nominated to participate in a network of member-state helpdesks. We also took part in a number of REACH conferences organised by Enterprise Ireland

and IBEC, and we held our own stakeholder event in September.

To prepare for REACH implementation, we also recruited additional staff throughout 2006 and provided relevant training to new and existing staff.

## Occupational Hygiene

The Authority enforces legislation for chemical agents, carcinogens, asbestos and biological agents, and provides regulations and associated guidance for physical agents, including noise and vibration.

During the year, new regulations for asbestos, vibration and noise were launched.

We carried out 151 proactive and reactive chemical-agents inspections in 2006, concentrating on diesel exhaust fumes and wood dusts. These inspections monitored exposure to chemical agents in the workplace and, in particular, general control measures based on risk assessment.

We carried out 10 inspections to monitor compliance with the chemical and biological agents regulations at mushroom-growing establishments. Inspectors found a lack of availability of information on chemical-usage hazards and material safety data sheets. We are subjecting mushroom-growing premises to a more extensive inspection campaign in 2007.

We began a silica survey in 2006 as part of a two-year rolling programme. We carried out 101 pre-screening inspections to check the impact of silica dust on workers at premises in the quarrying and stone-processing industries and took 48 samples. We have imposed Occupational Exposure Limits (OEL) of 4mg/m<sup>3</sup> (respirable dust as an eight-hour TWA – time-weighted average) and 0.3 mg/m<sup>3</sup> (TWA) for respiratory crystalline silica, as per the 2002 Code of Practice for the Safety, Health and Welfare at Work (Chemical Agents) Regulations, 2001. The results found that four samples were over the OEL for silica and 11 were over the OEL for respirable dust.



The study showed a poor general level of awareness among employers of the health risks posed by occupational exposure to respirable crystalline silica, which was classified as a category-one carcinogen by the International Agency for Research on Cancer (IARC) in 1997. We are carrying out follow-up monitoring in 2007.

We carried out 39 inspections to monitor compliance with the new 2006 noise regulations. A further 34 inspections took place in respect of biological agents. New asbestos regulations were signed in July to give effect to an EU Directive on Asbestos, and draft guidelines were prepared. Inspectors conducted 240 asbestos inspections in response to the receipt of asbestos notifications under these regulations. We carried out 50 asbestos inspections as part of an EU-wide Senior Labour Inspectors Committee (SLIC) asbestos enforcement campaign. These concentrated on asbestos stripping operations, demolition involving asbestos and the removal of asbestos cement products.

We actively participated in EU activities concerning chemicals and asbestos. We provided technical input to EU meetings regarding the development of the EU Guidelines on Asbestos and the proposed Optical Radiation Directive.

## Transport and Storage of Dangerous Goods

In 2006, we carried out 979 vehicle road checks, of which 629 involved the carriage of dangerous goods

We recorded an overall compliance rate of 54% on the basis of 49 inspections of dangerous-goods carriers and consignors' premises. These monitored ADR (Carriage of Dangerous Goods by Road) safety provisions on security, training, record-keeping, DGSA (Dangerous Goods Safety Adviser) appointments and annual reporting. In 2007 we are concentrating on these premises.

We conducted a further 46 inspections of petrol stations in response to complaints received. These



inspections were carried out under the Dangerous Substances (Retail and Private Petroleum Stores) Regulations. Problems encountered included:

- poor maintenance of petrol hoses and fittings
- poor ground surfaces around pumps
- poor welfare facilities
- the absence of safety statements (under the 2005 Act)

We fulfilled our competent-authority functions in respect of the ADR Framework Directive, ADR Checks, Safety Adviser and Transportable Pressure Equipment [TPED] Directives. We issued four competent-authority approvals, allowing deviation from specific ADR provisions, for transport of certain dangerous goods in Ireland.

We managed the ADR driver-examination scheme, for all ADR classes except classes one and seven. We held 48 examinations and examined 1,427 drivers. We initiated a tender process to obtain the services of an agent to manage the ADR Driver Examination Scheme on our behalf. And we approved 15 ADR driver training provider courses.

We also managed the dangerous-goods safety-adviser examination scheme and examined 157 candidates.

We completed drafting the Carriage of Dangerous Goods by Road Regulations 2006 to implement the provisions of 2005 ADR. These regulations were signed into effect in July 2006. We prepared a revised draft suite of regulations on the Carriage of Dangerous Goods by Road, in order to implement





2007 ADR provisions. These draft regulations are due for public consultation in early 2007.

We attended the relevant national, UNECE (United Nations Economic Commission for Europe), EU and international technical and expert working groups.

We prepared briefs and supported government departments in advancing Ireland's accession to the ADR agreement, which was finalised in October 2006. Ireland is now an official contracting party to the ADR agreement.

**Compliance Rates in Carriage of Dangerous Goods by road (ADR)**

COMPLIANCE	2006
Full/broad compliance	77%
Some compliance	9%
Limited/no compliance	14%

## Manual Handling

In 2006, the Authority carried out 187 manual-handling inspections in a number of high-risk sectors, including retail. Inspectors addressed issues such as training, trainer competence, and the preparing and implementing of risk assessments, across a number of work sectors.

**Compliance Indicators**

Compliance rates are similar for 2005 and 2006.

**Compliance Rates in Manual Handling in High-Risk Sectors Inspected**

COMPLIANCE	2005	2006
Full/broad compliance	50%	44%
Some compliance	21%	28%
Limited/no compliance	29%	28%

## Machinery Safety

In 2006, we enforced the provisions of existing machinery regulations and contributed to the development of the new EU Machinery Directive 2006/42/EC (published on June 9th 2006).

We represented Ireland at relevant EU committees dealing with machinery and pressure vessels. In conjunction with the Office of the Director of Consumer Affairs, we ran a campaign to persuade parents not to buy dangerous mini motor bikes as gifts for their children.

We carried out 178 machinery safety inspections covering CE Marking and provision of user information and instructions.

**Compliance Indicators**

Compliance rates for 2006 are similar to those in 2005. However, in over one-quarter of the machinery inspections carried out, there was limited or no compliance. We are continuing this inspection programme in 2007.

**Compliance Rates Found During Machinery Inspections**

COMPLIANCE	2005	2006
Full/broad compliance	58%	53%
Some compliance	19%	21%
Limited/no compliance	23%	26%



## Workplace Vehicle/Plant Movements

Movement Of vehicle and plant in the workplace has been identified as a high-risk activity in all sectors. It is associated with a high level of fatal and serious injuries to both workers and pedestrians.

We conducted 467 inspections across all industrial sectors. We placed particular emphasis on vehicle movements, preventing reversing accidents, access to and egress from heights/high loads, loading and unloading activities at loading bays, and handling of materials.

We liaised with transport-industry representative groups to enable joint health and safety initiatives.

### Compliance Indicators

Compliance rates for 2006 show a 10% drop in overall compliance compared to 2005. We are continuing our inspection programme in 2007.

**Compliance Rates for Workplace Vehicle/Plant Movements**

COMPLIANCE	2005	2006
Full/broad compliance	60%	50%
Some compliance	33%	33%
Limited/no compliance	7%	17%



# Programmes Spanning all Sectors

## Workplace Safety and Health Management

Safety and health management systems, carrying out risk assessments and preparing safety statements are required at the core of general management in workplaces throughout the State. This includes for the most part the preparation and implementation of the safety statement.

Safety statements were sought in 89% of workplaces inspected in 2006. They were available in 69% of these (74% in 2005). We monitored a sample of the key risks identified in these statements to check for the existence of preventative measures.

The health sector and local-authority sector each made commitments to implement safety and health management systems.

### Compliance Indicators

The level of compliance in 2005 and 2006 is similar.

Compliance Rates for Preparation and Implementation of the Safety Statement		
COMPLIANCE	2005	2006
Full/broad compliance	55%	57%
Some compliance	41%	40%
Limited/no compliance	4%	3%

We are continuing to concentrate on the above requirement in 2007.

## Implementation of the Safety, Health and Welfare at Work Act, 2005

We continued our proactive inspection programme under the 2005 Act which came into force on September 1st 2005. This includes giving advice and information to employers and employees and taking enforcement actions where necessary.

Inspectors used their inspections to advise employers

of and monitor compliance with the new requirements. They stressed in particular the changes with regard to carrying out risk assessments, preparing and updating safety statements, and the liabilities of directors. Enforcement actions were taken under the 2005 Act, where necessary, particularly during accident and serious-incident investigations.

Inspectors are required to ask directors and/or senior managers in the premises inspected key questions on their awareness of their safety and health responsibilities under the 2005 Act, and how aware they are of their level of compliance with the Act. The level of awareness recorded during 13,436 inspections across all sectors and company sizes during 2006 was as follows:

Compliance Rates on Level of Awareness of Responsibilities under the 2005 Act	
COMPLIANCE	2006
Full/broad compliance	40%
Some compliance	40%
Limited/no compliance	20%

Compliance Rates on Level of Awareness of Compliance with the 2005 Act	
COMPLIANCE	2006
Full/broad compliance	44%
Some compliance	38%
Limited/no compliance	18%

This survey is part of a three-year rolling programme. We will be checking and comparing compliance levels over the period 2006–2009.

The following Authority Guidelines, which were updated to comply with the 2005 Act, were published in 2006:

- Guidelines on Risk Assessments and Safety Statements
- Guidelines on Safety Representatives and Safety Consultation
- Guidelines on Workplace Safety and Health Management

Draft guidelines were prepared on the safety and health responsibilities of directors and senior managers. These are due for publication in 2007.



## Reactive Inspections

We investigated all reported workplace deaths in 2006 and followed up as necessary. Where breaches of the legislation were observed and evidence was available to support a prosecution, files were sent to the Director of Public Prosecutions/Chief Prosecution Solicitor's Office.

In the course of 1,178 visits, we investigated and reported on more than 10% of notified serious non-fatal accidents. These visits included interviewing injured workers in hospitals and accident witnesses at their homes. During 2006, we received 4,411 complaints. These were investigated by inspectors through site visits (938 in 2006) or followed up by phone or letter by Workplace Contact Unit staff.

We undertook reactive work within the terms of section 12 of the Safety, Health and Welfare at Work Act, 2005 (where the safety of the public may be at risk from work activities) in cases where the work activities had a direct impact on the health and safety of the public.

## Prosecutions and Court Actions

The Authority exercises a strong degree of governance to ensure that investigation and file preparation are performed to a high standard.

During 2006:

- We transmitted all investigation files sent to the DPP in accordance with the agreed procedures and format of the DPP's office.
- Our Special Investigation Unit, which was expanded in 2006, focused its investigations on fatal accidents and serious incidents.
- We operated our revised prosecution procedures in the enforcement and investigation process in line with best practice.
- We continued to work with An Garda Síochána with a view to ensuring the optimum level of co-operation between both investigative agencies.

Prosecution Performance Indicator								
Type of proceedings	Total heard	% of total cases heard summarily, indictment & appeal	Dismissals	Circuit Court appeal	District Court appeal against conviction & sentence	Suspended sentence	% of convictions	Fines €
Summary	12	31%	1				28%	27,300
Indictment	27	69%	1	2	2	2	67%	811,806
<b>Total</b>	<b>39</b>	<b>100%</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>95%</b>	<b>839,106</b>



## Enforcement Systems

We began in 2006 a fundamental review of our IT System for Enforcement, known as the SAFE System (System for Accident and Field Enforcement). This review will update the system to include the most up-to-date IT functionality and will enhance the work of inspectors in the field. The new SAFE will be in place by the end of 2007. The existing SAFE system continues to provide management with management statistics on which future inspection and prevention programmes can be based.

In 2006, we updated further the inspectors' Guidance on Enforcement to comply with the 2005 Act and prepared new guidelines on operational topics. We carried out accident and complaint investigations in line with agreed procedures. We developed and implemented a programme for training new inspectors. Experienced inspectors underwent a training programme on the new regulations introduced in 2006 and on other key topics in the 2006 work programme, e.g. on construction and agriculture enforcement.

## Workplace Contact Unit

We established a new Workplace Contact Unit (WCU) in mid-2005. During 2006, the unit continued to develop and provide an increasingly valuable service to workplaces. The WCU is now the primary point of contact for employees and employers concerning occupational safety, health and welfare matters. It is staffed by a highly trained team who deal with around 98% of all requests for information and 80% of all complaints. The balance is forwarded to technical/specialist staff within the Authority.

The WCU received 37,461 contacts in 2006. These included reports of serious incidents/deaths, requests for information, and complaints. Our strict quality-control mechanisms resulted in an overall dropped-call rate of just 1.6%, or 613 calls out of 37,461. The average call-answering time is five seconds. Research undertaken in October 2006 showed that satisfaction with WCU staff is very high: 86% of respondents

indicated that they were either satisfied or very satisfied with this element of service.

A further important development within the WCU in 2006 was the establishment of a REACH (Registration Evaluation and Authorisation of Chemicals) helpdesk. In line with EU policy, the REACH helpdesk will provide a crucial service to Irish industry, by spreading awareness and facilitating understanding of this new legislation.

## Voluntary Protection Programme

Three more companies achieved STAR status under the Voluntary Protection Programme (VPP) – a recognition initiative which was jointly piloted with the HSE Northern Ireland and supported by OSHA of the USA. A total of four STAR sites now exist, and this brings the pilot initiative to a conclusion. An evaluation report on the initiative has been presented to the Board who will now consider the future of such initiatives.

## Strategic Alliances

We maintained during 2006 the strategic alliances that we established at national level in 2005. Their purpose is to achieve tangible improvements in areas of potentially significant impact.

The year 2006 was the second year of our strategic alliance with ESB Networks. It was also the first in 70 years in which there was no death due to electricity. This is an outcome that the alliance has worked to achieve and it may take some credit for the increased awareness and prevention in this high-risk area.

Our alliance with Teagasc also had an extremely fruitful outcome, with the development of the code of practice for farmers.

We also signed a memorandum of understanding with the Radiological Protection Institute of Ireland.



