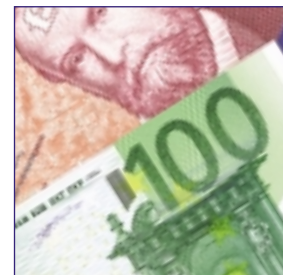
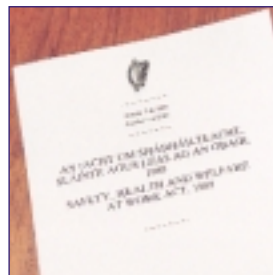
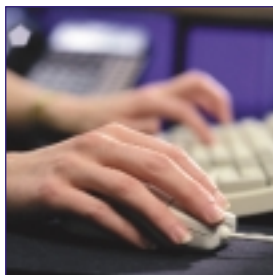
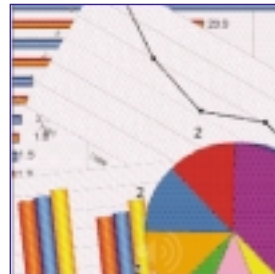
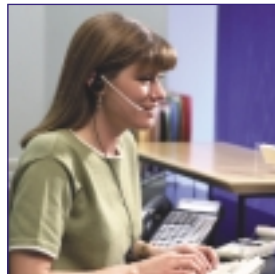




HEALTH AND SAFETY
AUTHORITY



Annual Report 2004

Achieving a
Healthy
and Safe
Working Life
-Together



HEALTH AND SAFETY AUTHORITY
(NATIONAL AUTHORITY FOR OCCUPATIONAL SAFETY AND HEALTH)

ANNUAL REPORT 2004

Achieving a healthy and safe working life – together

Published in May 2005 by the Health and Safety Authority, 10 Hogan Place, Dublin 2.

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ANNUAL REPORT 2004

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Healthy
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*Achieving a
Healthy
and Safe
Working Life
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CHAIRMAN'S REPORT TO MR TONY KILLEEN TD, MINISTER FOR LABOUR AFFAIRS



I have pleasure in presenting to you the Annual Report of the National Authority for Occupational Safety and Health for 2004. At the outset of this first Annual Report for the newly formed Board, I would like to recognise that my predecessor, Mr Frank Cunneen, chaired the Authority for virtually all of 2004. Mr Cunneen and his board deserve credit for the significant achievements in 2004 and the creation of a robust platform for achieving the Authority's goals in 2005 and beyond. On behalf of the new Board, I would like to sincerely thank the outgoing Chairman and all the members of that Board for their leadership, commitment and considerable contribution to both the Authority, and workplace health and safety in Ireland.

Our role and mission has changed over the years. The enforcement-only focus is no longer our only priority. We have looked to develop a more progressive and preventive strategy, which requires innovation in policies and structural reform.

This dual process of innovation and reform coupled with our strong enforcement powers, have helped us achieve a reduction of 30% in work-related fatalities in 2004 as compared to 2003. However, while this trend is in the right direction, the human and economic cost of both fatal and non-fatal accidents are severe to the victims, their families, employers, and the Irish economy – and is unacceptable. Significantly, there is an increase in the number of prosecution trials on indictment.

The changing nature of the workplace has presented new challenges and opportunities for the Authority. We are also developing significant expertise in areas such as occupational health and welfare, which covers issues such as bullying, stress, manual handling and repetitive strain injury. The Authority will make further announcements on these areas during 2005.

Key events for us during 2004 included hosting a number of events associated with the EU Presidency and the Voluntary Protection Programme (VPP), a historic partnership between the health and safety agencies of the United States, Northern Ireland, and Ireland.

We continued with our comprehensive workplace inspection programme with focused campaigns in the agriculture and construction sectors. By building strategic alliances and partnerships with key influencers, the Authority has innovated to help reduce both deaths and injuries in these sectors. The smoking ban was a significant workplace initiative in 2004 and the Authority played a leading role in the national consultation process, development, and successful implementation of the Smoke-Free-Workplace initiative.

The Authority also provided comprehensive support and technical guidance on the preparation of the new Safety Health and Welfare at Work Bill. This Bill, due for enactment in 2005, will alter the landscape of health and safety and help in our goal of creating a strong culture of safety in the workplace, which is in every employer's human and financial interest.

Minister, on behalf of the Board, I wish to express our appreciation of your continued support and encouragement. I would also like to convey my thanks to the Chief Executive and staff of the Authority for their professionalism and commitment to a safer and healthier workplace.

Jim Lyons
Chairman

INTRODUCTION AND SUMMARY

This Annual Report to the Minister for Labour Affairs, Mr Tony Killeen TD, is written as a commentary on the extent to which the Authority achieved its objectives or carried out specific activities that were set out in the Authority's Programme of Work for 2004.

WHO WE ARE AND WHAT WE DO

The Health and Safety Authority is the national statutory body charged with responsibility for enforcement of occupational safety and health law; the promotion and encouragement of accident prevention; and the provision of information, advice and research. The Authority is a state-sponsored body, established under the Safety, Health and Welfare at Work Act 1989, and it reports to Mr Tony Killeen TD, Minister of State at the Department of Enterprise, Trade and Employment.

THE BOARD

The Board of the Authority comprises 11 members consisting of a chairman and 10 members appointed by the Minister for Labour Affairs. The Minister appoints members nominated by organisations representative of employees, employers and other bodies. The Board determines Authority policy. The membership of the Board at the end of 2004 was as follows:

CHAIRMAN



Sylvester Cronin



Jim Lyons



Peter McCabe
(Vice-Chair)



Fergus Whelan



Christina McEleney



Rosie Sheerin



Tony Briscoe



Louise O'Donnell



Martin Lynch



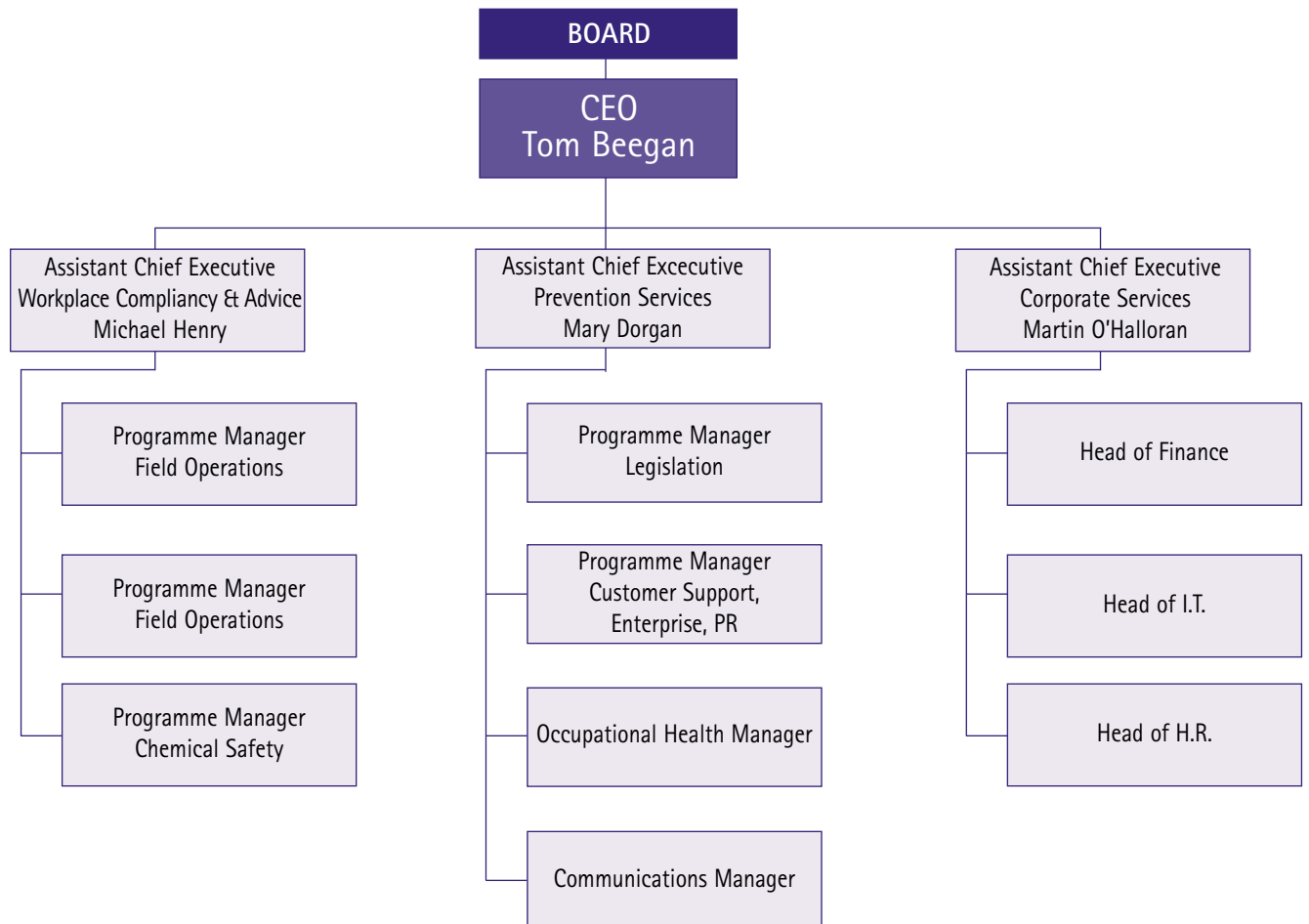
Pat Kearney



Yvonne O'Sullivan

MANAGEMENT TEAM

The Chief Executive Officer manages and controls the administration and business of the Authority. Members of the Authority's management team as of 31 December 2004 were as follows:



STAFF

The Authority employs 165 staff as inspectors, professional specialists, administrators, and clerical support staff. The Authority has 100 inspectors carrying out a range of roles including the development of legislative proposals at EU and national level; the development of guidance; liaison with representative bodies; inspection, promotion, information and advisory activities; management and development of staff; investigation of complaints and accidents; and the prosecution of offenders.

OUR VISION

To achieve a healthy and safe working life – together

OUR PRINCIPLES

In all our work and interactions we will:

- Develop and use best practices and procedures to maintain recognised standards of excellence and quality.
- Consult our customers to identify their needs and develop our services to meet those needs.
- Deal with our customers in a straightforward, polite, helpful, open and professional manner.
- Treat our customers fairly and consistently.
- Value dignity at work.
- Support open communications and teamwork and use performance management in a positive and accountable working environment.
- Lead by example through the provision of good working conditions for our staff.

OUR KEY GOALS

To achieve our vision we have set ourselves the following key goals:

- To actively communicate with and influence our customers.
- To value knowledge as a central resource within our organisation.
- To use best practice in our inspection, investigation, and enforcement processes.
- To monitor and review health and safety legislation to make it relevant and accessible, and to protect the national interest.
- Manage our people and resources effectively.

SUMMARY OF ACHIEVEMENTS IN 2004

During 2004, the Authority achieved all of its major targets and successfully embraced and delivered on many new initiatives. The Authority completed a major programme of work, spanning a diverse customer base and continued to invest in and develop its staff, internal processes and organisation structure to effectively meet future challenges.

One of the more significant milestones in Workplace Health and Safety was the successful introduction of the Smoke Free Workplace in 2004. The Authority played a leading role in this initiative by facilitating the national consultation process and partnering the Department of Enterprise, Trade and Employment (DETE), the Department of Health and Children, and the Office of Tobacco Control to ensure successful implementation.

The Authority played a major role in relation to hosting the EU Presidency. The Authority also used the opportunity of the EU Presidency to host a number of national and international conferences in occupational health and safety, including meetings of the Senior Labour Inspectors Committee (SLIC) and the International Association of Labour Inspectors (IALI). During Ireland's Presidency, the Authority successfully completed the draft directive on Optical Radiation.

The Authority also provided a significant level of professional technical analysis and advice to the Department of Enterprise, Trade and Employment on the preparation of the new Safety, Health and Welfare at Work Bill.

During 2004, the Authority took a leading role in building a historic partnership between the health and safety agencies of the United States, Northern Ireland, and Ireland. One of the key outcomes of this was the establishment of a Voluntary Protection Programme (VPP) to encourage and promote workplace health and safety best practice. The VPP was officially launched on June 2004, and enlisted companies are now operating under the programme with ongoing guidance and inputs from the Authority.

