

Vulnerable Workers Information Sheet

This information sheet is written for employers, managers, and supervisors.

The purpose of this information sheet is to raise awareness around vulnerable workers, employer responsibilities in relation to protecting vulnerable workers, and protection practices.

Protecting Vulnerable Workers

Vulnerable Workers are people who may be particularly sensitive or over exposed to potential health and safety risks in comparison to the general working population.

Every person has the right to a safe workplace where any risks to their health and safety are properly controlled. Some people are more vulnerable to occupational safety and health (OSH) risks due to a variety of personal and job factors. It is important that employers recognize these vulnerabilities and take steps to protect their employees from occupational safety and health hazards.

What is a Vulnerable Worker?

The European Agency for Safety and Health at Work defines vulnerable workers as 'certain groups who may be more at risk from occupational accidents or ill-health than others or those that have special considerations that may need to be taken account of in a health and safety context' (2022).

A person may have several different vulnerabilities linked to different personal and job factors. People can be vulnerable before they start work, or they may become vulnerable during their working life. All people reflect a spectrum of vulnerability – with some workers having higher or lower levels of vulnerability.

Examples of vulnerable workers include:

- Young people at work.*
- New and expectant mothers.*
- Night and Shift workers.*
- Older workers.
- Workers who are new to the job (short tenure workers).
- Inexperienced workers including apprentices.
- Migrant Workers.
- Gig/platform workers.
- Agency and temporary workers.
- Workers with disabilities.
- Workers with underlying health issues.
- Lone workers.
- Low qualified workers.
- Workers for whom English is not a first language.

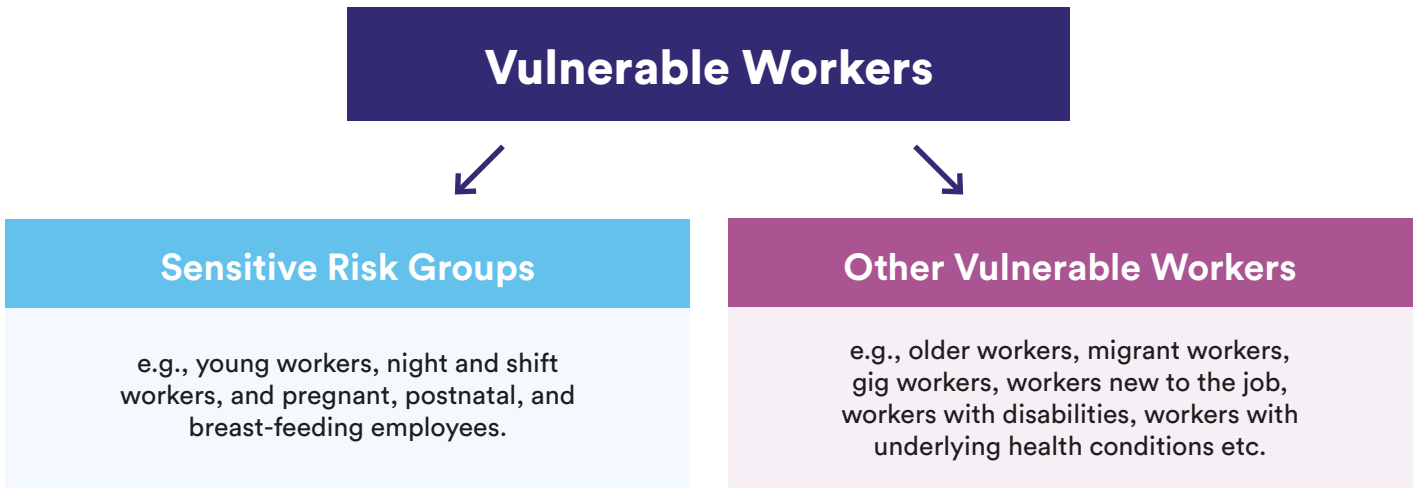
* Sensitive risk groups



Vulnerable Workers Includes A Wide Variety of Workers

Vulnerable Workers and Sensitive Risk Groups

The definition of Vulnerable Workers includes a subset of workers termed 'Sensitive Risk Groups'.