Reciprocal recognition of medical examiners of divers was agreed between the Authority and HSE UK.

## Education

We made excellent progress in the education sphere in 2006. Our primary aim in working with this sector is to promote good practices to the workers of the future who are currently in full-time education.

With the support of the National Council for Curriculum and Assessment (NCCA), we identified opportunities across the curriculum for including occupational health and safety. This will enable the Education Support Services to start work to bridge this gap.

Special initiatives in 2006 included our participation in initiatives such as the Junior Achievement programme; the Spirit of Enterprise Programme, and the NALA/FAS Basic Skills programme, through which we reached a wide and relevant audience of young people.

We developed and piloted a special health and safety module with 15 schools. This pilot initiative, led by our Western Regional Advisory Committee, received an excellent evaluation.

A steering group – which is jointly chaired by the Authority and the Department of Education and Science, and includes the State Claims Agency and the Schools Development Planning Initiative – was set up in 2006. It has a major programme under way to address safety-management systems at post-primary level.

## Micro Business

Micro businesses, which employ fewer than ten people, continue to be an important focus for the Authority; they face particular difficulties in ensuring safety and health and thus in preventing accidents. We continue to address health and safety improvements among micro businesses and remain committed to providing all necessary supports. In 2006, we investigated the viability of a mentoring

scheme to facilitate larger organisations in assisting and advising micro businesses. This scheme was successfully concluded, which enabled a thorough evaluation of such approaches.

We developed the Simple Safety series, based on an evaluation of micro-business needs following extensive research. We became the first State body to receive the prestigious Crystal Mark seal of approval – for the Simple Safety series. This is given by the Plain English Campaign to recognise clear communication. The Simple Safety series was launched and rolled out nationally as a web-based product in response to market demands. It won positive feedback. It was taken on board by many trade bodies and interested organisations which actively circulated it among their networks, thus reaching a large number of micro businesses. It was also the subject of a national media campaign.



## Occupational Health

We completed a national Workplace Health and Well-being Strategy document in December. The Board is now considering its recommendations and implementation.

Two occupational first-aid standards were submitted for approval to the Further Education and Training Awards Council (FETAC). The first covers the training of first-aiders and the second the assessment of instructors. We also prepared a revised draft of



comprehensive guidance on occupational first aid, for publication in 2007.

We set up an expert group to develop a FETAC manual-handling instruction standard. We carried out 80 manual-handling and ergonomic inspections. We also published and disseminated via the HSA website a new Guidance on Ergonomics.

In addition, preparatory work was completed with an EU Inspectors Working Group to develop a European inspection campaign on manual handling in 2007. We began designing a new web-based ergonomics page on our website.

A revised Code of Practice on Workplace Bullying was presented to the Board in December. We carried out 35 psycho-social inspections during 2006. A joint cross-border stress project involving six companies using the revised Work Positive Stress audit tool was initiated. It will be completed and evaluated in 2007. We also completed a behaviour-change project encouraging the wearing of protective goggles on construction sites. A major conference on work psychology, supported by the Authority, took place in Dublin Castle in November.

We endorsed and launched the Health Sector Audit Tool and Guidance Document developed by occupational-health staff.

We also drafted Revised Audiometric Guidelines dealing with the health-surveillance aspects of the new noise regulations.

safety, health and welfare-at-work messages to a diverse audience.

The unit continued to act as the first port of call for all media enquiries in 2006 and received many enquiries from journalists on a wide range of topics. Communication with the media is two-way; the unit issued a range of press releases during the year. The good relationship between the media and the communications unit is evidenced in strong media coverage of Authority initiatives.

The unit is also responsible for developing and managing communications campaigns. Key campaigns in 2006 included promotion of the new Construction Regulations and of the Agriculture Code of Practice.

- A series of seminars aimed at the construction sector was held nationwide, to raise awareness and understanding of the new regulations. Over one thousand construction stakeholders attended and the seminars were very well received.
- A major communications campaign was undertaken to promote awareness and usage of the Agriculture Code of Practice. In this, a direct mail campaign reached over 160,000 farmers nationwide. An advertising campaign due to run in early 2007 has been developed.
- Also, the communications campaign for raising awareness of REACH (Registration, Evaluation and Authorisation of Chemicals) was developed at the end of 2006, for airing in early 2007.

## Communications

Our Communications Unit plays a pivotal role in raising awareness of key Authority initiatives and in promoting health and safety messages. The unit operates within the broader Prevention Services division and works in close coordination with colleagues across the organisation. Its main objective is to raise awareness and understanding of health and safety matters. It continuously promotes

### Focal Point of EU Agency for Safety and Health (Bilbao)

In 2006, the Authority managed the EU agency Focal Point. This acts as the point of contact and liaison in Ireland for the European Agency for Health and Safety at Work, based in Bilbao, Spain. The National Network of the Irish Focal Point held three meetings during the year. Focal Point, in association with the Communications Unit, also coordinated information and promotion of European Safety Week; the theme was 'Young People at Work'.



## Legislation and Guidance

The Authority is required, under section 57 of the Safety, Health and Welfare at Work Act 2005, to:

- keep under review safety and health legislation (relevant statutory provisions) and other statutes (associated statutory provisions) that have a bearing on occupational safety and health
- submit such proposals to the Minister, as appropriate, from time to time

The Minister may direct the Authority to undertake reviews of safety and health legislation and to assist in the preparation of draft legislation. The Authority, before submitting proposals to the Minister, is required to consult appropriate people or bodies.

While work continued at the end of the year on some items in the legislative programme, which are scheduled for completion in 2007, significant progress was made in 2006 under the guidance and direction of the Legislation and Guidance Sub-Committee of the Board (L&GSC). The L&GSC comprised Mr Peter McCabe (chairman), Mr Tony Briscoe, Mr Sylvester Cronin and Ms Rosie Sheerin. It held 19 meetings during the year which, inter alia, dealt with the following matters:

### Regulations

The following draft regulations were cleared for submission to the Department of Enterprise, Trade and Employment (DETE) for formal legal settlement:

- Draft Safety, Health and Welfare at Work (Construction) Regulations 2006 (designed, inter alia, to retranspose Council Directive 92/57/EEC on the minimum safety and health requirements at temporary or mobile construction sites)
- Draft Safety, Health and Welfare at Work (Quarries) Regulations (designed, inter alia, to retranspose, in relation to quarries, certain provisions of Council Directive 92/104/EEC of December 3rd 1992 on the minimum requirements for improving the safety and health protection of workers in surface and underground mineral-extracting industries)
- Draft (remade) Safety, Health and Welfare at Work (Work at Height) Regulations 2006 (transposing Directive 2001/45/EC of the European Parliament and of the Council of June 27th 2001, relating to the use of work equipment at a height)
- Draft Safety, Health and Welfare at Work (Control of Noise at Work) Regulations 2006 (transposing Directive 2003/10/EC of the European Parliament and the Council of February 6th 2003 on the minimum health and safety requirements regarding the exposure of employees to the risks arising from physical agents – noise)
- Draft European Communities (Dangerous Substances and Preparations) (Marketing and Use) (Amendment) Regulations 2006 (transposing Directive 2005/59/EC of the European Parliament and of the Council of October 26th 2005, Directive 2005/69/EC of the European Parliament and of the Council of November 16th 2005, Directive 2005/84/EC of the European Parliament and of the Council of December 14th 2005 and Directive 2005/90/EC of the European Parliament and of the Council of January 18th 2006 amending Council Directive 79/769/EEC on the approximation of the laws, regulations and administrative provisions of the member states relating to restrictions on the marketing and use of certain dangerous substances and preparations, in relation to toluene and trichlorobenzene, polycyclic aromatic hydrocarbons in extender oils and tyres, phthalates in toys and child-care articles, and substances classified as carcinogenic, mutagenic or toxic to reproduction – c/m/r, respectively)
- Draft Safety, Health and Welfare at Work (Control of Vibration at Work) Regulations 2006 (transposing Directive 2002/44/EC of the European Parliament and of the Council of June 25th 2002 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents – vibration)





- Draft Safety, Health and Welfare at Work (Exposure to Asbestos) Regulations 2006 (transposing Directive 2003/18/EC of the European Parliament and of the Council of March 27th 2003, amending Council Directive 83/477/EEC, as previously amended by Council Directive 91/382/EEC on the protection of workers from the risks related to exposure to asbestos at work, both of which directives are retransposed, and also retransposing Article 12 of Council Directive 87/217/EEC on the prevention and reduction of environmental pollution by asbestos)
- Restructured draft Carriage of Dangerous Goods by Road Regulations, draft European Communities (Carriage of Dangerous Goods by Road) (ADR Miscellaneous Provisions) Regulations 2006, draft Carriage of Dangerous Goods by Road Act 1998 (Appointment of Competent Authorities) Order 2006 and draft Carriage of Dangerous Goods by Road Act 1998 (Fees) Regulations 2006 (transposing Commission Directive 2004/111/EC concerning implementation of Annexes A and B to the European Agreement Concerning the International Carriage of Dangerous Goods by Road {ADR} 2005)
- Draft Dangerous Substances (Retail and Private Petroleum Stores) (Amendment) Regulations 2006

Eleven of the draft statutory instruments referred to above were formally legally settled and made by the Minister during the year. (For a synopsis of each, and two further sets of regulations, developed in 2005 and made in 2006, see Appendix B). It is proposed that the Work at Height, Control of Vibration at Work and Control of Noise at Work Regulations will be incorporated in the draft General Application Regulations.

The following was issued for public consultation, with a view to formal legal settlement and making early in 2007:

- Draft European Communities (Classification,

Packaging and Labelling of Dangerous Preparations) (Amendment) Regulations (designed to transpose Commission Directive 2006/8/EC of January 23rd 2006, which amends Directive 1999/45/EC of the European Parliament and of the Council of May 31st 1999 on the approximation of the laws, regulations and administrative provisions of the member states relating to the classification, packaging and labelling of dangerous preparations).

Work continued during the year on developing the draft Safety, Health and Welfare at Work (General Application) Regulations. Public consultation was conducted on updated Workplace and Use of Work Equipment provisions of the draft General Application Regulations. During the year, the L&GSC and the Board cleared the following provisions of the draft regulations:

- Workplace
- Use of Work Equipment
- Manual Handling of Loads
- Work with Display-Screen Equipment
- First-Aid

We anticipate that the L&GSC and the Board will, in 2007, consider and clear for formal legal settlement the remaining provisions of the draft regulations.

#### Codes of Practice and Guidelines

- A Code of Practice for the Prevention of Accidents and Occupational Ill Health in Agriculture (incorporating a Risk-Assessment Document and a Safe System of Work Plan) was published and came into operation on November 1st 2006.
- A draft Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work was issued for public consultation during January 2007.
- 'Substantive' and 'Short' Guidelines to the Safety, Health and Welfare at Work (Construction) Regulations 2006 (S.I. No. 504 of 2006) were published.



- A Guide to the Safety, Health and Welfare at Work (Work at Height) Regulations 2006 (S.I. No. 318 of 2006) was published.

Work was also progressed during the year on the development of the following, with a view to completion and publication in 2007:

- Draft Guidelines on the Safety, Health and Welfare at Work (Control of Noise at Work) Regulations 2006 (S.I. No. 371 of 2006)
- Draft Guidelines on the European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2006 (S.I. No. 74 of 2006)
- Draft Guidelines on the Safety, Health and Welfare at Work (Control of Vibration at Work) Regulations 2006 (S.I. No. 370 of 2006)
- Draft Guidelines on the Safety, Health and Welfare at Work (Exposure to Asbestos) Regulations 2006 (S.I. No. 386 of 2006)
- Draft Guidance for Directors and Senior Managers on their Responsibilities for Workplace Safety and Health



## Internal Efficiencies

During 2006, we put a number of initiatives in place to improve effectiveness and performance, and to maximise the use of resources

## Information and Communication Technologies

We made a number of improvements to our information and communications technology (ICT) systems. These included:

- installation of new network security measures
- new administrative applications
- intranet developments
- enhanced remote access
- commencement of a programme to further upgrade our disaster-recovery and business-continuity systems

The Dublin computer network was upgraded to ensure faster access to systems. We introduced blade servers and resilient links to critical services to provide improved availability of services. We developed and improved an online reporting system for accident and construction site reporting and we web-enabled a consultation system for legislation. We also negotiated more cost-effective and scalable licensing arrangements for our Oracle databases.

## Human Resources

The Authority's human-resources procedures continued to help us achieve our corporate objectives. These procedures included:

- liaison with staff through an industrial-relations council
- a substantial amount of team and individual training
- a revitalised partnership process
- continuously strong placement in the Excellence Through People awards programme



During 2006, we introduced the new integrated PMDS (performance management and development system) with the pilot use of the revised Annual Review form. We also completed the first phase of our recruitment programme for REACH staffing. As part of our commitments in Sustaining Progress, we introduced a computerised HR self-service system throughout the organisation.

We also continued work on our decentralisation plans and engaged in ongoing discussions with our staff, our parent department and the Department of Finance.

## Finance

We review our accounting systems and controls continually. We further upgraded our Finance System in 2006 and piloted an electronic procurement system which is to be implemented across the organisation. We completed three internal-audit reports, with satisfactory outcomes. We also began work on a further four reports. Our expenditure for 2006 was within budget and we also adhered to the requirements for prompt payment.

## Information and Research

Throughout 2006, we pursued a programme of statistical analysis and in-depth research projects to develop an evidence base for our interventions and campaigns.

Our annual publication, 'Summary of Injury, Illness and Fatality Statistics', used a range of data sources to describe health and safety performance in Irish workplaces. The report identified priority issues for attention. We liaised with other public-sector agencies to explore opportunities for data-sharing and extending databases to include information on accidents and ill-health at work. We also approved funding for a voluntary illness reporting scheme (specialists report instances of occupational-related respiratory and dermatological illness), which is operational from January 2007.

Our Research Committee approved a range of internal and external research proposals in 2006. Research is being conducted in collaboration with academic institutions, other public-sector agencies and economic consultants. Several projects were completed in 2006 and are now being integrated into our activities.