In addition to the resources required to implement its strategic initiatives and fulfil its legislative commitments, the Authority carried out in excess of 11,382 inspections on an extensive range of workplaces during 2004. Within the overall workplace inspection programme, the Authority ran focused campaigns in the agriculture and construction sectors in conjunction with key stakeholders including the Farm Safety Advisory Group and the Construction Safety Partnership. Combined efforts in these areas and the deployment of a National Prevention Strategy are having a significant national impact, resulting in increased levels of safety awareness and downward pressure on national performance indicators in safety and health.

Following the trend in recent years there is an increase in the number of prosecution trials being heard on indictment. Significantly, in 2004 this resulted in a landmark fine of €1m and suspended prison sentences for individuals in two cases.

In 2004, the Authority continued implementation of its restructuring and reorganisation strategy with significant progress across a number of important functions. A new financial management system was successfully implemented, enabling improved financial reporting and control, and greater efficiency through electronic processing of transactions and payments. Continued development and investment in the Authority's ICT strategy yielded considerable returns through the introduction of web-based electronic accident reporting (IR 1 Forms) and the launch of the Authority's redesigned website making it easier for our customers to access and interact with the Authority.

SPECIFIC INITIATIVES

Focused campaigns in agriculture and construction sectors: Focused inspection programmes were backed up by promotional campaigns conducted through television and press advertising to increase awareness in the Agriculture and Construction sectors. The impact of the campaigns was increased with the active engagement of the Construction and Farm Safety Partnership groups.

Smoke-free workplaces: The Smoke-Free Workplace initiative was successfully implemented in 2004. The Authority played a leading role in this initiative by facilitating the national consultation process and partnering the Department of Enterprise, Trade and Employment (DETE), and the Department of Health and Children to ensure successful implementation.

Voluntary Protection Programme: During 2004 the Authority took a leading role in building a historic partnership between the health and safety agencies of the United States, Northern Ireland and Ireland. One of the key outcomes of this was the establishment of a Voluntary Protection Programme (VPP) to encourage and promote workplace health and safety best practice. The VPP was officially launched on June 2004, and enlisted companies are now operating under the programme with ongoing guidance and inputs from the Authority.

EU Presidency: The Authority played a leading role in relation to hosting the EU Presidency. The Authority also used this opportunity to host a number of national and international conferences in occupational health and safety, including meetings of the Senior Labour Inspectors Committee (SLIC), and the International Association of Labour Inspectors (IALI). In addition, Competent Authority meetings were organized on Seveso Regulations and New Substances Notifications, and a seminar on Optical Radiation in support of the new EU Directive in this area. During Ireland's Presidency, the Authority successfully completed the draft directive on Optical Radiation.

New Safety, Health and Welfare at Work Bill: The Authority also provided a significant level of professional technical analysis and advice to the Department of Enterprise, Trade and Employment on the preparation of the new Safety, Health and Welfare at Work Bill.

New regulations and codes of practice: A number of new regulations, guidelines and codes of practice were prepared by the Authority during 2004. These included new Diving Regulations; Working at Height Regulations; Code of Practice for Inland and Inshore Diving; and Guidelines on Chemical Risk Assessment, Transport of Fertilisers, and Quarries Consolidated Regulations.

Enforcement: Twenty-five proceedings were heard summarily in 2004, with a further 16 being heard on indictment. The Authority was also successful in obtaining a number of section 39 injunctions and orders. Of particular significance in 2004 was the imposition of a landmark fine of €1m and suspended prison sentences for individuals in two cases. The Authority also successfully defended appeals against the issuing of Prohibition and Improvement notices.

Inspections: The Authority met its target for workplace inspections in 2004, carrying out 11,382 inspections nationally.

Manual handling: 2004 saw completion of a comprehensive review of Manual Handling Training and preparation of new guidance on management of manual handling. A major research study, conducted jointly with Aer Rianta, on baggage handling practices in Dublin Airport was completed. In addition, a

major initiative was launched in conjunction with large retailers with multiple outlets to improve safety management and manual handling systems. A further significant development was the agreement reached with cement manufacturers to replace 50kg bags with 25kg bags thus reducing a major risk factor in manual handling injury.

Bullying: The Anti-Bullying Response Unit dealt with 3,670 calls during 2004. Sixty-seven Anti-Bullying Policies were implemented as a result of complaints in 2004 and a further 520 policies implemented as a result of non-compliance identified during workplace inspection. The Authority also delivered five presentations at national conferences on bullying and stress at work. The Authority also provided expert advice and recommendations to a number of organisations on conducting bullying and stress audits.

Public safety: A policy was developed and adopted by the board in relation to work activities that directly impact the public.

National infrastructural and commercial projects: The Authority delivered professional technical analysis and advice for some national infrastructural and commercial projects as part of its advisory role in the planning process with regard to major chemical hazards.

Crane safety: The Authority worked with the National Standards Authority of Ireland to launch the Code of Practice; Safe Use of Cranes in the Construction Industry. An interim report was also prepared in 2004 on a major crane collapse incident.

National events: The Authority promoted workplace health and safety at numerous national events including the Ploughing Championships, RDS Spring Show and Building Exhibitions.

Publications: The Authority introduced 16 new publications in 2004 in addition to publication of a quarterly newsletter covering a wide range of health and safety information.

New enforcement procedures: New enforcement procedures were implemented in 2004, and a comprehensive inspector-training programme was delivered.

Freedom of information: The Authority successfully managed over 500 requests for information under the FOI legislation. This represents a 65 per cent increase on 2003 and is one of the highest levels among civil and public service organisations.

Customer service and information: The Authority dealt with in excess of 45,000 calls to its INFOTEL office requesting information during 2004. This represents an 88% volume increase on 2003.

National Prevention Strategy: A National Prevention Strategy was completed and launched during 2004.

Regional Advisory Committees: The South East Regional Advisory Committee (SERAC) was set up in September and held a number of successful public events in support of European Safety Week in October 2004. A new Regional Advisory Committee was also established in the North West.

Audit Tool for health sector: The Authority commenced a pilot implementation of the newly developed Occupational Safety, Health and Welfare Management System and Audit Tool for the health sector in November.



CAPABILITY-ENHANCING ACHIEVEMENTS

Sustaining Progress: The Authority delivered on a demanding programme of productivity improvements set out in its sustaining progress action plan.

Restructuring: A major restructuring programme was implemented with active management of industrial relations.

Management development: A management development programme was rolled out to senior managers with the objective of improving managers' strategic and operational skills.

Excellence Through People: An independent external audit was carried out on the Authority's training and development programmes and continued registration to the standard was assured through achievement of a high score.

Research: The Authority published a structured Research Policy and developed a Research Plan for 2005–2010. During 2004, a number of research projects were commissioned on topics including costs of workplace accidents, survey on inspections, and fatal accidents in the Irish construction industry.

Financial management: A new financial management system was successfully implemented enabling improved financial reporting and control, and greater efficiency through electronic processing of transactions and payments. Internal and external auditors confirmed that good internal controls and governance systems were in place and expenditure for the year was within the agreed budget.

Information technology: An improved technology platform for communications was introduced, enabling lower inter-office telecom costs. This new platform also enables higher volume/quality of voice and data transmissions, which in turns enables the Authority's staff to maximise use of cost-effective and productive video-conferencing facilities.

New website: The Authority's launched its redesigned website in 2004, making it easier for our customers to access and interact with the Authority.

Survey on public perceptions of the Health and Safety Authority: During 2004, the Authority commissioned Millward Brown IMS to conduct a survey on public perceptions of the Health and Safety Authority. The survey results were positive indicating awareness of the Health & Safety Authority in almost nine out of 10 Irish adults. This awareness is highest among those aged 35–64, ABC1s, farmers, and those with managerial responsibility for employees. Almost nine in 10 of those aware of the Authority agree that it is an organisation that assists businesses to improve health and safety, and the majority of these respondents viewed the Authority as an effective or approachable organisation. The survey also indicated that over three in five people in employment feel that their workplace has become safer in the past 12 months, and this is as high as four in five with regard to farmers.

GOAL 1: ACTIVELY COMMUNICATING WITH AND INFLUENCING OUR CUSTOMERS

We have a dual role in implementing our health and safety agenda – compliance and prevention. Monitoring and ensuring compliance with health and safety legislation is a significant contributing influence to the prevention of workplace accidents and work-related ill health. Equally, support to our main target groups through prevention initiatives clearly contributes to an overall reduction in work-related fatalities, injuries, and illnesses.

Objective: Our main objective under this programme is to develop and agree a long-term strategy that aims to increase Ireland's workplace safety and health through effective targeted prevention measures. In effect, it will be this strategy, which will drive the future HSA prevention mission.

NATIONAL PREVENTION STRATEGY

In 2004, therefore, our primary focus will be to develop a national prevention strategy that will:

- Redefine our target markets/customers in the prevention area.
- Define our objectives and vision for these customer groups.
- Define our measurement baseline for the target groups and our evaluation process for future measurement.
- Set out our strategy to influence change.
- Put in place the relevant structures to achieve the change.
- Start implementation of the national prevention strategy.

A substantial number of actions are required to achieve this objective, and these will be managed in consultation and in conjunction with key interest groups, both internal and external.

NATIONAL PREVENTION STRATEGY PERFORMANCE INDICATOR

A national strategy for prevention will be agreed by Q2, 2004
National Prevention Strategy agreed and published.

An operational plan to support the strategy will be in place by end 2004
Operational plan in place which targets 70% of the strategy's objectives over a three- to five- year period.



We will implement other key activities to positively influence and communicate with target groups as follows:

INFLUENCING SMALL AND MICRO ENTERPRISE

- Based on information obtained from the Revenue Commissioners, there are about 113,000 registered businesses in Ireland with fewer than 10 employees, and a further 18,000 businesses with between 10 and 49 employees. In addition, there are 114,000 people working in agriculture and forestry, many being self-employed. These workplaces are least likely to have formal management processes, including basic safety management practices in place. Yet, these workplaces may be exposed to greater risk than larger more formal enterprise where compliance is better managed.

During 2004, 6,342 inspections were carried out in workplaces having 15 employees or less, representing 71% of total inspections. 63% of these companies had prepared safety statements.

GOAL 2: VALUING INFORMATION AS A CENTRAL RESOURCE WITHIN OUR ORGANISATION WHILST FOCUSING ON INNOVATION AND BETTER WAYS OF WORKING

Objective: To implement measures to prevent workplace accidents and ill health that are appropriate to the size, informal structures and needs of small and micro enterprises. These measures will include:

- Mentoring support – review and make improvements to current programme.
- Targeted assistance to a specific geographical area.
- Development of statistical and other analytical data on small and micro enterprises to support future relevant preventive actions.
- Guidelines for Regional Advisory Committees for direct regional interventions.
- Pilot initiative in partnership with insurance sector to encourage improved safety management in small businesses.
- Targeted public relations campaigns.
- Direct Authority interventions at company level.

SMALL AND MICRO ENTERPRISE PERFORMANCE INDICATORS

Existing programmes to be redirected, where necessary, to support small/micro employers (e.g. customer support initiatives such as Good Neighbour, Safe Town etc).

New activities developed and implemented to support small/micro employers.

Model proposed to develop impact assessment for preventive measures (e.g. increase in percentage of employers with basic safety management systems – base must be established).

General promotional and awareness to small and micro businesses has taken place but specific objectives were deferred to 2006 when it is hoped that a staff resource can be assigned to this area. The HSA agenda for this group of workplaces has been promoted to Regional Advisory Committees and much of their work impacts on the sector.

GENERAL PREVENTIVE SUPPORT ACROSS ALL WORKPLACES

In addition to a strong focus on small and micro enterprises and self-employed, the Prevention Services Division will continue with support measures for all workplaces. Our emphasis will be on the process of improving and redesigning our customer communication arrangements through telephone, mail and internet to ensure customers get what they need when they need it.

Objective: Provide general preventive support for all workplaces with a particular target of improving existing contact arrangements.