As detailed in the Safety, Health, and Welfare at Work (General Application) Regulations 2007 and the associated guidance provided by the HSA, 'Sensitive Risk Groups' include:

- 1** young workers.
- 2** night and shift workers.
- 3** pregnant, postnatal, and breast-feeding employees.

There is growing awareness of the importance of supporting 'sensitive risk groups' – in particular, (2) night and shift workers, and (3) pregnant, postnatal, and breast-feeding workers. The following definitions address (1) young workers along with other 'vulnerable workers'.

Young Workers

A young person is a person who has reached 16 years of age or the school-leaving age (whichever is higher) but is less than 18 years of age.

Young workers may be more at risk because:

- they lack experience,
- they are continuing to develop physically and psychologically,
- they may lack the confidence to speak out about unsafe systems of work.

Older Workers

There is no single definition of older workers. Workers aged 55 years or older are considered older workers. It is important that employers and managers consult and involve older workers in the design of control measures, so that health and safety is managed in a practical way.

Migrant Workers

A migrant worker is a person who is engaged or has been engaged in a remunerated activity in a state of which he or she is not a national. Seasonal workers are considered short-term migrants. Many migrant workers undertake work that is considered dirty, difficult and/or dangerous. For some migrant workers, language barriers can make accessing information about their rights and safe working practices more difficult. Many migrant workers from outside the European Union (EU) are employed under the employment permits system which can make it more difficult to speak out about unsafe work practices.

Gig Workers and Gig Economy

A gig worker is a person who works in the gig economy. They are also known as a freelancer or independent contractor. Typically gig work covers short-term, informal working relationships where work is generally on-demand and delivered on a task-by-task basis. The gig economy also refers to a situation where a person (gig worker) is hired through an app or website to undertake a role for a third party. The app or website is produced and managed by an organization called a platform.

Vulnerable Workers

Vulnerability: Key Facts

Vulnerable workers are more likely to be hurt or made sick by the job. The following statistics reflect HSA incident data for the period 2013 to 2022:

- Male workers account for 95% of fatalities but represent 53% of the workforce.
- Self-employed workers account for 43% of fatalities but account for approx. 15% of the workforce.
- Non-nationals represent 20% of all non-fatal injuries reported (workforce participation for non-nationals is also approx. 20%).
- Workers over the ages of 35 years are almost twice as likely to experience a workplace non-fatal injury than younger workers.
- Workers over the age of 65 years are three times more likely to experience a workplace fatality than younger workers.

Risk Assessment & The Law

Health and safety legislation requires the employer to assess the risks to safety and health at work for all workers, to avoid workplace accident, injury, and ill health. Risk assessment is the first step in the prevention of occupational accidents and ill health. A risk assessment looks at what can cause harm to people. It identifies if control measures are adequate, or if additional measures are required, to reduce injury and ill health. Employers are required to develop a safety statement detailing how the safety, health and welfare of employees is protected. The safety statement includes all risk assessments and should be produced in consultation with employees and their representatives.

The Law – Rights & Responsibilities

- Employees, whether they are Irish nationals or migrant workers, have equal rights under Irish health and safety law.
- Temporary or casual workers, whether they are Irish nationals or migrants, have equal rights under Irish health and safety law as fulltime permanent employees.
- Employers have specific obligation to ‘Sensitive Risk Groups’ as defined in the Safety, Health, and Welfare at Work (General Application) Regulations 2007.
- Employers have specific obligation for persons with disabilities as defined in the Safety, Health, and Welfare at Work (General Application) Regulations 2007.
- Workers have a legal right to be represented by Safety Representatives / Trade Unions on Health and Safety issues in the workplace and these representations must be acted upon.