# Financial Reports

'06

# Statement of Internal Financial Control for Year ended December 31st 2006

*By Chairperson Jim Lyons*

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 detected in good time.

## 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 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 that include 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
- regular reviews by the Authority of periodic and annual financial reports that indicate financial performance against forecasts
- setting targets to measure financial and other performance
- clearly defined purchasing and approval guidelines
- formal project-management disciplines

The Authority has put in place an internal-audit function, which operates in accordance with the Framework Code of Best Practice, set out in the Code of Practice on the Governance of State Bodies. 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 Internal 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 Internal Audit Committee, which oversees the work of the internal auditor; the executive within the Authority, who have responsibility for developing and maintaining the financial-control framework, and comments made by the Comptroller and Auditor General in his management letter or other reports.

## Annual Review of Controls

The Authority's Internal Audit Committee reviews the effectiveness of the internal financial-control systems, and a formal report then goes to the Board. The Board, in consultation with our internal auditors, carried out a formal review of its financial controls during 2006, through its Internal Audit Committee.

To the best of our knowledge, there has been no material loss to the Authority due to the adequacy or otherwise of the system of financial control in operation during 2006.

As the Board is reasonably satisfied with the existing financial-control arrangements, it is not envisaged that there will be any significant changes during 2007, other than to develop existing systems with new technologies. For example, we have begun to develop an electronic travel and subsistence system to improve the efficiency and accuracy of the existing system.

On behalf of the Board,

**Jim Lyons**

Chairperson

January 2007



## Financial Statement 2006

Income		
Annual grant	20598	(Note 1)
Other income	<u>592</u>	
Total income	21190	
<b>Expenditure</b>	(21107)	(Note 1)
<b>Surplus/(deficit)</b>	<u>83</u>	(Note 2)

Note 1: The above figures for income and expenditure are based on actual cash amounts received and expended for the year ended December 31st 2006. They are provisional figures only, pending completion of the audit of our annual financial statements. The Authority is subject to independent audit by the Office of the Comptroller and Auditor General.

Note 2: The €83k variance represents total spending coming within 0.4% of the annual budget.





# Appendices

## Appendix A:

Inspection & Enforcement

## Appendix B:

New Regulations Made In 2006

## Appendix C:

Board Sub-Committees

## Appendix D:

Advisory Committees And Working Groups

'06

# Appendix A: Inspection & Enforcement

**Table A1.1 Number of inspections 2001-2005**

Year	2001	2002	2003	2004	2005	2006
Number of inspections	14,929	12,896	10,704	11,382	13,552	15,365

A breakdown of inspections in 2006 by economic sector is presented in Table A1.2. Most inspections were conducted in construction (7,610), manufacturing (2,446 visits), wholesale and retail trade (1,109 visits) and agriculture (1,457 visits). Table A1.2 also presents a breakdown by type of inspection: 86% are general inspections for compliance, 6% of inspections are following up on complaints, and 8% are following up on accident reports.

**Table A1.2 Number of inspections by economic sector and inspection type**

Economic Sector	Inspection Type			
	Inspect for compliance	Investigate complaint	Investigate accident	Total inspections
A - Agriculture, hunting and forestry	1,408	17	32	1,457
B - Fishing	7	1	3	10
C - Mining and quarrying	384	53	57	478
D - Manufacturing	2,126	78	242	2,446
E - Electricity/gas/water	53	-	14	67
F - Construction	6514	627	565	7,616
G - Wholesale/retail trade; repair of motor vehicles, personal and household goods	994	46	69	1,109
H - Hotels/restaurants	42	8	13	63
I - Transport, storage, communications	972	36	82	1,092
J - Financial intermediation	19	4	2	25
K - Real estate, renting, business	240	27	19	267
L - Public administration/defence	197	23	26	246
M - Education	47	7	8	62
N - Health/social work	197	23	17	237
O - Other community, social and personal services	149	12	25	186
<b>Total</b>	<b>13,250</b>	<b>938</b>	<b>1,177</b>	<b>15,365</b>



Table A1.3 presents details of the enforcement actions taken as a result of inspections. Most prohibition notices were issued in the construction sector (693 out of 864). Most improvement notices were issued in the manufacturing and construction sectors (313 and 272 respectively). Levels of enforcement action were highest in the mining and quarrying, education and agriculture sectors. Overall, enforcement actions were taken on 16% of visits in 2006.

**Table A1.3 Number of inspections by economic sector and enforcement action**

Economic Sector	Number of Notices					
	Number inspections	Prohibition notices	Improvement notices	Improvement directions	Written* advice	% visits Action taken
A - Agriculture, hunting and forestry	1,457	82	141	0	327	38
B - Fishing	10	0	5	0	12	100
C - Mining and quarrying	478	19	25	0	181	81
D - Manufacturing	2,444	45	313	0	1,735	86
E - Electricity/gas/water	67	1	4	0	91	100
F - Construction	7,616	693	272	0	2,840	50
G - Wholesale/retail trade; repair of motor vehicles, personal and household goods	1,108	8	114	0	836	86
H - Hotels/restaurants	63	1	2	0	98	100
I - Transport, storage, communications	1,092	5	55	0	563	57
J - Financial intermediation	25	0	2	0	91	100
K - Real estate, renting, business	4267	6	23	0	244	6
L - Public administration/defence	246	1	16	0	175	78
M - Education	62	0	1	0	53	87
N - Health/social work	237	0	27	0	131	67
O - Other community, social and personal services	186	2	20	0	173	100
<b>Total</b>	<b>15,365</b>	<b>864</b>	<b>1019</b>	<b>0</b>	<b>4663</b>	<b>43</b>

\* It is an offence to fail to comply with a request, instruction or direction of an inspector.



## Safety And Health Management

Our inspectors prioritise health and safety management during their inspections. Inspectors normally ask to see safety statements and conduct a quick assessment of the extent to which the statement, in their opinion, is based on a written risk assessment, identifies hazards, and specifies measures, responsible persons, resources and the cooperation required.

**Table A1.4 Percentage compliance with safety statement, consultation and representative requirements**

Economic Sector	% Employers with safety statement prepared	% Employers with safety consultation in place	% Employers with safety representative appointed*
A - Agriculture, hunting and forestry	21	28	2
B - Fishing	80	80	50
C - Mining and quarrying	82	71	27
D - Manufacturing	76	75	32
E - Electricity/gas/water	73	73	52
F - Construction	75	61	21
G - Wholesale/retail trade; repair of motor vehicles, personal and household goods	55	57	14
H - Hotels/restaurants	75	68	17
I - Transport, storage, communications	40	32	15
J - Financial intermediation	72	68	44
K - Real estate, renting, business	64	67	22
L - Public administration/defence	73	84	68
M - Education	66	61	44
N - Health/social work	78	67	45
O - Other community, social and personal services	72	74	29
<b>Total</b>	<b>66</b>	<b>59</b>	<b>21</b>

**Note 1:** Many of the Authority's inspections are targeted at specific sectors and organisations, often on the basis of poor health and safety performance or the receipt of complaints. The tables may not be representative of other organisations.

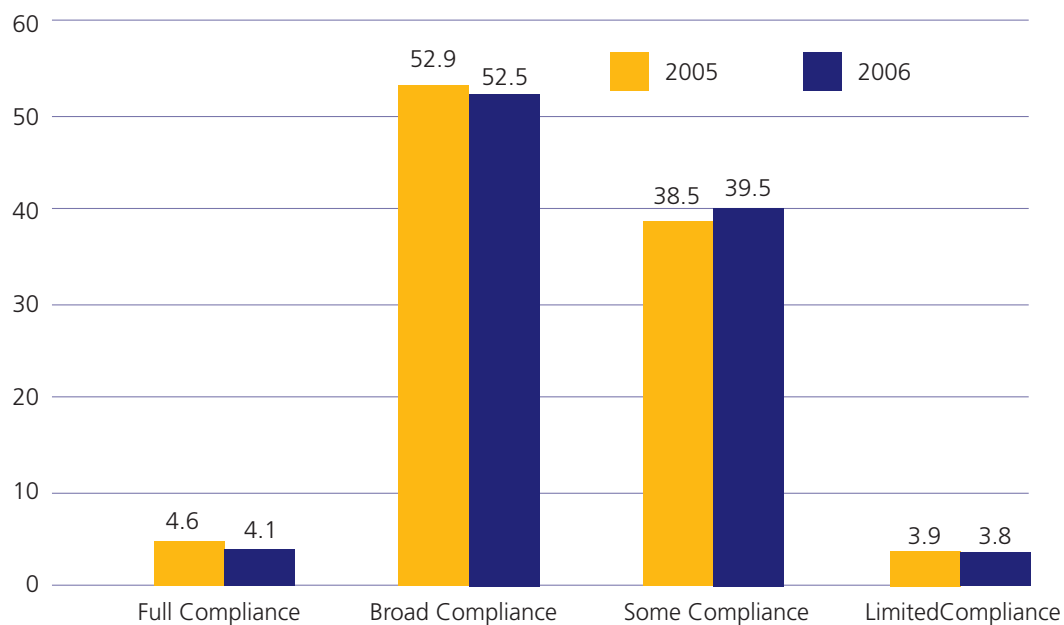
\* Organisations or places of work with >20 employees are required under the Construction Regulations to appoint a safety representative.

Of employers inspected, 66% had prepared a safety statement (compared to 72% in 2005). Rates of safety-statement preparation were high across many sectors. Only in the transport and storage, agriculture and fishing sectors were the rates of preparation less than 50%.



While rates of safety-statement preparation are generally high, it is important to consider the quality of the document. Figures A1.5 and A1.6 compare the quality of safety statements in 2005 and 2006. Figure A1.5 indicates that in 2006 only 4.1% of safety statements were fully or broadly compliant, compared to 4.6% in 2005. Overall compliance rates were similar between the two years.

**Figure A1.5 Quality of safety statement: present and based on comprehensive risk assessment**

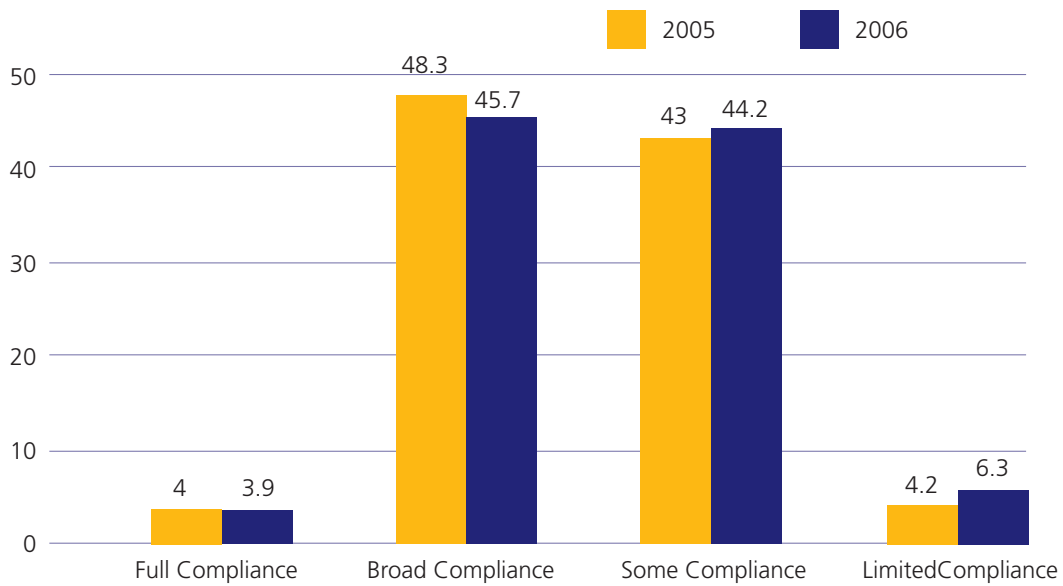


**Note 1:** Many of the Authority's inspections are targeted at specific sectors and organisations, often on the basis of poor health and safety performance or the receipt of complaints. The tables may not be representative of other organisations.

\* Organisations or places of work with >20 employees are required under the Construction Regulations to appoint a safety representative.



**Figure A1.6 Quality of safety statement: necessary measures in place to implement safety statement**



**Note 1:** Many of the Authority's inspections are targeted at specific sectors and organisations, often on the basis of poor health and safety performance or the receipt of complaints. The tables may not be representative of other organisations.

\* Organisations or places of work with >20 employees are required under the Construction Regulations to appoint a safety representative.

There was a small decrease in the percentage of employers that have put in place measures to ensure that the safety statement is implemented – 52.3% were fully or broadly compliant in 2005 compared to 49.6% in 2006. The level of limited compliance has increased from 4.2% in 2005 to 6.3% in 2006..



## Outcomes of Prosecutions for 2006

Prosecution summaries: January to December 2006

### **A & G Roofing Maintenance Ltd**

**Summarily**

A & G Roofing Maintenance Ltd was fined a total of €2,800 in Clonmel District Court on November 24th 2006, having pleaded guilty to charges under:

Section 6 (2) (a) of the Safety, Health & Welfare at Work Act, 1989

Section 6 (2) (a) of the Safety, Health & Welfare at Work Act, 1989 as it relates to S48 (17)

Section 6 (2) (b) of the Safety, Health & Welfare at Work Act, 1989;

Section 6 (2) (b) of the Safety, Health & Welfare at Work Act, 1989 as it relates to S48 (17)

Section 6 (2) (d) of the Safety, Health & Welfare at Work Act

Section 6 (2) (d) of the Safety, Health & Welfare at Work Act as it relates to Section 48 (17)

Regulation 76 (5) (a) & 76 (5) (b) of the Safety, Health & Welfare at Work (Construction) Regulations 2001

This case arose following an accident where an employee of A & G Roofing Maintenance Ltd fell from a height of over four metres on April 20th 2005 while carrying out construction work at St Mary's Church, Clogheen, Co Tipperary. The employee was working on the lean-to roof of the church, removing and replacing a lead strip along the joint between the lean-to roof and the main wall of the church. The employee fell from the roof while bringing up a roll of lead for placing along the joint.