Measures here included:

- Implementation of revised and improved workplace contact with us by telephone and web.
A new website with significantly enhanced content was commissioned and has shown sustained growth in users. A review of our telephone and e-mail contact points recommended significant changes and a new Workplace Contact project was started to improve the user experience of those contacting us by telephone and e-mail.
- Implementation of revised mechanism to deal with workplace complaints.
New procedures for dealing with complaints are in place and the Workplace Contact review has recommended further changes, which are currently being progressed.
- Implementation of agreed prevention measures in support of Construction Safety Plan and Farm Safety Action Groups.
Focused inspection programmes were backed up by promotional campaigns conducted through television and press advertising to increase awareness in the Agriculture and Construction sectors. The impact of the campaigns was increased with the active engagement of the Construction and Farm Safety Partnership groups.
- Establishment of two additional Regional Advisory Committees with a primary role in prevention and advice.
Two additional Regional Advisory Committees were established – South East and North West/Border.
- Public relations campaign aimed at workers.
Public relations campaign was conducted primarily with television advertising for construction and agriculture sectors
- Seminars in key customer demand areas (minimum three).
Six seminars were held through Regional Advisory Committees at local and regional level.
- Issue of guidelines and codes of practice in key areas.
A number of significant guidelines and codes of practice were developed in 2004. These are outlined in detail under Goal 4 below (Goal 4: To Monitor and Review Health and Safety Legislation and to make it Relevant and Accessible and to Protect the Public Interest)
- Revision and implementation of First Aid training policy.
Current First Aid approval system has been extended to enable the full consultation phase conclude and adequate time for revision of the system in 2005.
- Review the guidance on manual handling and training and assess the competence requirements for the provision of training, including registration.
Report presented on manual training arrangements with recommendations for improvement actions. Guidelines on manual handling concluded consultation phase and entered 2005 as final draft for approval by the Board and publication.

GENERAL PREVENTIVE SUPPORT PERFORMANCE INDICATOR

Revised improved workplace contact arrangements in place.

Strategic project to set up a dedicated high quality workplace contact unit was commissioned in 2004.

An evaluation plan to measure future impact of workplace contact services.

The roll-out and full implementation of Phase 1 (response to workplaces; call management; contact capture) will be concluded in 2005.

Implementation of other actions above and evidence of positive impact of preventive measures at employer and employee representative level.

Other actions implemented as outlined above.

INFLUENCING OTHERS

Objective: Achieve greater influence for our agenda of achieving a healthy and safe working life together through:

- Development of a market-led public relations strategy.
Research was conducted on public perception of HSA, which will assist in developing the corporate identity, which will accompany the new Act, which we expect to be in place in 2005.
- Maximising opportunities presented during EU Presidency to forge alliances and to influence European agenda.
The Authority used this opportunity of the EU Presidency to host a number of national and international conferences in occupational health and safety including meetings of the Senior Labour Inspectors Committee (SLIC) and the International Association of Labour Inspectors (IALI). In addition, Competent Authority meetings were organised on Seveso Regulations and New Substances Notifications, and a seminar on Optical Radiation in support of the new EU Directive in this area.
- An agreed plan for incorporating health and safety in education curriculum including appropriate joint ventures with educational institutions
A HSA plan and framework for incorporating Health and Safety into education at all levels of the curriculum was drafted and forms the basis of discussions and implementation which should begin in 2005 both with the relevant representatives of each education level, and with the NQAI and FETAC / HETAC
- Development of an agreed occupational health management strategy.
The Occupational Health Strategy has been scoped at outline proposal level for commencement in 2005.
- Working with and influencing other bodies with shared interests, including: FÁS, agricultural training institutions, third level institutions, local and planning authorities, NSAI, ETCI, Construction Industry Forum, and the European Agency for Safety and Health at Work.
Discussions and relationships continued to be developed with others who share objectives. Specifically, under the Prevention Strategy's Alliance programme, the first alliance was developed with the ESB.

INFLUENCE PERFORMANCE INDICATORS

Above activities implemented and proposals in place to measure their longer-term impact.

Activities implemented as outlined above with a view to long-term impact and greater influence to achieve our agenda of achieving a healthy and safe working life.

Specific preventive measures arising from partnerships within context of national prevention plan.

The Voluntary protection Programme (VPP) was transposed from OSHA in USA to Ireland in partnership with HSE NI. This initiative has six Irish companies participating in the pilot, which was launched by the Tánaiste in June 2004.

To deliver an excellent service in achieving a safe and healthy working life, the Authority will use evidence-based strategies. We will target our actions where they are most needed and will achieve the most impact. Targeting depends on the collection and use of information on risk exposure, compliance and performance.

Objective: Develop systems and processes to support prevention and enforcement by:

- Completing the implementation of the Authority's records management programme.
The records management system was successfully completed.
- Introducing new accident reporting forms and web submission of accidents.
New accident reporting forms have been introduced and about half of accidents are now reported online.
- Implementing Information and Communication Technology (ICT) systems to support all staff with particular regard to information-sharing.
Video conferencing system implemented in HQ and four main regional offices. Current intranet system under review and new site to be developed in 2005. Secure web access to email enabled for staff.
- Developing secure remote access to the Authority's system.
Developed secure system (VPN) to allow HSA staff to access the Authority's central ICT systems from remote locations. This system will "go live" in early 2005.
- Providing electronic filing system and security to support best practice.
Re-structured electronic filing system to support new records management procedures in line with best practice security and data protection.
- Staff making maximum use of the available information technology in line with the principles outlined in the Authority's Business Systems Strategy.
The Authority leveraged its IT systems, infrastructure and support for major projects delivered during 2004, including the implementation of a new Financial Management System, the new HSA website and the online incident reporting system. In addition, enhancements to user-friendliness and functionality of core inspection/accidents database system (SAFE system) have provided better information support to staff. Also, enhanced mobile solutions to provide better support to inspection staff were introduced

SYSTEMS PERFORMANCE INDICATORS

Projects were delivered on time and at or below estimated cost. The authority closely liaised with users to gain feedback and ensure user satisfaction.

All projects were delivered to agreed timelines and within budget.

PLANNING, EVALUATION AND RESEARCH

Objective: Develop an integrated research policy and carry out research in targeted areas to inform decision-making by:

- Developing a research policy.
A research policy has been developed and published.
- Publishing a research series.
This series is available on the HSA website and includes a feasibility study on the estimation of cost of workplace accidents, work-related ill health and non-injury incidents in Ireland.
- Prepare the Annual Report and Annual Work Programme.
Both reports prepared on schedule.
- Evaluating the impact of specific Authority programmes.
The Authority used a range of systems to evaluate performance including monitoring of specific programmes, monitoring of accident and ill health data and media monitoring. Three workplace sectors are involved in specific impact measurement projects.
- Collecting and providing health and safety statistics and information to the public and to international organisations.
The Authority collected, analysed and provided information and statistics, which is published as part of the Statistical Series.
- Establishing monitoring and evaluation systems to assess performance.
Monthly and quarterly reporting is processed to facilitate continual monitoring and evaluation of the Authority's performance.
- Develop networks with information providers.
The Authority has maintained alliances with many information providers leading to increased efficiency in data and statistical quality.
- Research the recording of patient occupation details in hospital records.
Research has been carried out by the Authority on hospital in-patient enquiry systems.
- Identifying areas where construction manual handling hazards are introduced during design, addressing these with the designers and representative association.
Agreement reached with cement manufacturers to replace 50kg bags with 25kg bags thus reducing a major risk factor in manual handling injury.

PLANNING, EVALUATION AND RESEARCH PERFORMANCE INDICATORS

Performance of the Authority reported on monthly and quarterly.

Detailed performance indicators are reported on a monthly and quarterly basis against all of the Authority's key objectives.

Research policy finalised and published

A research policy has been developed and published

Research programme completed.

Research Series is available on the Authority's website.

INNOVATION

Objective: Develop innovative ways of.

- Working with the healthcare sector to develop auditing tools.
The Authority has commenced a pilot implementation of the newly developed Occupational Safety, Health and Welfare Management System and Audit Tool for the health sector in November 2004.
- Working to develop joint programmes with the insurance industry.
The Authority continued to build partnerships with the insurance industry in 2004. Significantly, two major national insurance companies have agreed to reduced premia to the small enterprise and agricultural sectors when there is evidence of good safety performance.
- Developing a scheme to encourage staff innovation.
A staff recognition scheme was developed and piloted in 2004. The scheme will be further refined in 2005 based on feedback from the pilot implementation.

INNOVATION PERFORMANCE INDICATORS

- Completion of specified projects.
Specified projects were completed during 2004.
- Implementation of staff innovation scheme
Staff innovation scheme was implemented.

GOAL 3: TO USE BEST PRACTICE IN OUR INSPECTION, INVESTIGATION AND ENFORCEMENT PROCESSES

The inspection, workplace advice, investigation and enforcement activities of the Authority are a key tool in achieving our vision of a safe and healthy working life. We aim to encourage and enable individuals to manage health and safety at their place of work through our communication and legislative programmes. However, these must be followed up by enforcement where necessary, particularly in relation to those sectors with high risks and low compliance levels.

Pro-Active Objectives: Our proactive inspection and enforcement programme will focus on achieving improvements in safety management in the high-risk sectors of:

- Mines and quarries.
- Agriculture and forestry.
- Construction.

A limited number of high-risk activities, together with health and safety management will be targeted in each high-risk sector. We will also focus on achieving improvements in the high priority issues of:

- Workplace health and safety management
In 85% of all inspections carried out in 2004 a safety statement was looked for and these statements were checked for compliance under section 12 of the 1989 Act and Regulation 10 of the 1993 General Application Regulations on written risk assessments.
- Workplace vehicle movements
Areas reviewed by inspectors in 2004 included the competence of drivers, vehicle movement risk assessments, pedestrian segregation, workplace layout for vehicles, and vehicle maintenance. Compliance on these issues was as follows:
 - Full/broad compliance: 39%
 - Some compliance: 38%
 - Limited compliance: 23%
- Chemical safety
Inspectors reviewed written risk assessments for chemicals and carcinogens in 2,279 inspections in 2004. These were to be included in the Safety Statement, to identify main hazards in the workplace and specify the relevant control measures. In addition the implementation of these controls was monitored by inspectors at the workplace including the availability of safety data sheets. Compliance on these issues was as follows:
 - Full/broad compliance 51%
 - Some compliance 33%
 - Limited compliance 11%
- Manual handling
Inspections addressing manual handling/ergonomic issues were carried out across a number of work sectors and necessary enforcement action was taken to ensure appropriate measures were put in place.

Small employers will receive most inspections and those with a poor compliance record or who have been served with enforcement notices will be targeted for follow-up inspections and where necessary with enforcement action.

Reactive Objective: Serious accidents and complaints will be promptly investigated and any necessary actions taken to achieve required improvements.

To meet our objective of *achieving a safe and healthy working life*, and make best use of our resources, the Authority will limit its reactive work to that envisaged under the 1989 Act. The Authority is not resourced to deal with safety issues that have a tenuous link to work activities. Reactive work within the terms of section 7 of the Safety, Health and Welfare at Work Act, i.e. where the safety of the public may be at risk from work activities, can be undertaken where the work activities directly impact on the health and safety of the public concerned.

In order to attain these objectives, initiatives will be taken in the following areas:

MINES AND QUARRIES

- Quarries have a high fatality rate. Despite a relatively small workforce, eight people have died in quarry accidents in the last four years.

The target of zero fatalities for 2004 was achieved through a marked improvement in the implementation of safety management systems in many of the larger quarrying companies. We must now develop a culture within the industry where any incident or accident is seen as unacceptable, and where all incidents are investigated, root causes identified, and prevention of recurrence given total priority.

Objective: to improve the management of health and safety in this sector.

- Mine inspections will address: health and safety management, fire and rescue below ground, in-rushes and falls of ground, plant, and explosives.

Inspection targets were exceeded and a number of serious incidents, while not leading to injury, raised concerns in relation to co-ordination of activities and functions within mining operations. However, health and safety management within this sector is at an advanced level and continues to improve.

- Quarries inspections will address: health and safety management, falls from heights and edge protection, falls of ground, traffic management, fixed plant, and explosives.

Inspection targets were reached, and data collected will influence approaches in the future.

- We will hold a Quarries Safety Week, produce guidance on best practice for quarry safety including fact sheets and a video and we will participate in the provision of training in quarry safety.

Quarry Safety Week identified continuing problems in specific areas such as vehicle safety and machinery guarding. The video "Preventing Fatalities in Quarries" along with the associated Tool Box Talks training package were designed to target these critical areas and influence worker perceptions of risks.

- An impact assessment project will establish a baseline against which quarry safety initiatives will be assessed.

The baseline is now in place against which, the benefits or otherwise of future initiatives can be better judged.