Vulnerable Workers

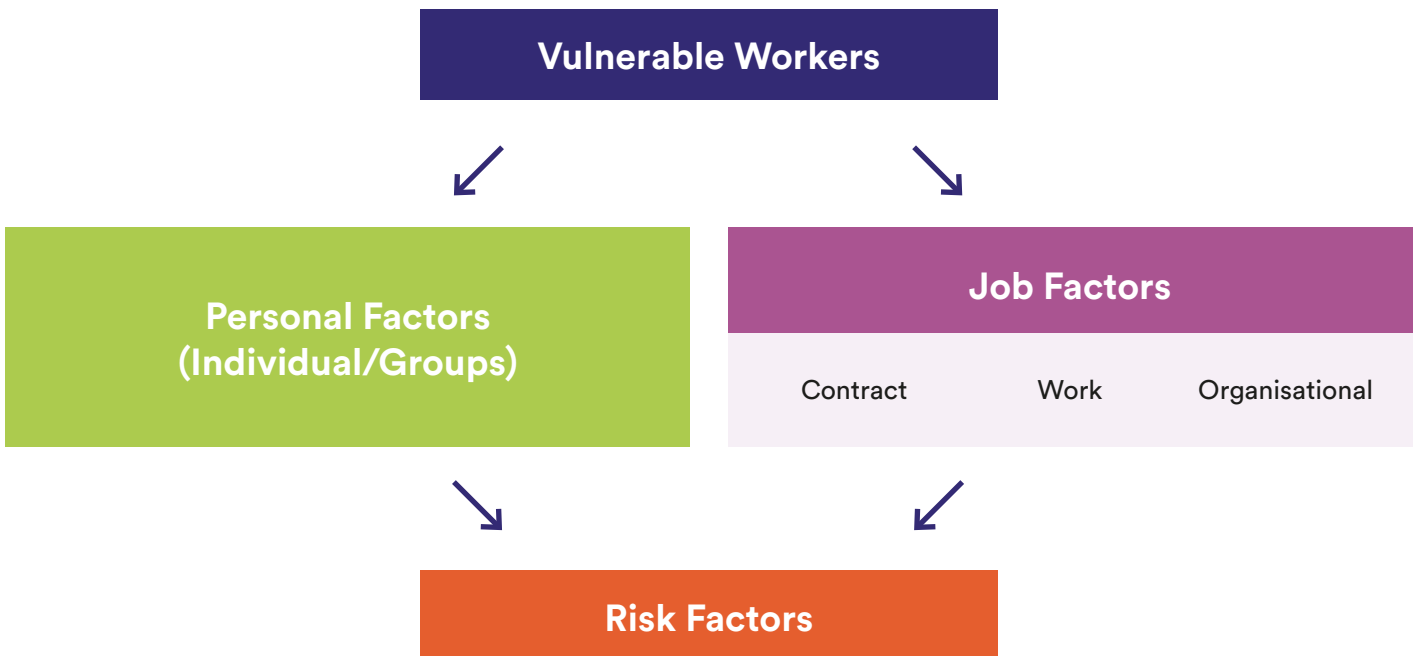
Understanding Risk Factors

Vulnerable workers are more susceptible to injury or ill health because of specific personal or job factors.

1 Personal factors include biological, social, and cultural characteristics.

2 Job factors are associated with the person's status in the enterprise and their work contract, the nature of the work, and certain characteristics of the organisational they work for.

A combination of personal and job factors can lead to specific risk factors, that increase the chance of unsafe behaviour, occupational injury and occupational illness.



Risk factors include:

- Lack of experience/newness to the job.
- Poor safety awareness.
- Stress.
- Lone working.
- Presenteeism.
- Job/income insecurity.
- Job dissatisfaction.
- Low job engagement.
- Fatigue and overwork.
- Poor mental health.
- Social isolation.
- Bullying, harassment, exploitation, and abuse.
- Physically demanding and repetitive work.
- Violence and aggression.