### **Aer Lingus Ltd**

**Summarily**

Aer Lingus Ltd was fined a total of €900 in Dublin District Court on April 25th 2006, having pleaded guilty to charges under:

Section 6 (2) (d) of the Safety, Health and Welfare at Work Act, 1989

Section 6 (2) (f) of the Safety, Health and Welfare at Work Act, 1989;

Regulation 19 (e) of the Safety, Health and Welfare at Work (General Application) Regulations, 1993

This trial arose out of an accident to an employee of Aer Lingus Ltd in the baggage-handling hall at Dublin Airport on November 13th 2004. The employee, a baggage handler, was activating with his hand the lock mechanism holding baggage containers on the roller-mat table when an adjacent container moved by another employee hit his hand, causing injury.

### **Ascon Ltd**

**On indictment**

Ascon Ltd was fined a total of €25,000 in Cork Circuit Criminal Court on February 21st 2006, having pleaded guilty to charges under:

Regulation 4 (1) (b) of the Safety, Health and Welfare at Work (Construction) Regulations, 2001

Regulation 20 (3) of the Safety, Health and Welfare at Work (Construction) Regulations, 2001

This trial arose out of the collapse of three large precast concrete beams during the construction of a bridge on the Youghal bypass construction project in Co Cork on March 19th 2002. Three employees were injured.



### Ascon Ltd

### On indictment – appeal against conviction

The appeal was brought by Ascon Ltd in Dublin Criminal Court of Appeal on November 10th 2006. On hearing the appeal, the judge confirmed the conviction on a charge under: Regulation 53 (2) of the Safety, Health and Welfare at Work (General Application) Regulation, 1993

The original trial arose following an accident on the South-Eastern Motorway site at Sandyford, Co Dublin on December 6th 2002 in which a man received serious injuries when he came into indirect contact with a 10,000-volt overhead line.

The fine imposed at the original trial, €15,000, stood.

### Brian Molloy

### On indictment

Brian Molloy, director of Kildownet Utilities Ltd, received a two-year suspended prison sentence, in Dublin Circuit Criminal Court on November 23rd 2006, having being found guilty of a charge under: Section 13 of the Non-Fatal Offences Against the Person Act, 1997

This trial arose following a fatal accident to an employee of Kildownet Utilities Ltd. It occurred at Diamond Valley apartment development at Dargle Road, Bray, Co Wicklow on February 19th 2003. A truck-mounted, 30-metre concrete pump, owned and operated by Kildownet Utilities, was set up and used to pump concrete into a basement area. The employee was standing at the end of the pump, placing concrete, when a section of it came into contact with one of the sets of 10,000-volt overhead power lines which crossed the site.

See also Kildownet Utilities Ltd, Cormac Building Contractors Ltd.

### Bruscar Bhearna Teo, trading as Barna Waste

### On indictment

Bruscar Bhearna Teo, trading as Barna Waste, was fined a total of €80,000 in Galway Circuit Criminal Court on March 7th 2006, having pleaded guilty to charges under: Regulation 28 (d) of the Safety, Health and Welfare at Work (General Application) (Amendment) Regulations, 2001 Regulation 29 of the Safety, Health and Welfare at Work (General Application) (Amendment) Regulations, 2001 Regulation 30 of the Safety, Health and Welfare at Work (General Application) (Amendment) Regulations, 2001 Regulation 31 of the Safety, Health and Welfare at Work (General Application) (Amendment) Regulations, 2001

The trial arose following a fatal accident to an employee at a waste-transfer station in the waste-management company. The employee was found seriously injured beside a reversing vehicle.

### Conor O'Leary

### Summarily

Conor O'Leary of Avondale, Banteer, Co Cork, self-employed Stone Cutter, was fined a total of €1,500 in Mallow District Court, Co Cork on December 19th 2006, having pleaded guilty to a charge under: Section 7 (2) of the Safety, Health and Welfare at Work Act, 1989 as it relates to Section 48 (17)

This trial arose following a fatal accident to a self-employed stone mason when he received severe head injuries as he worked near the forks of a telescopic handler that was used to place a large stone on a wall of a house.





### **Cork Plastics (Manufacturing)**

**On indictment**

Cork Plastics (Manufacturing) was fined a total of €6,000 in Cork Circuit Criminal Court on October 25th 2006, having entered a plea of guilty to charges under:

Section 23 (1) of the Factories Act, 1955

Section 6 (2) (c) of the Safety, Health and Welfare at Work Act, 1989

Regulation 10 (a) of the Safety, Health and Welfare at Work (General Application) Regulations, 1993

This trial arose following an accident to an employee of the company on April 24th 2005. The employee's arm was severely crushed while he was investigating a malfunction of a machine. At the time of the accident the electro-mechanical guarding arrangement, guarding the dangerous parts of the machine, was not operational because the safety switches, activated by opening and closing the guards, had been by-passed.

### **Cormac Building Contractors Ltd**

**On indictment**

Cormac Building Contractors Ltd was fined a total of €150,000 in Dublin Circuit Criminal Court on November 23rd 2006, having pleaded guilty to a charge under:

Section 7 of the Safety, Health and Welfare at Work Act, 1989

This trial arose following a fatal accident to an employee of Kildownet Utilities Ltd which occurred at Diamond Valley apartment development at Dargle Road, Bray, Co Wicklow on February 19th 2003. A truck-mounted 30-metre concrete pump, owned and operated by Kildownet Utilities Ltd, was set up and used to pump concrete into a basement area. The employee was standing at the end of the pump, placing concrete, when a section of the pump came into contact with one of the sets of 10,000-volt overhead power lines which crossed the site.

Joseph Byrne, site manager for Cormac Building Contractors Ltd, received a three-year suspended prison sentence, in Dublin Circuit Criminal Court on November 23rd 2006, having been found guilty of a charge under:

Section 13 of the Non-Fatal Offences Against the Person Act, 1997

Judge Teehan also ordered that €10,000 in compensation be placed in a trust fund for the daughter of the deceased.

### **Derek Daly**

**On indictment**

Derek Daly of 26 Whitechurch Place, Ballydoden, Dublin 16 a scaffolder and employee of Paul Byrne t/a P Byrne Scaffolding Services, was fined a total of €10,000 in Dublin Circuit Criminal Court on November 20th 2006, having been found guilty of a charge under:

Section 9 (1) (a) of the Safety, Health and Welfare at Work Act, 1989

The trial arose as a result of the collapse of a scaffold while it was being dismantled on Grafton Street, Dublin on March 27th 2003, resulting in injuries to a member of the public.

See also Paul Byrne t/a P Byrne Scaffolding Services



### **Dublin City Council**

**On indictment**

Dublin City Council was fined €5,000 in Dublin Circuit Criminal Court on October 20th 2006, having pleaded guilty to a charge under:  
Section 8 (2) of the Safety Health and Welfare at Work Act, 1989

This trial arose following the collapse of a bus shelter onto a passer-by who was seriously injured as a result. Dublin City Council employees had carried out ground works around the bus shelter without an adequate exclusion zone being in place.

### **ESB**

**Summary appeal**

The above appeal brought by the ESB was heard in Clonakilty Circuit Court on June 14th 2006. The original trial arose following an accident in which an employee of a sub-contractor was fatally injured by electrocution while topping trees close to live 20kV power lines. The contractor had been engaged by the ESB to cut trees close to power lines over an area of network at Castletownbere, Co Cork.

On hearing the appeal, the judge confirmed the conviction on two charges under:  
Section 7 (1) of the Safety, Health and Welfare at Work Act, 1989  
Section 7 (1) of the Safety, Health and Welfare at Work Act, 1989

The fine imposed at the original trial stood.

### **Fernwave (Civils) Ltd**

**Summary appeal**

The appeal brought by Fernwave (Civils) Ltd was heard in Dublin Circuit Court on July 10th 2006. The original trial arose after two employees were injured erecting a free-standing Doka table system. They placed a concrete slab on the table; while one of the operatives was descending from the table on a ladder, the table failed.

On hearing the appeal, the judge confirmed the conviction on three charges under:  
Section 6 (2) (a) of the Safety, Health and Welfare at Work Act, 1989  
Section 11 (2) of the Safety, Health and Welfare at Work Act, 1989  
Regulation 9 (1) (f) of the Safety, Health and Welfare at Work (Construction) Regulations, 2001

The fine imposed for the breach of Section 6 (2) (a) was confirmed; the other two counts were taken into account.



### **Frank Connaghan**

**On indictment**

Frank Connaghan of Mill Road, Glenties, Co. Donegal, was fined a total of €5,000 in Letterkenny Circuit Court on July 11th 2006, having pleaded guilty to charges under:

Section 6 (2) (d) of the Safety, Health and Welfare at Work Act, 1989  
Regulation 9 (1) of the Safety, Health and Welfare at Work (Construction) Regulations, 2001

This trial arose after an employee of Frank Connaghan was fatally injured when he fell from planks on top of an internal partition wall of a single-storey dwelling under construction. He fell as a result of being struck by collapsing roof trusses which were being installed, when they fell 'domino-like'. There was no fall protection in place at the location where the employee was standing.

### **Frank Kelly**

**Summarily**

Frank Kelly of Church Hill, Ballinasloe, self-employed Building Contractor, was fined a total of €1,800 in Ballinasloe District Court on April 5th 2006, having pleaded guilty to charges under:

Section 8 (2) of the Safety, Health and Welfare at Work Act, 1989  
Section 7 (2) of the Safety, Health and Welfare at Work Act, 1989

This trial arose after a roofing contractor, who was distributing slates in preparation for slating on a roof at 2.3m in height, fell from the roof and was fatally injured. A teleporter boom lifting slates was raised and in operation beside him at the time of the fall. There was no scaffolding in place.

### **G & T Crompton Ltd**

**Summarily**

G&T Crompton Ltd was fined a total of €6,800 in Richmond Hospital District Court on May 24th 2006, having been found guilty of charges under:

Section 8 (2) of the Safety, Health and Welfare at Work Act, 1989  
Section 8 (2) of the Safety, Health and Welfare at Work Act, 1989 as it relates to Section 48 (17)  
Regulation 6 (2) (e) of the Safety, Health and Welfare at Work (Construction) Regulations, 2001  
Regulation 6 (2) (f) of the Safety, Health and Welfare at Work (Construction) Regulations, 2001

This trial arose after an employee of a sub-contractor on site was working on top of a lift car at first-floor level, in lift shaft number one. He was struck by falling debris in the lift shaft. Employees of another sub-contractor were working directly overhead. There was no open access to the lift at any other point overhead. The employee of the first sub-contractor suffered serious head injuries.

See also H.A O'Neill Ltd, High Grade Ventilation Ltd



### Gerard F May Roofing Ltd

### Appeal against sentence

The appeal brought by Gerard F May Roofing Ltd was heard in the Court of Criminal Appeal in the Hugh Kennedy Court, Four Courts, Dublin, on Monday 10th July 2006.

The original trial arose following a fatal accident when an employee fell 3.74 meters from the roof of a school. The company had pleaded guilty to breaches under:

Section 6 (1) of the Safety, Health and Welfare at Work Act, 1989

Regulations 74 (2) (a) of the Safety, Health and Welfare at Work (Construction) Regulations, 2001

The company had originally been fined €50,000 per count. On appeal, this was reduced to €10,000 per count.

### H.A. O'Neill Ltd

### Summarily

H.A. O'Neill Ltd was fined a total of €2,000 in Richmond Hospital District Court on June 14th 2006, having been found guilty of charges under:

Section 7 (1) of the Safety, Health and Welfare at Work Act, 1989

Section 7 (1) of the Safety, Health and Welfare at Work Act, 1989 as it relates to Section 48 (17)

Regulation 6 of the Safety, Health and Welfare at Work (General Application) Regulations, 1993

Regulation 9 (1) (b) of the Safety, Health and Welfare at Work (Construction) Regulations, 2001

Regulation 9 (1) (d) of the Safety, Health and Welfare at Work (Construction) Regulations, 2001

This trial arose after an employee of a sub-contractor on site was working on top of a lift car at first-floor level, in lift shaft number one. He was struck by falling debris in the lift shaft. Employees of another sub-contractor were working directly overhead. There was no open access to the lift at any other point overhead. The employee of the first sub-contractor suffered serious head injuries.

See also G & T Crampton Ltd, High Grade Ventilation Ltd

### Henbyfield Ltd, trading as Kane Construction

### On indictment

Henbyfield Ltd, trading as Kane Construction, was fined a total of €5,000 in Dublin Circuit Criminal Court on November 23rd 2006, having pleaded guilty to charges under:

Section 6 (1) of the Safety, Health and Welfare at Work Act, 1989

Section 6 (1) of the Safety, Health and Welfare at Work Act, 1989 as it relates to Section 48 (17)

This trial arose as a result of a serious accident to an employee of Henbyfield Ltd who fell 2.2 metres from scaffolding onto a concrete floor slab while carrying out works in preparation for roof works.



### High Grade Ventilation Ltd

Summarily

High Grade Ventilation Ltd was fined a total of €2,000 in Richmond Hospital District Court on June 14th 2006, having been found guilty of charges under:

Section 7 (1) of the Safety, Health and Welfare at Work Act, 1989

Section 7 (1) of the Safety, Health and Welfare at Work Act, 1989 as it relates to Section 48 (17)

Regulation 6 of the Safety, Health and Welfare at Work (General Application) Regulations, 1993

Regulation 9 (1) (b) of the Safety, Health and Welfare at Work (Construction) Regulations, 2001

Regulation 9 (1) (d) of the Safety, Health and Welfare at Work (Construction) Regulations, 2001

This trial arose after an employee of a sub-contractor on site was working on top of a lift car at first-floor level, in lift shaft number one. He was struck by falling debris in the lift shaft. Employees of another sub-contractor were working directly overhead. There was no open access to the lift at any other point overhead. The employee of the first sub-contractor suffered serious head injuries.