- A joint EU/USA project will develop joint approaches

This sharing of enforcement experience identified the strengths and weaknesses of approaches used on both sides of the Atlantic and through shared information will allow the development and implementation of approaches that will improve the safety performance of the quarrying sector.

MINES AND QUARRIES PERFORMANCE INDICATORS

We will establish a baseline with impact assessment indicators by Q3 2004.

This baseline was established by mid 2004, which gives the Authority an understanding of where the Quarrying Sector is in terms of Health and Safety Management Systems and areas that need particular attention.

Improvements in safety performance, as measured on follow-up inspections

Quarry safety initiatives will be targeted to address the areas of weakness identified in the initial assessment in the hope of seeing improved performance over time.

AGRICULTURE AND FORESTRY

Agriculture is the only sector showing an increase in the rate of workplace injury. Children and other family members are frequent victims.

Objective: to achieve an increase in the percentage of farms covered by Safety Statements.

The Authority continued to promote the approach based on self-assessment launched in November 2003. This has resulted in approximately 11,000 farmers directly advising the Authority that they had completed an assessment for their farms by the end of 2004. Based on the Authority's inspection program of 2004, 30% of those operating in the Agriculture sector now have a safety statement.

- Agriculture inspections will cover farms, agricultural suppliers, marts and agricultural contractors and will address: Safety Statements, machine operation, slurry handling, livestock handling, electrical installations, and child safety.
These key focus in 2004 was the family farm and the farm inspections completed indicated an increase in the level of compliance in all of the priority areas inspected with the exception of machine use which remained unchanged on 2003.
- We will promote and enforce the Code of Practice on Preventing Accidents to Children in Agriculture. *Child safety on farms formed a central part of the Authority's inspection campaign. Prior to summer 2004, a competition to highlight farm safety to children was run in conjunction with national schools through the teachers' Intouch publication. Information and advice was distributed as part of the inspection programme. An interactive section of the stand at the National Ploughing Championships allowed children to use and view the current Child Safety Video and DVD.*
- We will pilot innovative ways to achieve compliance in agriculture by identifying suitable locations and carry out farm safety events
In 2004, the Authority reviewed its inspection program and focused on four counties based on their accident rate and level of agricultural activity. A nationwide farm safety television advertising campaign was run in conjunction with Farm Safety Week. A survey on the effectiveness of this indicated four of five farmers had seen the advertisement and three of four who saw it claimed the advertisement had encouraged them to improve safety on their farms.
- Inspections in forestry will address: the Code of practice on Managing Health and Safety in Forestry, machinery, and vehicle movements
The newly issued code of practice was promoted and distributed during the forestry inspection programme. Its content formed the focus for the 2004 inspections.

AGRICULTURE AND FORESTRY PERFORMANCE INDICATORS

Improvement in safety performance, as measured on follow-up inspections

In 2004, the farm inspections completed indicated an increase in the level of compliance in all of the priority areas inspected with the exception of machine use, which remained unchanged on 2003.

Improvement in the percentage of farms with safety statements by Q4 2004

Based on the Authority's 2004 inspection programme, 30% of those operating in the Agriculture sector now have a safety statement

Health and safety content of existing training schemes will be reviewed by Q3 2004

Dialogue has commenced with educational organisations including the Department of Education and HETAC/FETAC.

CONSTRUCTION

The rate of fatal and non-fatal injuries has declined over the last four years but the fatality rate is still high. During 2003, 21 people died in construction-related accidents.

Objective: Implement the Construction Safety Partnership Plan, focusing on the actions agreed by the Authority in relation to design, procurement, construction management, consultation, education/training, enforcement, promotion, and research. In particular we will:

- Carry out a programme of inspections with a focus on site-specific safety and health plans and safety statements, welfare facilities, notification and appointment of duty holders, working at heights, and site traffic and plant.
The targeted programme of inspections was exceeded
- Co-operate with the social partners and key bodies through the Construction Safety Partnership and Construction Advisory Committee, particularly in relation to developing a registration system for competent project supervisors and specialist contractors, a construction pre-qualification system and a code of conduct on safety compliance for site workers.
The Construction Safety Partnership continued to implement the three-year work programme and achieved funding to continue the Safety Representative Facilitation Scheme.
- Inspect architectural and engineering practices to review compliance with the design and management regulations to ensure that hazards, and in particular manual handling hazards, are avoided at the design stage.
Inspections were targeted at designers nationwide and regional seminars were held to detail the requirements to designers.
- Develop joint initiatives with the Health and Safety Executive Northern Ireland (HSENI).
Meetings were held with the HSENI on a quarterly basis and attended by a representative of the board of the HSA and the board of the HSENI. Meetings were used to address issues of mutual concern and to update events in the industry.
- Organise two promotional/inspection campaigns.
Two construction safety campaigns were arranged. These took place in June and September/October and each lasted two weeks. The principal issues addressed were construction site transport, working at height and lifting equipment. A total of 775 sites were inspected. The campaigns were the final part of a three-year programme initiated by the Senior Labour Inspectors Committee of the EU.

CONSTRUCTION PERFORMANCE INDICATORS

Improvement in safety performance, as measured on follow-up inspections.

Improvements were effected through a focused Construction campaign, enforcement actions, and written advice notes. 423 Prohibition Notices were issued pending satisfactory resolution of issues such as unsafe scaffolding, unsafe work at heights, inadequate traffic management, dangerous excavations, and dangerous electrical installations. 169 Improvement Notices were issued to ensure compliance with legislation in regard to issues such as Welfare, Housekeeping Training, and Safety Related Documentation. Three Improvement Directions were issued covering areas such as the safe management of demolition, safety-related documentation, and safe systems of work.. During 2004, there were also 25 agreed closures of construction projects on sites pending improvement in safety performance and systems.

Complete two promotional / inspection campaigns by Q3 2004.

Two promotional/inspection campaigns were completed in 2004.

Progress demonstrated in completing Construction Safety Partnership Plan.

The impact of the promotional/inspection campaigns was increased by the active engagement of the Construction Partnership Group.

CHEMICAL SAFETY

General Chemical Safety Objective: Protection from the effects of chemical agents including major accidents involving dangerous substances, and fulfil our EU National Competent Authority roles in respect of Chemical Safety by:

- Enforcing the major accident hazards (Seveso II) legislation.
All notified major hazard sites were inspected. All safety reports required to be submitted under the regulations have been assessed by the Authority and five safety reports were signed off by the Authority as being acceptable under the criteria set out in the Directive. Subject to the provision of additional information by the establishments concerned, the remainder should be completed early in 2005. Four new safety reports were received and reviewed during the course of the year.
- Enforcing the classification, packaging, labelling and notification of dangerous substances and preparations.
A total of 19 classification, packaging and labelling inspections/interventions carried out. All CPL queries received to the unit during the year efficiently dealt with.
- Evaluating new substance notifications.
A high number (25) of new chemical notifications processed within mandatory time frames, in addition to a high number (38) of Process Oriented Research and Development exemptions. Four new chemical notification dossiers were updated.
- Carrying out risk assessments on new chemical substances.
Due to prioritisation, this work was transferred to the 2005 Programme of Work.
- Progressing health risk assessments on three existing chemical substances.
First drafts of three risk assessments submitted to European Chemical's Bureau, all EU MSs and industry representatives.
- Providing land-use-planning advice to planning authorities and An Bord Pleanála in respect of major accident hazard establishments and nearby developments.

Advice was provided in 270 instances at the request of planning authorities. Progress continues to be made in the creation of generic land-use planning advice, and to date this has been provided for 26% of establishments.

- Contributing to the progress of the new EU Chemical Strategy, Marketing and Use Directives and Export/Import Regulations for dangerous substances.
Participated in all EU Committees which are developing the new EU Chemical Strategy (REACH) proposals and covered all new Marketing and Use proposals
- Participating in and contributing to relevant national, EU and international forums and providing for necessary consultation and the provision of advice through the Dangerous Substances Advisory Committee, the National Co-ordination Committee for the Transport of Dangerous Goods by Road and the Examination Review Group.
All relevant EU meetings on new and existing chemical substances serviced. Secretarial duties provided to the Dangerous Substances Advisory Committee.
- Provide expert occupational hygiene input and support in respect of chemical agents, carcinogens, asbestos and biological agents related inspections.
Developed ongoing initiatives in respect of controlling workplace exposure to hardwood dusts and risk assessment performance. Assessed asbestos notifications, associated method statements and waiver requests as submitted to the Authority. Maintained HSA Accreditation under RICE Scheme for Asbestos fibre counting.

GENERAL CHEMICAL SAFETY PERFORMANCE INDICATORS

All new substances notifications to be dealt with within the mandatory time limits.

New notifications processed within mandatory time frames.

All land-use planning requests will be responded to within mandatory time frame and planning.

Advice was provided within required time frames.

Transport and Storage of Dangerous Goods Objective: We will provide for the safe transport, storage and use of dangerous substances by:

- Carrying out inspections, and issuing licences and consents.
655 road checks were carried out which resulted in detailed inspection of 385 dangerous goods vehicles. 232 on-the-spot fines in lieu of prosecution were issued. 59 inspections of premises were carried out under the Retail and Private Petroleum Stores Regulations. New regulations governing the carriage of dangerous goods by road were introduced, updating earlier legislation.
- Dealing with appeals against licence refusals
Four appeals against refusals to issue licences by local authorities were processed under the Retail and Private Petroleum Stores Regulations. Two appeals were upheld and two were overturned following which the local authority was directed to issue licences.
- Organising and running dangerous goods driver-training examinations.
In connection with the carriage of dangerous goods by road, 1,627 drivers were examined and 20 driver-training courses were approved. There were 45 driver-training certificate examinations held at venues in Dublin, Cork and Galway. There were 38 inspections carried out to check up on the appointment of dangerous goods safety advisors.

- Approving dangerous goods driver training courses.
20 driver-training courses were assessed and approved.
- Co-ordinating dangerous goods safety adviser examinations.
The Exam Review Committee held two meetings during the year, providing two-way feedback on the dangerous goods safety adviser examinations between the training providers and the Chartered Institute of Logistics and Transport (CILT) who administer the examinations on behalf of the Health and Safety Authority.
- Reviewing the Dangerous Goods Vehicle Driver Examination Scheme
The rules for running the driver examinations were revised. Exams in 2005 will require the production of photographic identification by candidates. Following the changes in the "European Agreement Concerning the International Carriage of Dangerous Goods by Road" (ADR) in regard to fertilisers, the Authority introduced special examinations to cater for that specific class which will continue into 2005.
- Holding Regional Seminars/Briefings on Chemical Agents, EU Chemical Strategy and new Carriage of Dangerous Goods by Road Regulations, and commencing two multi-annual impact assessment projects on the licensing of dangerous goods sites and compliance with road checks for dangerous goods transport.
This has been moved to the 2005 Programme of Work due to resource constraints.

TRANSPORT AND STORAGE OF DANGEROUS GOODS PERFORMANCE INDICATORS

The review of the Dangerous Goods Vehicle Driver Examination Scheme will be completed.

The review was completed and the rules for running the driver examinations were revised

A baseline will be put in place for impact assessment of compliance with licensing of dangerous goods sites and EU road checks.

This will form part of the Authority's Programme of Work for 2005.

MACHINERY SAFETY

Objective: Progress the proposed EU Machinery and Pressure Directives

The proposed revision of the Machinery Directive (98/37/EC) was approved at a Council of Ministers meeting in November. This was achieved mainly as a result of the very effective chairing of the EU working group on Technical Harmonisation during the Irish Presidency.

- Targeted inspections and information will focus on: CE Marking of machinery at the workplace, declarations of conformity, technical files, and user information.
Targeted inspections of machinery suppliers and manufacturers successfully carried out.
- Support and participate in the CE Mark National Interest Group and Consult with Social Partners on Harmonisation of EU Machinery Directive.
National Industry Group kept informed of developments at EU Technical Harmonisation meetings concerning proposed revision of Machinery Directive.

- Attend EU meetings and deal with Machinery and Pressure Directives Develop contacts with HSENI in relation to market surveillance of machinery.
EU working group meetings on machinery and pressure equipment attended. Contacts developed both with HSENI and HSE in relation to market surveillance of machinery.

MACHINERY PERFORMANCE INDICATOR

Progress achieved at EU level on proposed directives

Proposed revision of Machinery Directive progressed from Technical Harmonisation working group to approval by Council of Ministers. The effective chairing of the working group by the Irish Presidency ensured that the proposal was successfully brought to the Council of Ministers by the Dutch Presidency.