Vulnerable Workers

Identifying Vulnerability

Employers and managers should familiarize themselves with the different personal and job factors which can create 'vulnerability' and take steps to protect their employees from occupational safety and health hazards.

Key questions to ask:

- Are there vulnerable workers in my organisation?
- What job or personal factors contribute to this vulnerability?
- What workers have higher levels of vulnerability?
- What can I do as an employer/manager/supervisor to protect the vulnerable workers in my organisation?
- Who do I need to consult with?
- What can I do to promote reporting for vulnerable workers (including migrant workers)?

The diagram below provides a summary of the different personal factors which contribute to vulnerability.



Vulnerable Workers

Job Factors

The diagram below provides a summary of the different job factors which contribute to vulnerability.



Contract

Employment type
(permanent, fixed term,
temporary/casual)

Agency work

Part/Full time

Job Sharing

Pay

Leave (holiday, sick)



Work

Type (unskilled, trades,
professions)

Workload

Working hours

Working conditions

Job control/autonomy

Level of responsibility

Shift Work

Night Work

Platform Work

Remote Work



Organisational

Company size

Training

Support

OHS policies
and procedures

Safety culture

Business model

Representation/
Trade Unions



Vulnerable Workers and Reporting

Accident/incident reporting is a key component of effective safety and risk management programs.

Employers should make vulnerable workers aware of their rights to protection and should encourage reporting (including reporting of near misses) to managers and/or those in charge. Vulnerable workers may be less aware of their rights. Or, if they are aware of their rights, they may be reluctant to report health and safety incidents/accidents/concerns, because of the fear that they will lose their job.

Induction training should highlight the importance of reporting for all workers.

Employers are legally obliged to report the injury of an employee arising from an accident while at work, where the injury results in the employee being unable to carry out their normal work for more than three consecutive days, excluding the day of the accident.

Vulnerable Workers

Supporting Vulnerable Workers

Risk Assessment

- Ensure risk assessment is age sensitive and considers gender, equality, and cultural issues.
- Ensure risk assessment takes account of the risks for workers with disabilities and those with underlying health conditions.
- Review your safety statement to ensure that the risks to younger and older workers, workers with disabilities, and workers with underlying health conditions are adequately addressed.
- Consult with all staff including Safety Representatives about the risks that pertain to vulnerable workers.
- Seek advice from occupational safety and health professionals if your organisation is not competent to deal with the risks that pertain to vulnerable workers.

Design of Work and Working Conditions/ Environment

- Ensure that the design of work considers vulnerable workers – adapting the design of work to the person.
- Ensure that the design of the working environment and working conditions meets the needs of all workers including workers with disabilities and/or underlying health conditions.

Culture

- Foster a workplace culture that encourages everybody to speak up about occupational safety and health concerns.

Reporting

- Encourage safety reporting from all workers.

Training

- Ensure access to training for all workers including those new to the job.
- Tailor training material to workers' needs and specificities.
- Ensure training includes simple information about the hazards workers may be exposed to and the precautions they will need to take to avoid them, including how to use safety equipment and PPE.
- Ensure workers fully understand the information and training they are given to ensure that they can work safely.
- Ensure workers understand how to raise occupational safety and health concerns and/or report safety events.
- Check that training and safety toolbox talks are provided in an accessible format and provide translation (if required).

Supervision

- Ensure workers are adequately supervised and can communicate effectively with their supervisors.
- Keep in touch with lone workers and monitor their health and safety.

Consultation

- Ensure issues affecting vulnerable workers are brought up and addressed at safety committee meetings.
- Obtain feedback from safety representatives regarding occupational safety and health issues for different workers including vulnerable workers.

Further Information & Resources

For further information, please see the HSA Website.

Contact our HelpDesk:

Email: contactus@hsa.ie

Phone: 0818 289 389

or visit: www.hsa.ie/education



An Údarás Sláinte agus Sábháilteachta
Health and Safety Authority