See also G & T Crampton Ltd, H.A. O'Neill Ltd

### Integrated Utility Services Ltd

On indictment

Integrated Utility Services Ltd was fined a total of €50,000 in Roscommon Circuit Court on June 13th 2006, having pleaded guilty to charges under:

Section 6 (2) (d) of the Safety, Health and Welfare at Work Act, 1989

Section 7 (2) of the Safety, Health and Welfare at Work Act, 1989

This trial arose following a fatal accident to an employee when the pole he was positioned on collapsed during the change of stays to the pole during the refurbishment of the ESB's overhead electricity network at Castlerea, Co Roscommon.

### John Ahern

Summarily

John Ahern of Ballymackeogh, Newport, Co. Tipperary, was fined a total of €1,500 in Newport District Court on January 27th 2006, having pleaded guilty to charges under:

Section 6 (2) (d) of the Safety, Health and Welfare at Work Act, 1989

Section 12 (1) of the Safety, Health and Welfare at Work Act, 1989

This trial arose following the death of a student who was working part-time for Mr Ahern. The student was harvesting silage, while Mr Ahern was driving the forage harvester. The student was electrocuted when he attempted to climb on to the harvester as it was passing under high-voltage overhead lines.



### **Kildownet Utilities Ltd**

**On indictment**

Kildownet Utilities Ltd was fined a total of €100,000 in Dublin Circuit Criminal Court on November 23rd 2006, having pleaded guilty to a charge under:  
Section 6 of the Safety, Health and Welfare at Work Act, 1989

This trial arose following a fatal accident to an employee of Kildownet Utilities Ltd at Diamond Valley apartment development at Dargle Road, Bray, Co Wicklow on February 19th 2003. A truck-mounted 30-metre concrete pump, owned and operated by Kildownet Utilities Ltd, was set up and used to pump concrete into a basement area. The employee was standing at the end of the pump placing concrete when a section of the pump came into contact with one of the sets of 10,000-volt overhead power lines which crossed the site.

See also Cormac Building Contractors Ltd, Brian Molloy.

### **Kilsaran Concrete Ltd**

**On indictment**

Kilsaran Concrete Ltd was fined a total of €100,000 in Dundalk Circuit Court on June 15th 2006, having pleaded guilty to a charge under:  
Section 8 (2) of the Safety Health and Welfare at Work Act, 1989

This trial arose following a serious accident to an employee of Martin Casey, trading as JMC Engineering, at a block plant at Gallstown quarry, Dunleer, Co Louth run by Kilsaran Concrete Ltd, on November 11th 2002. The employee was removing trays from the idle rollers underneath a conveyor when he fell off a pallet attached to the forks of a teleporter that he was standing on.

See also Martin Casey trading as JMC Engineering

### **Lacken Joinery Ltd**

**Summarily**

Lacken Joinery Ltd was fined a total of €3,000 in Enniscorthy District Court on February 28th 2006, having pleaded guilty to charges under:  
Section 6 (2) (c) of the Safety, Health and Welfare at Work Act, 1989  
Regulation 15 (2) of the Factories (Woodworking Machinery) Regulations, 1972  
Regulation 59 (1) (a) (ii) of the Safety, Health and Welfare at Work (General Applications) Regulations, 1993

This trial arose out of an accident on April 26th 2004 to an employee who received lacerations to his right hand while using a circular saw at the premises of Lacken Joinery Ltd.

### **Lacken Joinery Ltd**

**On Indictment**

Lacken Joinery Ltd was fined a total of €6,000 in Enniscorthy District Court on February 28th 2006, having pleaded guilty to charges under:  
Regulation 15 (2) of the Factories (Woodworking Machinery) Regulations, 1972  
Section 6 (2) (e) of the Safety, Health and Welfare at Work Act, 1989  
Regulation 10 (a) of the Safety, Health and Welfare at Work (General Applications) Regulations, 1993  
Section 6 (2) (c) of the Safety, Health and Welfare at Work Act, 1989

This trial arose out of an accident on September 23rd 2004 to an employee who suffered amputation of four fingers on his right hand while using a circular saw at the premises of Lacken Joinery Ltd. The circular saw had no guarding or riving knife in place at the time of the accident.



### **Martin Casey, trading as JMC Engineering**

**On indictment**

Martin Casey, trading as JMC Engineering, was fined a total of €25,000 in Dundalk Circuit Court on June 15th 2006, having pleaded guilty to charges under:

Section 6 (2) (d) of the Safety Health and Welfare at Work Act, 1989

Regulation 12 of the Safety, Health and Welfare at Work (Construction) Regulations, 2001

Regulation 5 (b) of the Safety, Health and Welfare at Work (General Application) Regulations, 1993

This trial arose following a serious accident to an employee of Martin Casey, trading as JMC Engineering, at a block plant at Gallstown quarry in Dunleer, Co Louth run by Kilsaran Concrete Ltd, on November 11th 2002. The employee was removing trays from the idle rollers underneath a conveyor when he fell off a pallet attached to the forks of a teleporter that he was standing on.

See also Kilsaran Concrete Ltd

### **Michael Murphy Co Ltd**

**On indictment**

Michael Murphy Co Ltd in Naas Circuit Criminal Court on May 5th 2006 pleaded guilty to charges under:

Section 8 (2) of the Safety, Health and Welfare at Work Act, 1989 as it relates to Section 48 (1) (a) of the Act

Section 6 (2) (j) of the Safety, Health and Welfare at Work Act, 1989

The trial arose as a result of the removal of a corrugated metal roof off the premises of Michael Murphy Co Ltd at Kildara industrial estate, Newbridge, Co Kildare. This roof was known by the client, Michael Murphy Co Ltd, to be contaminated with limpet asbestos residue. This information was not related to the contractors. The defendant had been previously advised by the Authority that the building was not to be brought into use without being decontaminated.

Michael Murphy was fined a total of €50,000 in Naas Circuit Criminal Court on May 5th 2006, having pleaded guilty to a charge under:

Section 8 (2) of the Safety, Health and Welfare at Work Act, 1989 as it relates to Section 48 (19) of the Act.



### **Nigel Hoblyn**

**On indictment**

Nigel Hoblyn, director of North East Diving Services, was fined a total of €21,903 in Dublin Circuit Criminal Court on November 3rd 2006, having pleaded guilty to charges under:  
Section 7 (1) of the Safety, Health and Welfare at Work Act 1989  
Section 7 (1) of the Safety, Health and Welfare at Work Act, 1989 as it relates to Section 48 (17)

The trial arose as a result of a fatal accident on July 3rd 2004 during a salvage operation of a yacht in Dublin Bay. The deceased had been a member of the dive team. Mr Hoblyn was the dive supervisor in charge of the dive during the salvage operation. During this operation, the pillar valve on the diver's scuba tank became fouled on the rigging of the yacht.

See also North East Diving Services Ltd

### **North East Diving Services Ltd**

**On indictment**

North East Diving Services Ltd was fined a total of €21,903 in Dublin Circuit Criminal Court on November 3rd 2006, having pleaded guilty to charges under:  
Section 7 (1) of the Safety, Health and Welfare at Work Act 1989  
Section 7 (1) of the Safety, Health and Welfare at Work Act, 1989 as it relates to Section 48 (17)

The trial arose as a result of a fatal accident on July 3rd 2004 during a salvage operation of a yacht in Dublin Bay. The deceased had been a member of the dive team. During this operation, the pillar valve on the diver's scuba tank became fouled on the rigging of the yacht.

See also Nigel Hoblyn

### **Paul Byrne, trading as P. Byrne Scaffolding Services**

**On indictment**

Paul Byrne, trading as P. Byrne Scaffolding Services, was fined a total of €10,000 in Dublin Circuit Criminal Court on March 9th 2006, having pleaded guilty to charges under:  
Section 6 (2) (d) of the Safety, Health and Welfare at Work Act, 1989  
Section 7 (2) of the Safety, Health and Welfare at Work Act, 1989

The trial arose as a result of the collapse of a scaffold while it was being dismantled on Grafton Street, Dublin on March 27th 2003. A member of the public was injured.

See also Derek Daly

### **S F Hughes Construction Ltd**

**On indictment**

S F Hughes Construction Ltd was fined a total of €100,000 in Mullingar Circuit Criminal Court on November 30th 2006, having pleaded guilty to a charge under:  
Section 7 (1) of the Safety, Health and Welfare at Work Act, 1989

This trial arose as a result of a fatal accident to a child who was playing with other children on a construction site on August 31st 2003. They had entered the site through an entrance beside the outside wall of Richdale Court, the housing estate in which the child lived. They were playing in some concrete rings when the ring the child was in collapsed inwards. No fencing was in place to prevent the public from entering the site.





### **The Trustees of the Hospital founded by George Simpson Esq**

**On indictment**

The trustees of the hospital founded by George Simpson Esq (Simpson's Hospital) were fined a total of €16,000 in Dublin Circuit Criminal Court on April 27th 2006, having pleaded guilty to charges under: Regulation 10 (a) of the Safety, Health and Welfare at Work (General Application) Regulations, 1993 Section 6 (2) (d) of the Safety, Health and Welfare at Work Act, 1989

The trial arose following a fatal accident to an employee at a nursing home. The employee was cleaning out a lift (dumb waiter) pit and received fatal crush injuries from the moving lift, which had not been immobilised.

### **The Trustees of St Patrick's College, Maynooth, known as St Patrick's College**

**Summarily**

The trustees of St Patrick's College, Maynooth, Co Kildare were fined a total of €2,000 in Kilcock District Court on April 3rd 2006, having been found guilty of charges under: Section 6 (2) (c) of the Safety, Health and Welfare at Work Act, 1989 Section 6 (2) (c) of the Safety, Health and Welfare at Work Act, 1989 as it relates to Section 48 (17) of the Act Section 6 (2) (e) of the Safety, Health and Welfare at Work Act, 1989 Section 6 (2) (e) of the Safety, Health and Welfare at Work Act, 1989 as it relates to Section 48 (17) of the Act Section 12 (8) of the Safety, Health and Welfare at Work Act, 1989

The trial arose following an accident to an employee of Maynooth College farm who suffered serious injuries when he was caught up in a PTO shaft of a Redrock 2000 slurry tanker on January 8th, 2005.

### **Waters Glass & Glazing Ltd**

**Summarily**

Waters Glass & Glazing Ltd was fined a total of €3,000 in Cork District Court on December 6th 2006, having pleaded guilty to charges under: Section 6 (2) (b) of the Safety, Health and Welfare at Work Act, 1989 Regulation 9 (4) of the Safety, Health and Welfare at Work (Construction) Regulations 2001 Regulation 9 (1) of the Safety, Health and Welfare at Work (Construction) Regulations 2001

This trial arose as a result of injuries suffered by two employees of Waters Glass & Glazing Ltd when a tower scaffold they were working on collapsed. They both fell three meters to the ground.

# Appendix B: New Regulations Made in 2006

## 1. European Communities (Classification, Packaging, Labelling and Notification of Dangerous Substances) (Amendment) Regulations 2006 (S.I. No. 25 of 2006)

These regulations were signed by the Minister on January 25th 2006 and came into operation from that date.

The regulations transpose Commission Directive 2004/73/EC of April 29th 2004, the 29th Adaptation to Technical Progress of Council Directive 67/548/EEC on the classification, packaging and labelling of dangerous substances. They amend the European Communities (Classification, Packaging, Labelling and Notification of Dangerous Substances) Regulations 2003 (S.I. No. 116 of 2003).

The aim of the regulations is to protect people and the environment from the harmful effects of both existing and new dangerous substances. They apply to all substances which are intended to be placed on the market either on their own or in a preparation. There are exceptions for certain categories of substances, such as medicinal, cosmetic, pesticide, waste, etc – products which are covered by other directives.

The regulations require:

- each manufacturer, importer or other person proposing to place any new chemical on the market for the first time to submit to the competent authority a notification dossier containing details of tests to which the substance has been subjected and the proposed classification and labelling of the substance
- suppliers to put warning labels on containers for dangerous substances and to ensure that the containers are properly designed, constructed and secured to prevent spillage or seepage during normal use, while safety data sheets must be supplied for dangerous substances covered by the regulations

Commission Directive 2004/73/EC adapts to technical progress for the 29th time Annexes 1 and V of Directive 67/548/EEC.

The directive adds a number of dangerous substances to Annex I, the list of substances classified and labelled as dangerous in the European Community; amends the classification and labelling of a number of other dangerous substances already included in Annex 1, and deletes a number of existing entries in the Annex. In addition, some entries are split as the classification no longer applies to all substances under those entries.

The Foreword to Annex I (as set out in schedule 1 to the Principal Regulations) is updated to amend the text of Note K. This affects the classification and labelling of substances containing 1.3-butadiene, as this substance has also been classified as a mutagen by the directive.

Additional toxicological and eco-toxicological test methods are incorporated into Annex V.

The definition of a 'notification' is expanded to indicate that the notifier must be established within the European Community in accordance with the definition in the directive.

References to the Safety, Health and Welfare at Work Act 1989 in the European Communities (Classification, Packaging, Labelling and Notification of Dangerous Substances) Regulations 2003 should be construed as references to the Safety, Health and Welfare at Work Act 2005 (No. 10 of 2005).



## 2. European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2006 (S.I. No. 74 of 2006)

These regulations were signed by the Minister on February 15th 2006 and came into operation from that date.

The regulations transpose Council Directive 96/82/EC on the control of major accident hazards involving dangerous substances as amended by Directive 2003/105/EC of the European Parliament and of the Council.

### The regulations revoke and replace:

- (i) the European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2000 (S.I. No. 476 of 2000)
- (ii) the European Communities (Control of Major Accident Hazards Involving Dangerous Substances) (Amendment) Regulations 2003 (S.I. No. 402 of 2003)

The regulations apply to establishments where dangerous substances are present in amounts equal to or exceeding the application thresholds.