OTHER PROGRAMMES

Objective: Work to improve safety management in each of the areas below:

- Inspections in ports and airports.
84 inspections in ports and airports were carried out concentrating on vehicle movements, mechanical and manual handling, noise, and chemicals.
- Inspections in local authorities.
150 inspections were carried out in local authorities and covered the use of chemical and biological agents, working in sewers and other confined spaces, welfare arrangements, traffic control, and staff training
- Offshore installations inspections
Kinsale production platforms were inspected in 2004, no inspection of drilling rigs took place due to the low level of activity in that sector.
- Inspections in manufacturing.
1,964 inspections were carried out in manufacturing in 2004 and looked at the preparation of risk assessments, use of chemical agents, internal transport arrangements including forklift use and traffic management plans. Compliance on these issues was as follows:
 - Full/broad compliance: 52%
 - Some compliance: 23%
 - Limited compliance: 14%
- Commercial diving inspections, inspections of medical examiners for divers and the implementation of new regulations.
New regulations have been implemented.
- Health Services inspections as part of the ongoing strategic alliance with Health Boards, including implementation of new guidelines.
The Authority has commenced a pilot implementation of the newly developed Occupational Safety, Health and Welfare Management System and Audit Tool for the health sector in November 2004.

- Ergonomic and psycho-social issues.
Occupational health inspections were carried out in relation to ergonomic and psycho-social issues.
- Control of exposure to hardwood dust.
Initiatives were developed in respect of controlling workplace exposure to hardwood dusts and risk assessment performance.
- The programme of training in the use of the revised Enforcement Manual will continue
Training was completed.

REACTIVE INVESTIGATIONS

All fatal accidents will be investigated and followed up as necessary.

- Non-fatal incidents will be investigated where appropriate. Higher priority will be given to the investigation of incidents reported late or not reported by employers.
All reported fatal accidents and serious non-fatal ones were investigated and reported on.
- Complaints received concerning workplace safety and health conditions will, where appropriate, be investigated. A new complaints processing system will be introduced.
Approximately 3,300 complaints were received in 2004 and approximately 70% were investigated.
- Achieve best practice in our inspection and enforcement processes.
This was achieved by ongoing monitoring of performance at monthly management meetings and reviewing returns on the HSA enforcement IT system SAFE.

REACTIVE INVESTIGATION PERFORMANCE INDICATORS

High priority accidents and complaints will be investigated within target dates

This has been achieved.

All field inspectors will be trained in new inspection and enforcement processes

Training was carried out as required.

New complaints process introduced

The complaints process was dealt with as part of the new Workplace Contact Unit in the last quarter of 2004. Work will continue in 2005.

PROSECUTIONS AND COURT ACTIONS

There has been a significant increase in the number of prosecutions, together with the advent of health and safety trials being conducted before a judge and jury in the Circuit Criminal Court over the past three years. In 2005, we will continue work commenced to revise our procedures in the enforcement and investigation process in line with best practice.

Objective: Ensure that investigation and file preparation is performed to a high standard.



- We will implement new evidence-handling and file-preparation procedures
This was successfully implemented in 2004.
- We will create a centralised liaison structure with State Legal Services for the management of our prosecution load
Centralised liaison structure was created in 2004.
- We will review and, where necessary, revise our practices in accident investigation and the conduct of prosecutions, including a review of whether to set up an Investigation Team.
Special Investigations Unit (SIU) was set up in 2004.

PROSECUTION PERFORMANCE INDICATORS

Implementation of new evidence-handling and file-preparation procedures.

This was implemented.

GOAL 4: TO MONITOR AND REVIEW HEALTH AND SAFETY LEGISLATION AND TO MAKE IT RELEVANT AND ACCESSIBLE AND TO PROTECT THE PUBLIC INTEREST

The Authority made specific commitments in its Programme of Work for 2004. The extent to which those commitments were met is set out below.

Objective: develop and maintain a modern framework of health and safety legislation.

EU and Domestic Legislation

- Assist the Department of Enterprise, Trade and Employment, as required, in the development of the new Safety, Health and Welfare at Work Bill
The Authority advised the Department of Enterprise, Trade and Employment, as required, in the development of the new Safety, Health and Welfare at Work Bill 2004, which was introduced in the Dáil in June 2004 and which completed the Dáil Committee Stage before the Select Committee on Enterprise and Small Business on 24 November 2004.
- Monitor the progress of the Bill, when published, and co-ordinate the development of necessary guidelines, when enacted.
Preparatory work commenced – finalisation dependent on progress on enactment of the Bill.
- Develop an implementation plan to take account of any new enforcement powers or commercial operations including revenue-generating capabilities that may be in the new Bill.
Preparatory work commenced – finalisation dependent on progress on enactment of the Bill.
- In context of new Act, review, consolidate and replace, as necessary, remaining provisions of the Safety, Health and Welfare at Work (General Application) Regulations 1993, as already amended.
Preparatory work commenced – finalisation dependent on progress on enactment of the Bill. Draft replacement Safety, Health and Welfare at Work (General Application) Regulations prepared by the Department of Enterprise, Trade and Employment designed to come into operation in tandem with the new Act.
- Endeavour to enable the Department of Enterprise Trade and Employment to transpose EU Directives into Irish law within the required timelines and to the required quality, including:

Legislation	Action
Directive 2001/45/EC on use of work equipment/working at heights/scaffolding	Draft Safety Health and Welfare at Work (Work at Height) Regulations submitted to the Department of Enterprise, Trade and Employment during the year for legal settlement.
Directive 2002/44/EC on the exposure of workers to the risks arising from physical agents (vibration).	First draft of Safety Health and Welfare at Work (Vibration) Regulations prepared for public consultation in 2005.
Directive 2003/10/EC of the EP and Council re. The exposure of workers to the risks arising from physical agents (noise)	Initial work on draft completed. First draft to be ready in Q1 2005

Draft Regulations to be prepared in 2005

Regulation	Action
Directive 2003/18/EC on the protection of workers from the risks related to exposure to asbestos at work and licensing of asbestos contractors and others.	Draft Regulations to be prepared in 2005
Pending the publication of the new Directive– draft Regulations to transpose the first amendment Major Accident Hazards Directive	First draft of European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations prepared for public consultation in 2005, to transpose Directive 2003/105/EC of the European Parliament and of the Council of 16 December 2003 amending Council Directive 96/82/EC on the control of major-accident hazards involving dangerous substances, which is due for transposition before 1 July 2005.
Pending publication of the new Directive – draft Regulations relating to Directive 67/548/EEC, classification, packaging and labelling of Dangerous Substances.	Regulations will be prepared in 2005 to transpose Commission Directive 2004/73/EC of 29 April 2004 adapting to technical progress for the 29th time Council Directive 67/548/EEC relating to the classification, packaging and labelling of dangerous substances, which is due for transposition by 31 October 2005.

- Draft Reports on the Practical Implementation of EU Directives
Some development work completed in 2004 on draft reports on the Manual Handling, Display Screen Equipment and Extractive Industries Directives for finalisation and submission to the EU Commission in 2005.

Other Domestic Legislation

- Progress the following domestic legislation.

Regulation	Action
Safety in Industry Acts 1955 and 1980 (Hoists and Hoist ways) (Exemption), 1885 (Amendment) Order.	Being considered in the context of the draft Safety Health and Welfare at Work (Work at Height) Regulations referred to above.
Safety, Health and Welfare at Work (Mines) Regulations and associated Repeals and Revocation Order.	Draft Regulations and Order to be prepared in 2005 for public consultation.
Safety, Health and Welfare at Work (Diving) Regulations (and Associated Code of Practice).	First draft of Safety, Health and Welfare at Work (Diving at Work) Regulations and associated draft Code of Practice prepared in 2004 for public consultation in 2005.
Carriage of Dangerous Goods by Road Regulations.	The Carriage of Dangerous Goods by Road Regulations 2004 (S.I. No. 29 of 2004) Regulations were signed by Mr Frank Fahey, Minister of State at the Department of Enterprise, Trade and Employment on 21 January 2004 and came into effect from that date.

Regulation	Action
	Draft Carriage of Dangerous Goods by Road Act 1998 (Appointment of Competent Authorities) Order and draft Carriage of Dangerous Goods by Road (Fees and Section 18 Payments) Regulations submitted to the Department of Enterprise, Trade and Employment during the year for legal settlement. The Order and Regulations are expected to be signed and brought into operation early in 2005.
Draft Petrol Stations Regulations	The Dangerous Substances (Retail and Private Petroleum Stores) (Amendment) Regulations 2004 (S.I. No. 860 of 2004) were signed by Mr Tony Killeen, Minister of State at the Department of Enterprise, Trade and Employment on 20 December 2004 and came into effect from 1 January 2005.
Safety, Health and Welfare at Work (Quarries) Regulations, and Repeals and Revocation Order (and Guidelines)	Legal settlement of draft Regulations and Order ongoing in 2004 – finalisation expected in 2005.
Safety, Health and Welfare at Work (Construction) Regulations	Legal settlement of draft Regulations ongoing in 2004 – finalisation expected in 2005.
	Work was also ongoing in 2004 on associated draft Guidelines on the draft Regulations in respect of the Responsibilities of Duty Holders, Protecting the Public from Construction Projects, Precast Structures, and Best Practice for Clients.

Legislative Work additional to the Programme of Work for 2004

<ul style="list-style-type: none"> European Communities (Transportable Pressure Equipment) Regulations 2004 (S.I. No. 374 of 2004) 	The Authority and the National Standards Authority of Ireland assisted the Department of Enterprise, Trade and Employment in the development of these Regulations, which were signed by Ms Mary Harney, Minister for Enterprise, Trade and Employment on 4 June 2004 and came into effect from that date. The Regulations transpose (i) Council Directive 1999/36/EC of 29 April 1999 on transportable pressure equipment, (ii) Commission Directive 2001/2/EC of 4 January 2001 adapting to technical progress Council Directive 1999/36/EC and (iii) Commission Directive 2002/50/EC of 6 June 2002 adapting to technical progress Council Directive 1999/36/EC.
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Further details on Regulations signed and implemented during 2004 are given in Appendix B.



CODES OF PRACTICE AND GUIDELINES DEVELOPED IN 2004

"Code of Practice for Avoiding Danger from Underground Services" approved by Board (with Minister's consent) for issue in 2005.

HSA/NSAI "Code of Practice – Safe Use of Cranes in the Construction Industry (Part 1)" finalised.

Draft "Code of Practice for Safety in Roof work" approved by the Board, subject to the Minister's consent to its issue in 2005.

"Irish Standard 820:2000 for Non-Domestic Gas Installations" as amended by "Amendment No. 1: 2003 of Standard Specification (Non-Domestic Gas Installations) Declaration, 2000 – I.S. 820: 2000" approved by the Board as a code of practice, subject to the Minister's consent.

Draft "Code of Practice for the Safety, Health and Welfare at Work (Chemical Agents) Regulations 2001" approved by the Board, subject to the Minister's consent to its issue in 2005.

"Short Guide to the Safety, Health and Welfare at Work (Chemical Agents) Regulations 2001" approved by the Board

Guidance Booklet on "Introduction to Risk Assessment of Chemical Hazards" approved by the Board.

"Guidelines on Working with Materials Containing Asbestos Cement" approved by the Board.

"Guide to the Carriage of Dangerous Goods by Road Regulations 2004" approved by the Board.

"Guide to Safety in Excavations" approved by the Board.

LEGISLATION PERFORMANCE INDICATOR

Meet required timelines and quality standards in the transposition of EU Directives into law

Required timelines and quality standards were met.

GOAL 5: TO MANAGE OUR PEOPLE AND RESOURCES EFFECTIVELY AND IMPROVE INTERNAL COMMUNICATION AND TEAMWORK

Programmes 1 to 4 will achieve a greater impact if the Authority continues to maintain and develop the technical and management skills of its staff and facilitates a high degree of motivation and job satisfaction. It is essential that the Authority manage its financial and information technology resources to deliver the most efficient possible use of its limited staff and financial resources

Board Secretariat Objective: Provide support to the Board of the Authority and co-ordinate the work of the Advisory Sub-Committees and Board Sub-Committees

- Implement the Guidelines on Compliance with the Provisions of the Ethics in Public Office Acts, 1995 and 2001
This has been implemented.
- Implement best practice in the corporate governance of the Authority
The Authority has adopted the guidelines as outlined in the Code of Practice for the Governance of State Bodies.