Operators of establishments are required to take all necessary measures to prevent major accidents and to limit the consequences of accidents for people and the environment.

### The regulations:

- impose duties in respect of safety-management systems, preparation of safety reports and emergency preparedness
- deal with provision of advice on major hazards in the context of land-use planning decisions
- set out the arrangements for appointing competent authorities, enforcement and providing information
- provide for the levying of charges by competent authorities for duties performed pursuant to these regulations

### The principal changes incorporated in the new regulations include the following:

Schedule 1 (which replicates the amended Annex 1 of Directive 96/82/EC) determines the application of the regulations. The definition of dangerous substance has been changed to follow more exactly the definition in Directive 96/82/EC.

The definition of 'establishment' has been extended to cover the situation where two or more areas under the control of the same person and separated only by a road, railway or inland waterway shall be treated as one whole area; this approach will give a more realistic presentation of the major accident profile of an area.

### The application of the regulations has been extended as per Directive 2003/105/EC to cover:

- chemical and thermal processing operations and storage related to operations associated with the exploitation of minerals
- operational tailings disposal facilities, including tailing ponds or dams, containing dangerous substances as defined in Schedule 1, in particular when used in connection with the chemical and thermal processing of minerals

The non-application of the regulations to offshore exploration has been made more explicit.



The timeframe (three months) for preparing the major accident-prevention policy document (MAPP) by new establishments has been incorporated as per the directive.

Operators of existing establishments must, where necessary, amend their MAPP document within three months of the commencement of the regulations.

The scope of the safety-management system to be addressed under MAPP has been extended as per the directive to include the role of sub-contracted personnel and their training, including preparation for emergencies.

Operators of new establishments must send notifications to the central competent authority (Health and Safety Authority) within three months of the commencement of the regulations, as per the directive.

Operators of existing establishments must, where necessary, amend their notifications within one month of the commencement of the regulations.

The content of safety reports regarding assessment of the extent and severity of the consequences of identified major accidents has been further detailed, as per the directive, to include maps, images or, as appropriate, equivalent descriptions, showing areas liable to be affected by such accidents.

Safety reports will contain the names of the relevant organisations involved in the drawing up of the report, as required by the directive.

Operators of establishments which subsequently fall within the scope of the directive will have one year to submit a safety report (as per the directive) and, where necessary, operators of existing establishments will have six months, or longer as may be agreed with the HSA, to amend their reports.

Operators of establishments which subsequently fall within the scope of the directive will have six months to prepare an internal emergency plan.

Operators of existing establishments will, where necessary, amend their internal emergency plans within one month of the regulations coming into force.

The central competent authority (Health and Safety Authority) may consult as appropriate with the Environmental Protection Agency on the information contained in a safety report that is relevant to the possible risks of environmental pollution from a major accident.

Under the regulations, the central competent authority does not have to rely solely on information from notifications/safety reports to determine the presence of a group of establishments where there is likely to be a 'domino effect'.

The scale of charges applicable under Regulation 46 is that specified from time to time by the relevant Minister.



### 3. Safety, Health and Welfare at Work (Work at Height) Regulations, 2006 (S.I. No. 318 of 2006)

These regulations were signed by the Minister on June 21st 2006 and came into operation from that date.

The regulations transpose the provisions of Council Directive 89/655/EEC of November 30th 1989 concerning the minimum safety and health requirements for the use of work equipment by workers at work, as amended by Council Directive 95/63/EC of December 5th 1995 and Directive 2001/45/EC of the European Parliament and of the Council of June 27th 2001, relating to the use of work equipment when carrying out work at a height.

The regulations are also based on the general principles of prevention in schedule three to the Safety, Health and Welfare at Work Act, 2005, whereby work is not carried out at height where it is reasonably practicable to carry out the work safely otherwise than at height.

Where work at height is necessary, safe systems of work should be established and proper planning and organisation should take place.

#### The regulations

- set out specific requirements for, inter alia, organisation, planning and risk assessment of work at height, avoidance of risks from work at height, selection of work equipment for work at height, and inspection of work equipment, fragile surfaces and falling objects
- provide that the work equipment most suitable to ensure and maintain safe working conditions must be selected
- provide that collective protection measures must be given priority over personal protection measures

The schedules to the regulations set out detailed requirements for the use of equipment such as ladders, scaffoldings and other working platforms, as well as for fall protection systems, including nets, airbags and rope-access.

The regulations, inter alia, revoke and replace Regulations 25, 51 to 79, 83 and 87 and the definitions of 'ladder', 'sloping roof', 'trestle scaffold' and 'working platform' in Regulation 2 (1) of the Safety, Health and Welfare at Work (Construction) Regulations, 2001 (S.I. No 481 of 2001) as amended.

The regulations also revoke Regulation 23 (2) (a) to (e) of the Safety, Health and Welfare (Offshore Installations) (Operations) Regulations, 1991 (S.I. No. 16 of 1991) and Regulation 5 of the Docks (Safety, Health and Welfare) Regulations, 1960 (S.I. No.279 of 1960).



#### 4. European Communities (Dangerous Substances and Preparations) (Marketing and Use) (Amendment) Regulations, 2006 (S.I. No. 364 of 2006)

These regulations were signed by the Minister on July 11th 2006.

They amend schedules one and three to the European Communities (Dangerous Substances and Preparations) (Marketing and Use) Regulations, 2003 (S.I. No. 220 of 2003), as previously amended by the European Communities (Dangerous Substances and Preparations) (Marketing and Use) (Amendment) Regulations, 2003 (S.I. No. 503 of 2003) and the European Communities (Dangerous Substances and Preparations) (Marketing and Use) (Amendment) Regulations, 2004 (S.I. No. 852 of 2004).

##### The regulations transpose:

- (i) Directive 2005/59/EC of the European Parliament and of the Council of October 26th 2005 which amends for the 28th time Council Directive 79/769/EEC on the approximation of the laws, regulations and administrative provisions of the member states relating to restrictions on the marketing and use of certain dangerous substances and preparations (toluene and trichlorobenzene)
- (ii) Directive 2005/69/EC of the European Parliament and of the Council of November 16th 2005 which amends for the 27th time Council Directive 76/769/EEC on the approximation of the laws, regulations and administrative provision of the member states relating to restrictions on the marketing and use of certain dangerous substances and preparations (polycyclic aromatic hydrocarbons in extender oils and tyres)
- (iii) Directive 2005/84/EC of the European Parliament and of the Council of December 14th 2005 amending for the 22nd time Council Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the member states relating to restrictions on the marketing and use of certain dangerous substances and preparations (phthalates in toys and childcare articles)
- (iv) Directive 2005/90/EC of the European Parliament and of the Council of January 18th 2006 amending, for the 29th time, Council Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the member states relating to restrictions on the marketing and use of certain dangerous substances and preparations (substances classified as carcinogenic, mutagenic or toxic to reproduction – c/m/r)

Directive 2005/59/EC is transposed through Regulation 3 (1) (a) and Schedule A to these regulations, which come into operation on June 15th 2007

Directive 2005/69/EC is transposed through Regulation 3 (1) (b) and Schedule B to these regulations, which come into operation on January 1st 2010.

Directive 2005/84/EC is transposed through Regulations 3 (1) (c) and 4 and Schedule C to these regulations, which came into operation from January 16th 2007.

Directive 2005/90/EC is transposed through Regulation 5 and Schedules D to O to these regulations, which come into operation on August 24th 2007.



The regulations also amend:

- (a) Paragraphs (h), (i) and (j) of Regulation 4 (1) of the European Communities (Dangerous Substances and Preparations) (Marketing and Use) (Amendment) Regulations, 2003 (S.I. No. 503 of 2003)
- (b) Schedule 3 to the European Communities (Dangerous Substances and Preparations) (Marketing and Use) Regulations, 2003 (S.I. No. 220 of 2003), as amended by S.I. No. 503 of 2003 by substituting “toxic to reproduction” for “toxic for reproduction” in each place where it occurs.

## 5. Safety, Health and Welfare at Work (Control of Vibration at Work) Regulations 2006 (S.I. No. 370 of 2006)

These regulations were signed by the Minister on July 13th 2006 and, except for some limited transitional provisions, came into operation from that date.

The regulations transpose Directive 2002/44/EC of the European Parliament and of the Council of June 25th 2002 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (vibration), the 16th individual directive within the meaning of Article 16 (1) of Directive 89/391/EEC of June 12th 1989 (O.J. No. L 177, 6.7.2002, p13).

The regulations prescribe the measures to be taken to protect employees from the risks arising from vibrations owing to their effects on safety and health, in particular muscular/bone structure, and neurological and vascular disorders. These measures create a minimum basis of protection for all employees coming within the scope of the Safety, Health and Welfare at Work Act, 2005.

The regulations, *inter alia*:

- (i) set lower values for the daily action value or the daily exposure limit value for vibrations (Regulation 4)
- (ii) require that, where employees are liable to be exposed to mechanical vibration, an employer shall make an assessment of the risks (Regulation 5)
- (iii) require an employer to provide employees exposed to risk from mechanical vibration with suitable information, instruction and training (Regulation 7)
- (iv) provide for appropriate health surveillance to be made available to employees identified as requiring same by an occupational-health-care professional (Regulation 8)
- (v) provide for transitional periods in certain limited circumstances (Regulation 9)
- (vi) specify that, in the case of sea and air transport, provision is made for duly justified exemptions in some cases (Regulation 10)
- (vii) empower the Health and Safety Authority to exempt any person or class of persons where the exposure of an employee to mechanical vibration is usually below the exposure action value, but may occasionally exceed the exposure limit value (Regulation 10)



## 6. Safety, Health and Welfare at Work (Control of Noise at Work) Regulations, 2006 (S.I. No. 371 of 2006)

These regulations were signed by the Minister on July 13th 2006 and, except for some limited transitional provisions, came into operation from that date.

The regulations transpose Directive 2003/10/EC of the European Parliament and the Council of February 6th 2003 on the minimum health and safety requirements regarding the exposure of employees to the risks arising from physical agents (noise), the 17th individual directive within the meaning of Article 16 (1) of Directive 89/391/EEC of June 12th 1989 (O.J. No. L 183, 26.6.1989, p.1).

The regulations revoke and replace the European Communities (Protection of Workers) (Exposure to Noise) Regulations, 1990 (S.I. No. 157 of 1990), subject to those regulations continuing to apply to the music and entertainment sectors until February 15th 2008. This interim period is based on the recognition in Directive 2003/10/EC that the particular characteristics of the music and entertainment sectors require practical guidance to allow for effective application of the provisions laid down in the directive. This period is to enable member states to develop a code of conduct providing for practical guidelines which will help employers and employees in those sectors to attain the levels of protection established in the directive and in these transposition regulations.

As regards preventing exposure of employees to harmful noise at work, the regulations supplement and add specific detail to a range of general provisions under the Safety, Health and Welfare at Work Act, 2005.

### The regulations specify:

- (i) "exposure action values", i.e. the level of daily noise exposure or peak pressure level which, if exceeded, requires specified action to be taken to reduce risk to any employee
  - (ii) "exposure limit values" – the level of daily noise exposure or peak sound pressure which must not be exceeded for any employee
- An employer must ensure that the risk arising from exposure of his or her employees to noise is either eliminated at source or, where this is not reasonably practicable, reduced to a minimum. Where employees are liable to be exposed to noise at work at or above a lower action value, an employer must make a suitable and appropriate assessment of the risk arising from such exposure. If a risk assessment indicates that an upper action value is exceeded, an employer must establish and implement a programme of technical or organisational measures, or both, designed to reduce exposure to noise.
  - An employer must ensure that his or her employees are not exposed to noise above the exposure limit value, or, if exposure above the exposure limit value is detected, must take action to reduce exposure to noise to below the limit value, identify the reasons for that limit being exceeded, and amend the organisational and technical measures taken, to prevent it being exceeded again.
  - Where noise exposure exceeds the lower action values, an employer must make individual hearing protectors available, and an employee whose exposure equals or exceeds the upper action values must use individual hearing protectors.
  - An employer must ensure, as far as is reasonably practicable, that hearing protectors are used in accordance with the regulations, and that the measures are effective.

In addition to specifying provisions relating to employee information, training and consultation, the regulations require an employer to make provision for appropriate health surveillance to be made available to employees for whom a risk assessment carried out under the regulations reveals a risk to their health.





## 7. Safety, Health and Welfare at Work (Exposure to Asbestos) Regulations, 2006 (S.I. No. 386 of 2006)

These regulations were signed by the Minister on July 12th 2006 and came into operation from that date.

The regulations transpose for the first time Directive 2003/18/EC of the European Parliament and of the Council of March 27th 2003 amending Council Directive 83/477/EEC, as previously amended by Council Directive 91/382/EEC on the protection of workers from the risks related to exposure to asbestos at work, both of which directives are retransposed. The regulations also retranspose Article 12 of Council Directive 87/217/EEC on preventing and reducing environmental pollution by asbestos.

Thus the regulations revoke and replace the European Communities (Protection of Workers) (Exposure to Asbestos) Regulations, 1989 (S.I. No. 34 of 1989), the European Communities (Protection of Workers) (Exposure to Asbestos) (Amendment) Regulations, 1993 (S.I. No. 276 of 1993) and the European Communities (Protection of Workers) (Exposure to Asbestos) (Amendment) Regulations, 2000 (S.I. No. 74 of 2000).

The regulations apply to all work activities which expose people to risks arising from the inhalation of dust from asbestos or materials containing asbestos.

The regulations aim to protect employees by introducing a single exposure limit value for all work activities where exposure to asbestos dust in the air at a place of work may arise. They emphasise the need for adequate training. Those involved in demolition and asbestos-removal activities must provide evidence of their ability to do this work in a safe way, to ensure the protection of their employees.

Parties to whom these regulations apply should note that other legislation, including the Safety, Health and Welfare at Work (Construction) Regulations, may also apply to the work being undertaken.

## 8. Carriage of Dangerous Goods by Road Regulations, 2006 (S.I. No. 405 of 2006)

These regulations were signed by the Minister on July 31st 2006 and came into operation from that date.

The regulations apply to the carriage, in tanks, in bulk and in packages, of dangerous goods by road, including the packing, loading, filling and unloading of the dangerous goods in relation to their carriage. They apply the provisions of the Annexes A and B to the European Agreement Concerning the International Carriage of Dangerous Goods by Road (ADR), 2005.

The regulations place duties on the various participants associated with the carriage of the dangerous goods. They contain requirements for the vehicles, tanks, tank containers, receptacles and packages containing the dangerous goods during their carriage. They require that the drivers, and others involved in the carriage of the dangerous goods by road, be adequately trained and, in the case of drivers, hold certificates of such training. The regulations also contain provisions on an EC harmonised approach to the road-checks aspect of their enforcement.

The regulations place duties on the competent authority, in part seven, in respect of carrying out spot checks on vehicles and premises. This requirement is contained in provisions in chapter 1.8.1 of ADR.



**The regulations transpose or retranspose:**

- Council Directive 94/55/EC of November 21st 1994, on the transport of dangerous goods by road
- Council Directive 96/35/EC of June 3rd 1996, on the appointment and vocational qualifications of safety advisers for the transport of dangerous goods by road, rail and inland waterways, as amended by Council Directive 2000/18/EC
- Directive 2000/61/EC of the European Parliament and of the Council of October 10th 2000, amending Directive 94/55/EC
- Commission Directive 2004/28/EC of December 9th 2004, which last adapted (fifth adaptation) Directive 94/55/EC to technical progress (and which amends Annexes A and B to Directive 94/55/EC to incorporate Annexes A and B of the 2005 edition of the ADR)
- Commission Directive 2004/111/EC requiring implementation of the 2005 edition of ADR (provisions of previous directives, adapting to technical progress, have been completely superseded by Directive 2004/111/EC).

Directive 94/55/EC as amended, and adapted to technical progress, requires national legislation to be in line with the Annexes to ADR. These are updated and replaced every two years, but with certain derogations for national transport, as provided for in separate regulations made under the European Communities Act 1972.

The regulations revoke and replace the Carriage of Dangerous Goods by Road Regulations, 2004 (S.I. No. 29 of 2004).

As the requirements covering carriage of dangerous goods by road regarding the appointment and duties, etc, of dangerous-goods safety advisers (DGSA's) are now contained in the 2005 edition of ADR (and hence transposed by these regulations), the regulations also revoke and replace the European Communities (Safety Advisers for the Transport of Dangerous Goods by Road and Rail) Regulations, 2001 (S.I. No. 6 of 2001) in so far as they apply to the carriage of dangerous goods by road (but not for rail).

## 9. European Communities (Carriage of Dangerous Goods by Road) (ADR Miscellaneous Provisions) Regulations, 2006 (S.I. No. 406 of 2006)

These regulations were signed by the Minister on July 31st 2006 and came into operation from that date.

The regulations apply to the carriage, in tanks, in bulk and in packages, of dangerous goods by road. They complement the provisions of the "associated regulations", namely, the Carriage of Dangerous Goods by Road Regulations, 2006 (S.I. No. 405 of 2006) made under the Carriage of Dangerous Goods by Road Act, 1998.

The regulations contain provisions on an EC harmonised approach to the road-checks aspect of their enforcement. They also implement certain exemptions which are in addition to those contained in the Annexes A and B to the European Agreement Concerning the International Carriage of Dangerous Goods by Road (ADR), 2005.

**The regulations transpose or retranspose relevant elements of:**

- Council Directive 94/55/EC of November 21st 1994, on the transport of dangerous goods by road (as amended by Commission Decision 2002/886/EC of November 7th 2002 regarding time-limits in relation to pressure drums, cylinder racks and tanks, and Commission Decision 2005/263/EC of March 4th 2005 regarding certain derogations in relation to national transport)



- Council Directive 95/50/EC of October 6th 1995, on uniform procedures for checks on the transport of dangerous goods by road (as amended by Directive 2001/26/EC of the European Parliament and of the Council of May 7th 2001, amending Directive 95/50/EC and Commission Directive 2004/112/EC of December 31st 2004, which replaces the Annexes to Directive 95/50/EC) which were not otherwise transposed through the Carriage of Dangerous Goods by Road Regulations, 2006.

## 10. Carriage of Dangerous Goods by Road Act 1998 (Appointment of Competent Authorities) Order 2006 (S.I. No. 407 of 2006)

This order was signed by the Minister on July 31st 2006 and came into operation from that date.

Section four of the Carriage of Dangerous Goods by Road Act, 1998 gives the Minister for Enterprise, Trade and Employment power to appoint competent authorities to perform functions conferred by the Act and by regulations made under the Act.

Together with the Act, the Carriage of Dangerous Goods by Road Regulations, 2006 transpose the requirements of the European Union directives on the carriage of dangerous goods by road and the requirements of the associated ADR (European Agreement concerning the international carriage of dangerous goods by road). The 1998 Act and the regulations referred to set out functions to be performed by various competent authorities.

The order appoints the various competent authorities, for the purposes of the 1998 Act and the regulations referred to above, as follows:

- Minister for Transport
- National Standards Authority of Ireland
- Irish National Accreditation Board
- Minister for Justice, Equality and Law Reform
- Radiological Protection Institute of Ireland
- Health and Safety Authority

to perform the functions assigned to them.

The order revokes and replaces the Carriage of Dangerous Goods by Road Act, 1998 (Appointment of Competent Authorities) Order, 2006 (S.I. No. 24 of 2006).



## 11. Carriage of Dangerous Goods by Road Act, 1998 (Fees) Regulations, 2006 (S.I. No. 408 of 2006)

These regulations were signed by the Minister on July 31st 2006 and came into operation from that date.

The regulations are complementary to the:

- (i) Carriage of Dangerous Goods by Road Regulations, 2006 (S.I. No. 405 of 2006) (“the Principal Regulations”), which apply to the carriage, in tanks, in bulk and in packages, of dangerous goods by road; in implementing the provisions of the technical Annexes to the European Agreement Concerning the International Carriage of Dangerous Goods by Road (ADR) 2005
- (ii) European Communities (Carriage of Dangerous Goods by Road) (ADR Miscellaneous Provisions) Regulations, 2006 (S.I. No. 406 of 2006)
- (iii) Carriage of Dangerous Goods by Road Act, 1998 (Appointment of Competent Authorities) Order, 2006 (S.I. No. 407 of 2006), which specifies the competent authorities for the purposes of “the Principal Regulations”

The regulations revoke and replace the Carriage of Dangerous Goods by Road (Fees and Section 18 Payments) Regulations, 2005 (S.I. No. 25 of 2005) and the Carriage of Dangerous Goods by Road (Fees and Section 18 Payments) (Amendment) Regulations, 2005 (S.I. No. 283 of 2005).

The regulations specify the fees that may be charged by a competent authority, authorised examiner or accreditation body under the Carriage of Dangerous Goods by Road Regulations, 2006.

## 12. Safety, Health and Welfare at Work (Construction) Regulations, 2006 (S.I. No. 504 of 2006)

These regulations were signed by the Minister on September 28th 2006 and came into operation from November 6th 2006.

The purpose of the regulations is to prescribe the main requirements for protecting the safety, health and welfare of people working on construction sites and to give further effect to Council Directive 92/57/EEC on the minimum safety and health requirements at temporary or mobile construction sites.

The regulations are designed to clarify and strengthen the general duties of all parties as regards securing occupational safety, health and welfare in construction work, including those of clients, project supervisors, designers, contractors and employees.

The regulations apply to all construction projects, including the alteration, decoration, maintenance and repair of buildings and the installation, maintenance and removal of mechanical and other systems fixed within or to structures. They place obligations on clients and designers to ensure that safety and health is taken into account before any construction work begins. Contractors must ensure that the work on site is properly co-ordinated and carried out in a safe manner.

The regulations replace and revoke the Safety, Health and Welfare at Work (Construction) Regulations, 2001 (S.I. No. 481 of 2001), and the Safety, Health and Welfare at Work (Construction) (Amendment) Regulations, 2003 (S.I. No. 277 of 2003), except for regulations 4 and 6 of the 2001 regulations as they apply to project



supervisors appointed prior to the commencement of the 2006 regulations and regulations 80 to 123 of the 2001 regulations relating to lifting appliances and lifting equipment. These regulations remain in operation for the time being until they are replaced by proposed separate regulations.

#### **Miscellaneous transitional dates**

If, prior to November 6th 2006, a design stage has commenced, and a project supervisor for the design stage has been appointed in accordance with the Construction Regulations 2001 and 2003, and holds that position on November 6th 2006, all duties of the client in relation to the appointment of a project supervisor for the design process and all duties assigned in the Construction Regulations 2006 to the project supervisor for the design process apply only from May 6th 2008.

If the client, under regulation 3(2) of the Construction Regulations 2001 has been self-appointed as project supervisor for the design stage and holds that position on November 6th 2006, the duties specified in regulation 6 of the Construction Regulations 2006 apply only from May 6th 2008.

If, from May 6th 2008, a client wishes to seek exemption from the duty to appoint a project supervisor for the design process, the client may do so only on the basis that a project supervisor for the design stage has been appointed for the project prior to that date and holds that position on that date, and by an application made to the Health and Safety Authority in an approved form outlining the reasons for the exemption and the length of time for which the exemption is sought. The Authority may grant an exemption on the basis of an application made, but no exemption may be granted to last longer than 30 months after November 6th 2006 (i.e. to May 6th 2009 at the latest).

Nothing in the 2006 regulations prevents the client on and after November 6th 2006 from appointing the project supervisor for the design stage as appointed under the Construction Regulations 2001 and 2003, or any other competent person as project supervisor for the design process under the Construction Regulations 2006.

#### **In the case of projects under construction prior to November 6th 2006 and where:**

- (a) a project supervisor for the construction stage has been appointed before that date and holds that position on that date
- (b) notification has been given to the Health and Safety Authority, in accordance with the Construction Regulations 2001 and 2003,

all duties of the client in relation to the appointment of a project supervisor for the construction stage and all duties given in the Construction Regulations 2006 to the project supervisor for the construction stage apply only from May 6th 2008.

Nothing in the Construction Regulations 2006 prevents the client on and after November 6th 2006 from appointing the project supervisor for the construction stage as appointed under the Construction Regulations 2001 and 2003, or any other competent person as project supervisor for the construction stage under the Construction Regulations 2006.

If the client, under Regulation 3 (2) of the Construction Regulations 2001 has been self-appointed as project supervisor for the construction stage, and holds that position on November 6th 2006, the duties specified in regulation 6 of the Construction Regulations 2006 apply only from May 6th 2008.



For projects where the design stage commenced before November 6th 2006, if a project supervisor for the design process has not been appointed, the project supervisor for the construction stage shall co-ordinate the design of temporary works to facilitate the construction of the project.

For projects where the design stage commenced before November 6th 2006, if a project supervisor for the design process has not been appointed, the project supervisor for the construction stage shall prepare the safety file as required by regulation 13 of the Construction Regulations 2006.

For the tasks listed in paragraph 1 (1) (c), (e), (n) and (r) to (t), of Schedule 4 (Construction Skills Certification Scheme) to the Construction Regulations 2006, Regulations 19 (1) (b), 25 (1) (b), 29 (1) (g), 74 (e) and 97 (b) and (c) apply only from May 6th 2008.

### 13. Dangerous Substances (Retail and Private Petroleum Stores) (Amendment) Regulations, 2006 (S.I. No. 630 of 2006)

These regulations were signed by the Minister on December 18th 2006 and came into operation on January 1st 2007.

The regulations provide for the amendment of the Dangerous Substances (Retail and Private Petroleum Stores) Regulations, 1979, as previously amended by the Dangerous Substances (Retail and Private Petroleum Stores) (Amendment) Regulations, 1988, the Dangerous Substances (Retail and Private Petroleum Stores) (Amendment) Regulations, 1999, the Dangerous Substances (Retail and Private Petroleum Stores) (Amendment) Regulations, 2002 and the Dangerous Substances (Retail and Private Petroleum Stores) (Amendment) Regulations, 2004 (S.I. No. 860 of 2004).

Under the regulations, as adapted by section 4 (4) of the Safety, Health and Welfare at Work Act, 2005 (No. 10 of 2005), a retail and private petroleum store must be licensed by the local or harbour authority or, where the store is owned by such authority, by the Health and Safety Authority.

The regulations as amended, inter alia, provide for safety requirements in certain circumstances for petrol-filling stations, constructed before the 1979 regulations commenced, to enable them to be licensed to operate until December 31st 2008.

Safety controls on management and operations are maintained.



# Appendix C: Board Sub-Committees

The Board of the Authority has established sub-committees of the Board, which comprise Board members only and which assist in carrying out the work of the Board.

## Legislation and Guidance Sub-Committee of the Board (L&GSC)

The Legislation and Guidance Sub-Committee of the Board (L&GSC) in 2006 comprised Mr Peter McCabe (Chair), Mr Tony Briscoe, Mr Sylvester Cronin and Ms Rosie Sheerin.

It held 19 meetings during the year which, inter alia, reviewed various aspects of the relevant statutory provisions and developed proposals for draft regulations, codes of practice and guidelines (as detailed in this annual report for consideration by the Board in accordance with section 57 of the Safety, Health and Welfare at Work Act, 2005.

## Internal Audit and Finance Sub-Committees of the Board

The members of the Internal Audit and Finance Sub-Committees are Mr Tony Briscoe (Chair), Ms Anne Marie Hayes, Mr Pat Kearney and Ms Louise O'Donnell. The sub-committees work to ensure that the Authority achieves the highest standards of financial probity and direct the internal-audit function of the Authority. Crowleys DFK were appointed as the Authority's internal auditors during 2006 following a competitive tendering process.