BOARD PERFORMANCE INDICATOR

Code of Practice on Corporate Governance drafted

Code of Practice document has been drafted and distributed to the Board.

Board papers and minutes prepared to required standard and distributed in a timely manner

Board papers and minutes met requirements.

- Human Resources Objective: Implement our Human Resource Strategy, taking account of the issues listed below:
- Managing and maintaining the existing HR processes and procedures, including industrial relations, training and development, performance management, recruitment, and Excellence Through People award.
The Authority's Industrial Relations Council continued to meet on a bi-monthly basis where many of the change management processes were discussed and agreed. In accordance with commitments in Sustaining Progress, a stable industrial relations climate was maintained. Further developments of our Performance Management & Development System (PMDS) were implemented with the introduction of upward feedback into the process. All staff received training in the skills required for the successful implementation of this initiative. A number of existing HR processes (e.g. recruitment/promotion, induction, training strategy etc.) were reviewed as part of the actions arising from the implementation of our HR Strategy and recommendations and improvements will be implemented throughout 2005.
- Implementing the Sustaining Progress Action Plan
All HR actions from Sustaining Progress were successfully implemented.
- Contributing and helping to lead the change management process

Significant change was successfully implemented in a number of areas including finance, accident reporting, enforcement, human resources, and prevention.

HUMAN RESOURCES PERFORMANCE INDICATOR:

Delivery of operational HR service to agreed service level.

In place – specific service level agreements to be documented in 2005.

Achieving a high score in the excellence through people assessment.

The Authority has continued to improve on its score in the Excellence Through People assessment with a score of 93% achieved in 2004.

Achieving the productivity improvements set out in our *Sustaining Progress* Action Plan.

Sustaining Progress productivity improvements successfully implemented throughout the Authority and all reports approved by Performance Verification Group.

Assessment of training programmes by attendees.

All training programmes evaluated by attendees and reviewed by Training Unit. Further improvements in evaluation processes to be introduced in 2005.

Change Management Programme Objective: Implement year 2 of our Corporate Plan, achieve planned improvements in our business processes and plan for decentralisation. Implement best practice in our core processes and support infrastructure, in particular by improvements in the collection and use of data to facilitate better targeting of our activities.

Our improved systems for collecting information in relation to accidents and inspections enabled us to target employers in relation to a number of areas including late submission of reports and bullying in the workplace

- Review our operational processes and service delivery model in the context of planned decentralisation.

A review of our enforcement processes formed the basis of a number of improvement projects.

- Develop an implementation plan for decentralisation.

An initial implementation plan was completed.

CHANGE PROGRAMME PERFORMANCE INDICATOR

Decentralisation plan developed.

An initial implementation plan was completed

Systems implemented to better support work processes and improved targeting, in particular in the complaints handling process.

Improved targeting achieved as a result of improved systems for collecting information in relation to accidents and inspections.

Complete business process improvement projects on time and within budget.

Operational, ICT and financial business process improvement projects completed successfully and within agreed timelines and budget parameters.

Information and Communications Technology (ICT) Objective: Ensure that the ICT systems support the staff of the Authority in achieving their objectives

- Implement enhanced IT, security policy and procedures.
Security audit of the Authority's ICT system was commissioned. Policy and procedures were reviewed in line with the recommendations of the audit. Further enhancements of security policy and procedures will be ongoing in 2005.
- Upgrade IT Helpdesk function to include online system to answer frequently asked questions (FAQs) and develop a call-tracking system.
FAQ database prepared. Helpdesk software purchased and tested. Online service to be deployed to users in 2005.
- Investigate and analyse best practice approaches to our IT needs.
Developed best practice security procedures and secure network infrastructure. Developed SLA document to define excellent customer service. SLAs to be agreed with individual departments in 2005.
- Implement disaster recovery procedures.
All disaster recovery options researched thoroughly resulting in best-fit solution being chosen. Project plan for implementation in early 2005 drawn up.
- Provide high quality support to users of our IT systems.
Critical errors dealt with immediately. All helpdesk calls dealt with within the agreed timescales.
- Manage and maintain existing IT systems within the Authority.
Proactively monitored and carried out routine maintenance of all internal systems, hardware, software and network infrastructure. System upgrades, security patches, applied as necessary.

ICT Performance Indicator: Draft Service Level Agreement prepared. Document to be agreed with users during 2005

Service availability and response times for all ICT systems agreed.

Developed disaster recovery solution to ensure better business continuity. Backup servers in place for email, Windows domain, Finance and HR systems

FINANCIAL MANAGEMENT

Objective: Ensure best-in-class financial management to ensure economy, effectiveness and efficiency in the use of resources

- Delivery of operational financial service to agreed service level.
Agreed service level achieved. Monthly tracking of key deliverables to ensure service levels are maintained.
- Comply with financial reporting and risk management requirements.
All financial reporting requirements have been met with regular reporting of key financial information to internal and external stakeholders.

- Complete draft annual Accounts for 2003 before the end of March.
Draft annual Financial Statements for 2003 completed by end of March. Financial Statements have since been audited and approved by the Office of the Comptroller and Auditor General.
- Implement electronic funds transfer for staff travel and subsistence payments.
The electronic funds transfer for staff travel and subsistence has been successfully implemented with all claims paid using the new payment channel. Further advances are planned for 2005 including the online completion of staff travel and subsistence claims.
- Ensure high standards of office accommodation and services.
There has been a programme of continuous improvements to ensure that the staff of the Authority operates from office accommodation and services of the highest standard.
- Deliver best-in-class financial management information systems and reporting to ensure effective allocation of resources and drive cost savings.
The Authority is continuously seeking to deliver best-in-class financial management information systems and reporting through meeting existing challenges in a proactive and professional manner and meeting new challenges through the effective use of existing resources and new technologies. The Authority remains acutely aware of the need to ensure the effective allocation of resources and to maximise the potential for cost savings on an ongoing basis.

FINANCE PERFORMANCE INDICATORS

Satisfactory audit reports

Three further independent internal audit reports were conducted during 2004. The reports were satisfactory in every respect and any recommendations made by the internal auditors have been incorporated into revised operating procedures and protocols.

Service level agreements implemented with key users.

Service level agreements have been implemented and financial reports provided to all users within the agreed timeframe.

Budget out-turns to be within plus or minus 3% of target.

Target achieved.

3. FINANCE

STATEMENT OF INTERNAL FINANCIAL CONTROL FOR YEAR ENDED 31 DECEMBER 2004

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

Key Control Procedures

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

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

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

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

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

- A comprehensive budgeting system with an annual budget which is reviewed and agreed by the Board of the Authority;
- Regular reviews by the Authority of periodic and annual financial reports which indicate financial performance against forecasts;
- Setting 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 Audit Committee and approved by the Authority. At least annually, the internal auditor will provide the Authority with a report of internal audit activity. The report includes the internal auditor's opinion on the adequacy and effectiveness of the system of internal financial control.

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

ANNUAL REVIEW OF CONTROLS

The Authority's Audit Committee reviews the effectiveness of the internal financial control systems with a formal report then going to the Board. The Board, in consultation with our internal auditors, continues to carry out periodic reviews of its financial controls, through its 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 2004.

As the Board is reasonably satisfied with the existing financial control arrangements, it is not envisaged that there will be any significant changes during 2005, other than to develop existing systems with new technologies, for example the development of an electronic travel and subsistence system to enhance the efficiency and accuracy of the existing system has commenced.

On behalf of the Board.

Jim Lyons
Chairperson

February 2005

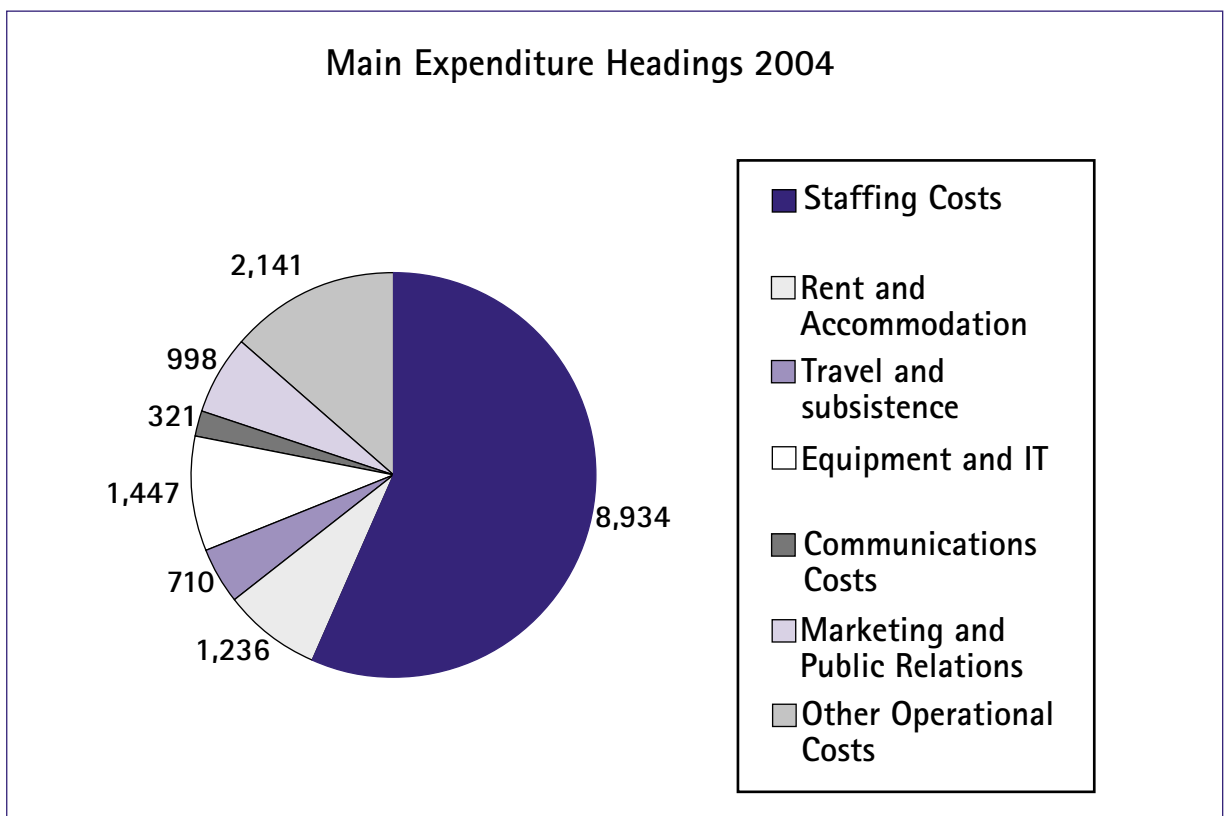
FINANCIAL STATEMENT 2004

The Authority's Income and Expenditure for 2004 is broken down as follows –

	€ 000	
Income		
Annual Grant	14384	<i>(Note 1)</i>
Other Income	<u>1473</u>	
Total Income	15857	
Expenditure	(15787)	<i>(Note 1)</i>
Surplus/(Deficit)	<u>70</u>	<i>(Note 2)</i>

Note 1: The above figures for income and expenditure are based on actual cash amounts received and expended for the year ended 31 December 2004.

Note 2: The €70k variance represents total spending coming within 0.4% of annual budget.