## Strategic Review and Implementation Sub-Committee of the Board

The members of the Strategic Review and Implementation Sub-Committee are Mr Jim Lyons (Chair), Mr Martin Lynch, Mr Fergus Whelan, Mr Tony Briscoe and Mr Tom Beegan.

The purpose of this group is to review and advise the Board on strategy, policy considerations and matters referred to it by the Board, and to determine the performance-related pay for the chief executive officer.

# Appendix D: Advisory Committees and Working Groups

**The Authority has a number of statutory advisory committees. These are:**

## Construction Advisory Committee

This committee, chaired by Sylvester Cronin, has representatives from all the key stakeholders in the construction industry.

It met twice during 2006 and continued its partnership approach in progressing safety issues of concern to the industry. The main items it dealt with in 2006 were:

- New Construction Regulations
- Guidelines to the Construction Regulations
- Construction Skills Certification and the recognition of equivalent qualifications from other EU member states

**The following were members of the Construction Advisory Committee in 2006:**

Sylvester Cronin (Chair),	Board member, Health and Safety Authority
Dermot Carey	CIF
Denis Farrell	BATU
John Graby	RIAI
John Ryan	CIF
Kevin Enright	IBEC
Kevin Geraghty	ICF
Martin Vaughan	Department of Environment, Heritage and Local Government
Michael Moriarty	ACEI
Nevin Mulrooney	SCS
Nicholas O'Loughlin	Department of Finance
Paddy Coughlan	SIPTU
Phil Murray	DIT
Robert Byrne	FÁS
Tony Pearson	FÁS
Tom Gorman	IEI
Robert Roe	Health and Safety Authority
Paula Gough	Health and Safety Authority
Padraig Delaney	Health and Safety Authority
Elaine Walsh	Secretary (Health and Safety Authority)





## Dangerous Substances Advisory Committee

The committee met three times in 2006. It examined and assisted in the development of proposals for regulations and protection of workers from exposure to asbestos; marketing and use amendment; classification, packaging and labelling of dangerous preparations amendment; guidance documents; control of major accident hazards involving dangerous substances; hearing checks and audiometry and vibration.

It also considered a range of other such issues/information notes on the EU Chemical Strategy/REACH and Globally Harmonisation System for Classification and Labelling (GHS) implementation plan and internet consultation, marketing and use directive proposals, second indicative limit value directive, and hand/arm vibration.

Following a special review of the DSAC meeting and Board approval, the following recommendations were implemented: establishment of the Technical and Scientific Advisory Committee (TSAC) with revised terms of reference; election of a chair and deputy chair; nomination of a permanent and a deputy member; establishment of ad-hoc working groups; schedule of meetings, and the disestablishment of the DSAC. The recommendations will allow the committee to refocus and reflect the wider scope of future legislation and its implications.

### The members of the Dangerous Substances Advisory Committee in 2006 were:

Fergus Whelan (Chair)	Board member, Health and Safety Authority
Ann-Marie O'Connor	Department of Enterprise, Trade and Employment
Aisling O'Reilly	Department of Enterprise Trade and Employment
Dr Nuala Bannon	Department of the Environment and Local Government
Eamon Corcoran	Department of Health and Children
Dave Garland	Department of Transport
Marie O'Connor	EPA
Marian Byron	IBEC
Pat Gallagher	ICMA
Frank Barry	ICTU
Sean McCourt	ILPGA
Killian Tallon	IPIA
Sean Flynn	IPCMF
Sean Dennehy	IRHA
Dr Frank Van Pelt	IST
Niamh Hunt	NISO
Dr Joe Kearney	Occupational Hygiene Society of Ireland
Gordon Rennick	Pesticide Control Service
Eddie Mullins	ICTU
Ingrid Hook	Consumers Association of Ireland
Justin Tallon	NSAI
Dr Sharon McGuinness	Health and Safety Authority
Margaret Feehan	Secretary (Health and Safety Authority)



## Farm Safety Partnership Advisory Committee

The committee met four times in 2006 to promote and implement the Farm Safety Action Plan 2003–2007.

To achieve its work programme in 2006, FSPAC established three sub-committees, first in relation to completing the Farm Safety Code of Practice; secondly, in relation to the project management of the Farm Safety Village for the World Ploughing Championships, and, thirdly, to review the Farm Safety Action Plan 2003–2007. The work of the first two sub-committees was completed in 2006. The third sub-committee was carried into 2007 to identify continuing areas of concern and action.

The Farm Safety Village was the biggest event ever held in Ireland to promote farm safety in Ireland. Over 28 stands were housed in one area at the World Ploughing Championships in Tullow, Co Carlow. The Farm Safety Village was operated and managed by the Farm Safety Partnership along with the Authority.

The committee continued its partnership work by helping to complete the Farm Safety Code of Practice. It was posted to over 160,000 farmers nationwide. The partnership continues to seek means of implementing the Farm Safety Action Plan, focusing on aspects of education, engineering and enforcement.

Also notable in 2006 was the development of an equine-safety DVD, completion of research into health effects in piggeries and continued research into animal behaviour.

### Members of the Farm Safety Advisory Committee in 2006:

Frank Laffey (Chair)	Teagasc
Conor Creedon	Irish Creamery Milk Suppliers Association
John O'Donnell	Irish Creamery Milk Suppliers Association
Jim Dockery	Farm Relief Network
Pat Griffin	Health and Safety Authority
Pat Kearney	Board member, Health and Safety Authority
Mary McGreal	Irish Farmers Association
John McNamara	Teagasc
Oliver McEvoy	Department of Agriculture and Food
Anthony Morahan	Health and Safety Authority
Michael Moroney	Farm Tractor Machinery Trade Association
Tom Murphy	Professional Agricultural Contractors Association (PAC Ireland)
Ciarán Roche	FBD Insurance
Karl Skehan	Macra Na Feirme
Maura Kavanagh	Secretary (Health and Safety Authority)



## Southern Regional Advisory Committee

The Southern Regional Advisory Committee (SRAC) held three meetings during 2006. A Safety Statement/Manual Handling Workshop was held in Cork. It was attended by over 1,000 small businesses and self-employed.

The Health Promotion Unit of the Health Service Executive (HSE) continues to work with 'clusters' of businesses in various regions and to draw on its experiences in the work it carried out in Kinsale in 2005. The HSE agreed to have a full-time representative on the committee. Dr Maria O'Brien took on that role from January 2006.

SRAC, in common with the other regional committees, was used in early 2006 to assemble a representative group from the region as a consultative forum, with the Executive, for upcoming regulations under the Safety, Health and Welfare at Work Act, 2005.

### The following were the committee members in 2006:

Sylvester Cronin (Chair)	Board member, Health and Safety Authority
Enda McWeeney	FÁS
Anne Keohane	IFA
David Neal	IFO
Mary Keane	NISO
Eddie Ronayne	Cork Co Council
Dan McSweeney	IBEC
Fabian Murphy	IOSH
Maurice O'Riordan	ICMSA
Garry Tobin	NIFAST
Donal Tobin	SIPTU
Charlie Hipwell	IBEC
Conor O'Connell	CIF
John Dromey	Cork City Council
Robert Stuart	Kerry Co Council (replaced Donal Hunt)
Ger Buckley	ESB
John Corcoran	Department of Education (replaced Tadhg Glavin)
Pat O'Flynn	SIPTU (new member who replaced Michael Tobin who resigned the previous year so was not listed in the 2005 annual report)
Mark Rowlands	Health and Safety Authority
Dr Maria O'Brien	Health Service Executive
Patricia Truscott	Secretary (Health and Safety Authority)



## North-West Regional Advisory Committee

The committee met four times during 2006. As a result of its activity, a number of press releases were published in local and regional newspapers to promote health and safety awareness. Regular articles on safety topics were published in the Killybegs Fishermen's Organisation newsletter.

The highly popular and beneficial Farm Safety Days for transition-year students in the region continued and raised awareness of health and safety issues among students. The committee participated in a consultation process to contribute to the debate on codes of practice for small businesses, on-the-spot fines, joint safety and health agreements, and testing for intoxicants.

It is with regret and sympathy that we record the passing of committee member Marcella Tiernan, Irish Countrywomen's Association. May she rest in peace.

### The following were members of the North-West Regional Advisory Committee in 2006:

Christina McEleney (Chair)	Board member, Health & Safety Authority
Martin Shields	National Irish Safety Organisation
Anthony McCormack	SIPTU
Art McGrath	Teagasc
Lynn McLaughlin	IBEC
Tony Kelly*	IMPACT
David Mullarkey	IT Sligo
Gerard Mawn	Coillte Teo
Louis Cabena	FÁS
Mary McGreal	IFA
Sonya Maguire	LASAG
Ted Breslin	Killybegs Fishermen's Organisation
Tom Currid	Construction Industry Federation
Vincent Turley	Monaghan Chamber of Commerce
Anne Marie Luby	Donegal VEC
Hilary Byrne**	Health & Safety Authority
Brenda Guihen	Secretary (Health & Safety Authority)

\* Tony Kelly replaced Emer O'Shea, IMPACT

\*\* Hilary Byrne replaced Michael Walsh, Health and Safety Authority.

## Regional Advisory Committees – National Meeting

A National Meeting of the four Regional Advisory Committees was held in October. Representatives from all four committees attended to share best-practice initiatives and to identify ways in which the committees can learn from each other. The role of a regional advisory committee was clarified.

### Committee activities continue to fall under three broad categories:

- to act as a consultative and advisory forum for the Authority
- to assist the Authority in promoting regional awareness of relevant initiatives
- to assist the Authority in delivering national initiatives at regional level

In this light, it was agreed that the committees are providing a very useful service to the Authority.

Opportunities will continue to be explored to maximise benefit to the Authority and to the region in which each committee operates.



## South-East Regional Advisory Committee

The South-East Regional Advisory Committee (SERAC) met four times in 2006. SERAC has a number of sub-committees to develop regional initiatives on fishing, quarrying, health and micro businesses.

As part of European Safety Week 2006, the fishing sub-committee organised a presentation for fishermen on floatation devices, and training for secondary students on fishing safety. BIM organised training courses for transition-year students and Applied Leaving Certificate students in five locations around the country. The training included fire-awareness training, sea survival and elementary first-aid training. As a result of these seminars, BIM was chosen for the 2006 Health and Safety Good Practice Awards and put forward for the European Good Practice Awards.

SERAC members, including key representatives from their sectors, attended a consultation forum on the implementation of on-the-spot fines; testing for intoxicants; codes of practices for workplaces of three employees or fewer, and joint safety agreements as provided for in the new Act.

### The following were members of the South-East Regional Advisory Committee in 2006:

Rosie Sheerin (Chair)	Board member, Health and Safety Authority
Ray Murray	Bord Iascaigh Mhara
Jim Whitmore	CIF
John Cassidy	FÁS
Kieran Leahy*	Garda Representative Association
Rosaleen O'Keeffe	IBEC
Peter Creedon	Irish Primary Principals Network
Frank Nolan	Irish Water Safety Association
Lisa Russell	Kilkenny County Council
Steve McComb**	Mines and Quarries
Kevin Power	Safety Representative
Darryl McCabe	Safety Consultant, Construction
Aileen Scott	HSE South
Olan Whitney	SIPTU
Brian Sheerin	South Eastern Regional Fisheries Board
John Hogan	Teagasc
Bill Rafter	Waterford City Enterprise Board
JJ Killian	ISME
Tony Power	NISO
Mark Corcoran***	Small Firms Association
Michael Keating	Roadstone Provinces
Emer Lovett****	Wexford Chamber of Commerce
Mary O'Doherty	Waterford Institute of Technology
Kieran Sludds	Health and Safety Authority
Maura Kavanagh	Secretary (Health and Safety Authority)

\* Kieran Leahy replaced John Shortall, Garda Representative Association

\*\* Steve McComb replaced Myles McPartland, Mines and Quarries

\*\*\* Mark Corcoran replaced John Paul Crowe, Small Firms Association

\*\*\*\* Emer Lovett replaced Jacqui McNabb, Carlow Chamber of Commerce



## Western Regional Advisory Committee

The committee met two times during 2006. It facilitated a regional consultation session to allow stakeholders in the region to contribute their views on forthcoming regulations arising out of the new Safety, Health and Welfare at Work Act. The education sub-committee pilot project – initiated in 2005 with the aim of contributing to the Authority's national plan on mainstreaming safety and health in the education sector – came to a successful conclusion.

A sub-committee allied to the Western Regional Advisory Committee piloted a workplace health project in 10 small to medium enterprises (SMEs) in County Roscommon. The main aim of the initiative was to pilot a workplace health-support service for SMEs in the region to enable them to develop healthy and safe workplaces.

The Workplace Health Partnership in Roscommon was a finalist in a Health Services Executive innovation award.

### The following were members of the Western Regional Advisory Committee in 2006

Pat Kearney (Chair)	Board member, Health and Safety Authority
Frank Laffey	Teagasc
Michael Flynn	IFA
Justin Molloy	CIF
Dermot Carey	CIF
Julianne Gavin	Galway County Council
Michael Dolly	Galway County Council
Gerry Finnerty	Gort Livestock Mart
Louise Ward	Roscommon Enterprise Board
Tommy Kelly	FBD Insurance
John Joe Holleran	Kilbride Sand & Gravel
John Joe Conwell	Portumna Community School
Gareth Davies	HSE
Siobhan Hourigan	HSE
Seamus O'Grady	National University of Ireland Galway
Alice Daly	National University of Ireland Galway
Don Tallon	National University of Ireland Galway
Martin Cleary	ESB
Dick McKeever	Department of Marine & Natural Resources
Paul Browne	FAS
Doreen Geoghegan	Galway-Mayo Institute of Technology
Tish Gibbons	SIPTU
Caitriona Gannon	IBEC
Tom O'Connor	NISO
Joe Kelly	Mayo County Council
Shane McLoughlin	Galway Chamber of Commerce & Industry
Hillary Byrne*	Health & Safety Authority
Orla Cahalan	Secretary (Health & Safety Authority)

\* Hillary Byrne replaced Veronica Helly, Health and Safety Authority







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