APPENDIX A: INSPECTION AND ENFORCEMENT

Table A1.1: Inspections and Enforcement actions 2004 (HSA)

Economic Sector	Number of inspections	Number of Notices 2004			% of Visits where enforcement action taken
		Prohibition Notices	Improvement Notices	Improvement Directions	
A – Agriculture, Hunting and Forestry	995	46	73	0	12%
B – Fishing	4	0	0	0	0%
C – Mining and Quarrying	521	32	49	0	16%
D – Manufacturing	1,871	36	138	2	9%
E – Electricity/Gas/Water	56	0	2	1	4%
F – Construction	5,048	423	169	3	12%
G – Wholesale/Retail Trade; Repair of Motor Vehicles, personal and household goods	699	7	56	0	9%
H – Hotels/Restaurants	100	0	2	0	2%
I – Transport, Storage, Communications	988	4	27	1	3%
J – Financial Intermediation	15	0	0	0	0%
K – Real Estate, Renting, Business	366	4	12	0	4%
L – Public Admin./Defence	238	0	10	0	4%
M – Education	86	1	6	0	8%
N – Social Work	133	0	10	0	8%
O – Community/Social/Personal Services	260	5	19	0	9%
P – Private households with employed persons	2	0	0	0	0%
Totals	11,382	558	573	7	9%

Table A1.2: Inspections by Type and Sector 2004 (HSA)

Economic Sector	Types of Visits 2004					Total Number of Inspections
	Compliance	Injury Investigation	Complaint Investigation	Follow-Up	Other	
A – Agriculture, Hunting and Forestry	754	32	24	171	14	995
B – Fishing	2	1	1	0	0	4
C – Mining and Quarrying	386	13	24	59	39	521
D – Manufacturing	1,079	224	174	230	164	1,871
E – Electricity/Gas/Water	32	8	3	2	11	56
F – Construction	2,951	433	1,004	506	154	5,048
G – Wholesale/Retail Trade; Repair of Motor Vehicles, personal and household good	361	50	157	89	42	699
H – Hotels/Restaurants	30	2	40	24	4	100
I – Transport, Storage, Communications	821	45	91	21	10	988
J – Financial Intermediation	6	3	5	1	0	15
K – Real Estate, Renting, Business	208	26	48	30	54	366
L – Public Admin./Defence	133	24	43	10	28	238
M – Education	22	16	23	8	6	86
N – Social Work	55	12	46	9	11	133
O – Community/Social/Personal Services	116	27	81	20	16	260
P – Private households with employed persons	0	2	0	0	0	2
Totals	6,956	918	1,764	1,180	553	11,382

HEALTH AND SAFETY MANAGEMENT

The Authority's 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.

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 below may not be representative of other organisations. 67% of the employers inspected in 2004 had a Safety Statement and of these, 64% had a statement that was deemed to be in full or broad compliance with the legal requirements.

Table A1.3: Percentage of Employers who had Safety Statements 2004 (HSA)

Economic Sector	Percentage of Employers Inspected who had Safety Statements
A – Agriculture, Hunting and Forestry	28.9%
B – Fishing	60.0%
C – Mining and Quarrying	78.3%
D – Manufacturing	76.0%
E – Electricity/Gas/Water	74.6%
F – Construction	71.2%
G – Wholesale/Retail Trade; Repair of Motor Vehicles, personal and household good	56.6%
H – Hotels/Restaurants	60.2%
I – Transport, Storage, Communications	68.3%
J – Financial Intermediation	47.4%
K – Real Estate, Renting, Business	45.4%
L – Public Admin./Defence	76.9%
M – Education	79.1%
N – Social Work	79.7%
O – Community/Social/Personal Services	63.3%
P – Private households with employed persons	0.0%
Totals	66.6%

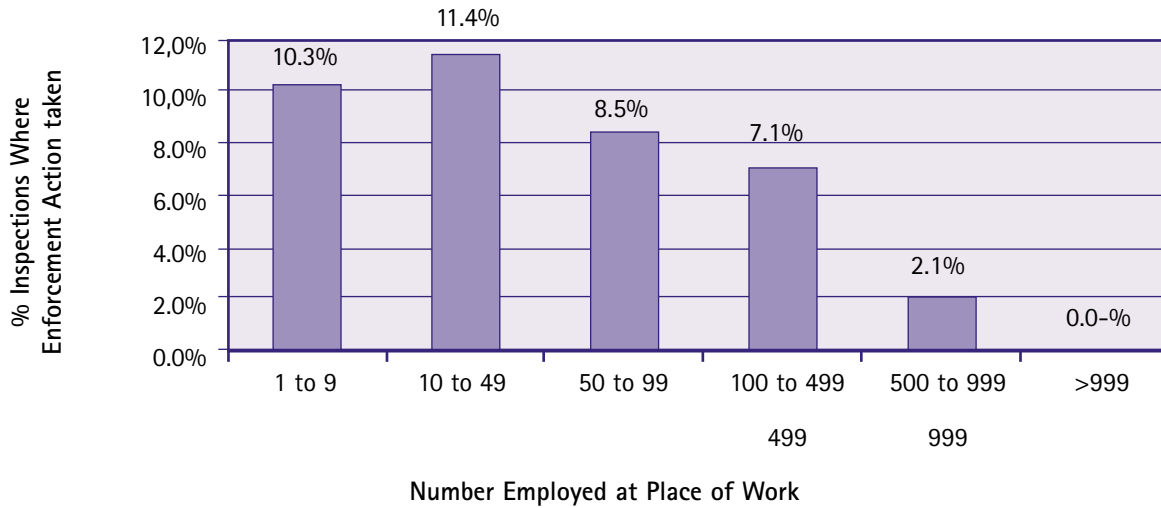
Table A1.4: Safety Statements Assessed by Inspectors – Compliance with Legal Requirements

Number of Employed	Percentage Compliance		
	Full or Broad Compliance	Some Compliance	Almost No Compliance
1–9	61%	36%	3%
10–49	65%	30%	5%
50–99	63%	32%	5%
100+	75%	24%	1%
Average	64%	32%	4%

Chart A1: Inspections by number employed at place of work (HSA)



Chart A2: Percentage of Inspections where Enforcement Action Taken by Number Employed (HSA)



APPENDIX B: NEW REGULATIONS MADE IN 2004

Carriage of Dangerous Goods by Road Regulations 2004 (S.I. No.29 of 2004)

These Regulations were signed by Mr Frank Fahey, Minister of State at the Department of Enterprise, Trade and Employment on 21 January 2004 and came into effect 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. They apply the provisions, contained in the technical Annexes to the "European Agreement Concerning the International Carriage of Dangerous Goods by Road" (ADR) 2003.

The Regulations impose 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 (including their packing/loading/filling/transport/unloading) be adequately trained and, in the case of drivers, hold certificates of such. The Regulations also contain provisions on an EC-harmonised approach to the road checks aspect of their enforcement.

The Regulations, which revoke and replace the Carriage of Dangerous Goods by Road Regulations 2001 (S.I. No. 492 of 2001), transpose or retranspose:-

- Council Directive 94/55 of 21 November 1994, on the Transport of Dangerous Goods by Road, as amended by Commission Decision of 7 November 2002;
- Council Directive 95/50 of 6 October 1995, on uniform procedures for checks on the transport of dangerous goods by road;
- Directive 2001/26 of the European Parliament and of the Council of 7 May 2001, amending Directive 95/50;
- Directive 2000/61 of the European Parliament and of the Council of 10 October 2000, amending Directive 94/55; and
- Commission Directive 2003/28 of 7 April 2003, which last adapted (4th adaptation) Directive 94/55 to technical progress.

European Communities (Classification, Packaging and Labelling of Dangerous Preparations) Regulations 2004 (S.I. No. 62 of 2004)

These Regulations were signed by Ms Mary Harney, Minister for Enterprise, Trade and Employment on 19 February 2004 and came into effect from that date. The Regulations transpose Directive 1999/45 of the European Parliament and of the Council of 31 May 1999 on the Classification, Packaging and Labelling of Dangerous Preparations placed on the Market of the EC. This Directive replaces Council Directive 88/379. The Regulations also transpose the first adaptation to technical progress (ATP) of Directive 1999/45 – Commission Directive 2001/60 of 7 August 2001.

The Regulations apply to all dangerous preparations with exceptions for certain categories of preparations such as medicines, cosmetics, etc. which are covered by other Council Directives. The Regulations require persons placing a dangerous preparation on the market, to classify and label it according to the inherent hazards including, for the first time, danger to the environment. Certain preparations that would not be classified as dangerous by the Directive and these Regulations are nevertheless subject to specific labelling requirements if the particular preparations are listed in the Annex V to Directive 1999/45, as amended by Commission Directive 2001/60. The classification, labelling and packaging requirements of these Regulations have also been extended to include plant protection products from 30 July 2004. (Biocides, within the meaning of Council Directive 98/8/EC are covered in the same way as dangerous preparations within the Regulations.) The requirements for classification and provision of Safety Data Sheets have been extended to explosive and pyrotechnic preparations for the first time.

The Regulations also transpose Commission Directive 2001/58 of 27 July 2001, which amends Commission Directive 91/155 of 5 March 1991 concerning the provision of specific information relating to dangerous preparations in the form of safety data sheets, requiring the provision of safety data sheets on request to professional users of certain preparations not classified as dangerous.

The Regulations revoke and replace the European Communities (Classification, Packaging and Labelling of Dangerous Preparations) Regulations 1995 (S.I. No. 272 of 1995) and the European Communities (Classification, Packaging and Labelling of Dangerous Preparations)(Amendment) Regulations 1998 (S.I. No.354 of 1998).

European Communities (Transportable Pressure Equipment) Regulations 2004 (S.I. No. 374 of 2004)

These Regulations were signed by Ms Mary Harney, Minister for Enterprise, Trade and Employment on 4 June 2004 and came into effect from that date. The Regulations transpose:

- Council Directive 1999/36 of 29 April 1999 on Transportable Pressure Equipment (defined in the Regulations as the "Transportable Pressure Equipment Directive");
- Commission Directive 2001/2 of 4 January 2001 Adapting to Technical Progress Council Directive 1999/36;
- Commission Directive 2002/50/EC of 6 June 2002 Adapting to Technical Progress Council Directive 1999/36/EC.

The Regulations apply to any new transportable pressure equipment placed on the market and manufactured on or after 1 July 2001, which may be subject to assessment of conformity. The Regulations also apply to existing equipment, which may be subject to reassessment of conformity.

Transportable pressure equipment is defined as a receptacle or tank which is used or intended to be used for the carriage by road or rail of Class 2 goods (gases) and certain other dangerous goods, including any valve or other accessory fitted to the equipment and used for carriage. The Regulations provide that transportable pressure equipment must be safe and suitable for its intended purpose and comply with the international agreements concerning transport of dangerous goods by road and rail. Where appropriate, the transportable pressure equipment must be assessed by a notified body or an approved body and bear the conformity marking. The Regulations provide for offences, which are subject to summary prosecution and provide for penalties of up to €3,000 per offence.

For ease of reference, the Schedules to the Regulations transpose the Annexes to the Transportable Pressure Equipment Directive, as amended, as follows:

- Schedule 1 (List of dangerous substances other than those referred to in the definition of "transportable pressure equipment" in Regulation 2(1)) transposes Annex VI of the Transportable Pressure Equipment Directive;
- Schedule 2 (Conformity assessment procedures) transposes Annex IV, Part I of the Transportable Pressure Equipment Directive;
- Schedule 3 (Modules to be followed for conformity assessment) transposes Annex V of the Transportable Pressure Equipment Directive;
- Schedule 4 (Conformity reassessment procedure) transposes Annex IV, Part II of the Transportable Pressure Equipment Directive;
- Schedule 5 (Periodic inspection procedures) transposes Annex IV, Part III of the Transportable Pressure Equipment Directive;
- Schedule 6 (Conformity marking) transposes Annex VII of the Transportable Pressure Equipment Directive;
- Schedule 7 (Minimum and supplementary criteria to be met by notified bodies and approved bodies) transposes Annexes I, II and III of the Transportable Pressure Equipment Directive.

European Communities (Dangerous Substances and Preparations) (Marketing and Use)(Amendment) Regulations 2004 (S.I. No. 852 of 2004)

These Regulations were signed by Mr Micheál Martin, Minister for Enterprise, Trade and Employment on 15 December 2004 and came into effect progressively from 31 December 2004, 17 January and 1 September 2005 in respect of different provisions.

The Regulations amend Schedules 1 and 3 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).

The new Regulations transpose:

- Directive 2003/53 of the European Parliament and of the Council of 18 June 2003, which amends for the 26th time Council Directive 76/769 relating to restrictions on the marketing and use of certain dangerous substances and preparations (nonylphenol, nonylphenol ethoxylate and cement). The Directive is transposed through Regulation 3(1)(c) and Schedule C, to the Regulations, which came into operation on 17 January 2005.
- Commission Directive 2004/21 of 24 February 2004, relating to restrictions on the marketing and use of "azo colourants" (13th adaptation to technical progress of Council Directive 76/769). The Directive is transposed through Regulation 3(1)(b) and (2), Schedule B, reference number 43, third column, point 1, and Schedule D, "Listing of testing methods", to the Regulations, which came into operation on 31 December 2004. The other provisions of Schedule B (third column, points 2 to 4) and Schedule D ("List of aromatic amines" and "List of azodyes"), to the Regulations, retranspose relevant provisions of Directive 2003/3, which were first transposed through S.I. No. 503 of 2003.

- Commission Directive 2004/96/EC of 27 September 2004 amending Council Directive 76/769 as regards restrictions on the marketing and use of nickel for piercing post assemblies for the purpose of adapting its Annex I to technical progress. The Directive is transposed through Regulation 3(1)(a) and Schedule A to the Regulations, which come into operation from 1 September 2005.
- Commission Directive 2004/98 of 30 September 2004 amending Council Directive 76/769 as regards restrictions on the marketing and use of pentabromodiphenyl ether in aircraft emergency evacuation systems for the purpose of adapting its Annex I to technical progress. Directive 2004/98 is transposed through Regulation 3(1)(b) and Schedule B to the Regulations, reference number 44, third column, point 3, which came into operation from 31 December 2004. Points 1 and 2 of the third column at reference number 44 retranspose relevant provisions of Directive 2003/11, which were first transposed through S.I. No. 503 of 2003.
- Replace certain provisions of and retranspose other provisions of Commission Directive 2003/3/EC of 6 January 2003.

Reference number 45 of Schedule B to the Regulations retransposes relevant provisions of Directive 2003/11/EC, which were first transposed through S.I. No. 503 of 2003.

Dangerous Substances (Retail and Private Petroleum Stores) (Amendment) Regulations 2004 (S.I. No. 860 of 2004)

These Regulations were signed by Mr Tony Killeen, Minister of State at the Department of Enterprise, Trade and Employment on 20 December 2004 and came into effect from 1 January 2005. 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, and the Dangerous Substances (Retail and Private Petroleum Stores)(Amendment) Regulations 2002. Under the Regulations, as adapted by s.29 of the Safety, Health and Welfare at Work Act 1989 (No. 7 of 1989), a retail and private petroleum store requires to be licensed by the local or harbour authority or, where the store is owned by such authority, by the National Authority for Occupational Safety and Health.

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 31 December 2006.

APPENDIX C: PROCEEDINGS

25 proceedings were heard summarily in 2004, with a further 16 being heard on indictment. The Authority was successful in obtaining a number of 39 injunctions and orders under section 39 of the Safety, Health and Welfare at Work Act, 1989. The Authority also successfully defended appeals against the issuing of prohibition and improvement notices. The summaries of outcomes of prosecutions are outlined below:

Proceedings 2004

Type of Proceedings	Total Heard	% of Total Cases Heard Summarily and on Indictment	Dismissals	% Convictions	Probation of offenders Act applied	Fines	Total Fines
Summary	25	69%	6	83%	2	42,886	
Indictment	16	31%	0	100%	0	1,295,750	1,339,636

Note: One High Court Injunction was obtained in 2004

SUMMARIES OF OUTCOMES OF PROSECUTIONS

ADM Ringaskiddy Ltd (On Indictment)

ADM Ringaskiddy Ltd, of Ringaskiddy, Co. Cork was fined a total of €30,000 at Cork Circuit Criminal Court on 28 May 2004 having pleaded guilty to the following charges:

- Section 6(2)(h) of the Safety, Health and Welfare at Work, Act 1989;
- Regulation 20(1)(ii) of the Safety, Health and Welfare at Work (General Applications) Regulations 1993.

The trial arose after a fatal accident to maintenance fitter engaged in the task of stripping and cleaning a high-speed centrifuge. He was struck when the top casing cover was flung from the machine.

Andreas Wandel

Andreas Wandel was fined €1,000 at Cork District Court on 15 September 2004, having pleaded guilty to the following charge:

- Regulation 13(1)(a) of the Docks (Safety, Health and Welfare) Regulations 1960.

This case arose following a fatal accident resulting from a failure to make safe an access from vessel to shore for general use.

BCD Engineering Ltd.

BCD Engineering Ltd, Charleville, Co. Cork, was fined a total of €3,600 at Kilmallock District Court on 21 December 2004, having pleaded guilty to the following charges:

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

- Section 12(3) of the Safety, Health and Welfare at Work Act 1989.

The case arose because an employee of the defendant fell approximately five metres from the top of a stainless steel tank as he was washing it.

Brendan Mooney (On Indictment)

Brendan Mooney, 128 Loughbollard, Clane, Co. Kildare was fined €25,000 at Portlaoise Circuit Court on 5 October 2004, having being found guilty on 23 July 2004 of the following charge:

- Regulation 6(1) of the Safety, Health and Welfare at Work (Construction) Regulations 1995.

The case arose when a construction worker fell approximately 4.5 metres from a scaffold. He had been standing on cantilever brackets not of the proprietary system and he fell on the inside of the scaffold suffering serious injuries.

BSI Communications Ltd

On appeal of this matter from the District Court to the Circuit Criminal Court by the Health & Safety Authority, the company was fined €500 for the following charge:

- Section 7 of the Safety Health & Welfare at Work Act 1989

This case arose following an investigation into an accident that resulted in a below-the-knee amputation to a worker who was sub-contracted to the company. The worker was cleaning the hotbox, which is used in the production of tar in road re-instatement when he became entangled with the machine leading to the injury.

Carlow County Council

Carlow County Council was fined €1,200 at Mhuine beag District Court on 13 September 2004 having pleaded guilty to the following charge:

- Regulation 3(1) of the Safety, Health and Welfare at Work (Construction) Regulations 2001

The trial arose when an employee of Carlow County Council received injuries while working in an excavation. The excavation started to subside and he was caught against the bank of the excavation.

CHC Ireland Ltd

CHC Ireland Ltd. of Cork Airport, Cork, was fined €1,000 at Dublin District Court on 15 April 2004 in relation to the following charges:

- Section 6(2)(d) of the Safety, Health and Welfare at Work Act 1989;
- Regulation 5(c)(i) of the Safety, Health and Welfare at Work (General Application) Regulations 1993.

The trial arose from a fatal accident where an employee fell when descending integral steps and suffered a fatal injury after carrying out maintenance on a helicopter.

Christy O'Regan Plant Hire Ltd (On Indictment)

Christy O'Regan Plant Hire Ltd of 1, Lauriston, Middleton, Co Cork, was fined €1,000 at Cork Circuit Criminal Court on 29 October 2004, having pleaded guilty to the following charge:

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

The trial arose following a fatal accident in which an employee suffered fatal injury when he came into contact with the conveyor of a mobile stone-crushing machine.

Clonleigh Co-Operative Society (On Indictment)

Clonleigh Co-operative Society, Castlefin, Co. Donegal, was fined €750 at Letterkenny Circuit Court on 10 February 2004 having pleaded guilty to the following charge:

- Section 12 of the Safety, Health and Welfare at Work Act 1989

The case arose from a fatal incident in which an operative died from injuries sustained when he was struck by a reversing teleporter loader.

Commissioner of Public Works (On Indictment)

Commissioner of Public Works, 51 St Stephens Green, Dublin 2, was fined a total of €10,000 at Trim Circuit Court on 27 October 2004 having pleaded guilty to the following charges;

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

The trial arose following the fatal accident of an employee of the defendant who suffered carbon monoxide poisoning from an unventilated container (see also *Ivernagh Security Services Ltd, trading as J.B Security*)

Dairygold Co-Operative Society Ltd (On Indictment)

Dairygold Co-Operative Society Ltd of Mongeely, Co. Cork, was fined a total of €7,500 having pleaded guilty to the following charges;

- Regulation 19(a) of the Safety, Health and Welfare at Work (General Application) Regulations 1993;
- Regulation 20(1) of the Safety, Health and Welfare at Work (General Application) Regulations 1993.

The trial arose following an accident at the company's plant in Mogeely. An employee became trapped in an inadequately guarded cheese transfer machine that resulted in him sustaining serious injuries.

David Dwyer (On Indictment)

David Dwyer of Rocksavage Business Centre, Anglesea, Cork, Co Cork, was fined a total of €27,500 and received a 12-month suspended prison sentence at Cork Circuit Court on 22 October 2004, having pleaded guilty to the following charges:

- Two counts of section 48(6) of the Safety, Health and Welfare at Work Act 1989;
- Regulation 36(1) of the Safety, Health and Welfare at Work (Construction) Regulations 2001;
- Regulation 74(2) of the Safety, Health and Welfare at Work (Construction) Regulations 2001.

The trial arose following breach of a Prohibition Notice and the continuing unsafe removal of asbestos cement sheeting at Anglesea Road, Cork in October 2002.

Eircom Ltd

Eircom Ltd of 114 St Stephens Green, Dublin 2, was fined a total of €1,000 in Letterkenny District Court on 14 October 2004, having pleaded guilty to the following charges:

- Section 6 (2) (d) of the Safety, Health and Welfare at Work Act 1989;
- Section 7 of the Safety, Health and Welfare at Work Act 1989.

The trial arose when a ladder on the back of a truck fell off when the vehicle was in motion and struck a child and its minder. It was found that the ladder bracket was broken for six months and the ladder was not securely tied.

Emerald Salvage & Recycling Ltd, trading as Emerald Transport

Emerald Salvage Recycling, Carrowgubbadagh, Ballisodare, Co. Sligo, was fined a total of €2,000 at Swinford District Court, having been found guilty of the following charges:

- Regulation 10(f) of the Carriage of Dangerous Goods by Road Regulations 2001;
- Regulation 11(a) of the Carriage of Dangerous Goods by Road Regulations 2001;
- Regulation 12(1)(a) of the Carriage of Dangerous Goods by Road Regulations 2001;
- Regulation 13(a)(ii) of the Carriage of Dangerous Goods by Road Regulations 2001.

The trial arose as a result of a routine checkpoint where a vehicle was stopped and a number of infringements were found.

ESB

The ESB of 27, Lower Fitzwilliam Street, Dublin 2, was fined a total of €3,400 at Skibereen District Court on 19 July 2004, having been found guilty of the following charges:

- Section 7(1) of the Safety, Health and Welfare at Work Act 1989 (two counts);
- Section 8(2) of the Safety, Health and Welfare at Work Act 1989.

The trial related to a fatal accident in which an employee of Mr Mc Sweeney, a contractor, was fatally injured by electrocution whilst topping trees close to live 20kv power lines. The contractor was engaged by the ESB to cut the trees. The employees of the contractor were not trained in the use of chainsaws, tree climbing and emergency rescue. This case is currently the subject matter of an Appeal.

Examiner Publications (Cork) Ltd

Examiner Publications (Cork) Ltd of Academy Street, Cork, was fined a total of €1,500 at Cork District Court on 21 April 2004 having pleaded guilty to the following charge:

- Section 22(1) of the Factories Act 1995.

The trial arose following an accident in which an employee suffered an injury to the top section of an index finger when his hand came in contact with a belt and pulley drive on a paper stacking and binding machine.

Farrelly Plant Hire Ltd

Farrelly Plant Hire Ltd of Gravelmount, Castletown, Navan, Co. Meath, was fined €1,000 at Dublin District Court on 3 February 2004 having pleaded guilty to the following charge:

- Section 7(1) of the Safety, Health and Welfare at Work Act 1989 (taking into account section 12(3) of the Safety, Health and Welfare at Work, Act 1989.

The trial arose when a man was seriously injured after being struck by a rockbreaker type 501, Montabert, which had become detached from the quick hitch mechanism.

Feelystone Supplies Ltd (On Indictment)

Feelystone Supplies Ltd of Greatmeadow, Boyle, Co. Roscommon, was fined €20,000 at Kildare Circuit Court on 27 April 2004. The company pleaded guilty to the following charge:

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

This trial arose as a result of a fatal accident which occurred when a slab of marble which was being unloaded, was tipped forward off a lorry when the slings caught causing the marble slab to tip off of the lorry trapping the deceased between two lorries.

Fergal Kerr

Fergal Kerr of Artnalivery, Ardee, Co. Louth, was fined €2,000 (to be given to charity) at Ardee District Court on 10 June 2004, having pleaded guilty to the following charge:

- Section 48 (19) of the Safety, Health and Welfare at Work Act 1989.

The trial arose after a fatal accident where a 3.5 metre deep trench collapsed on an employee of a sub-contractor (see also Grangevale Enterprises Ltd; Fernwave (Civils) Ltd).

Fernwave (Civils) Ltd

Fernwave (Civils) Ltd, Glenshane Business Park, 50 Legavallon Road, Dungiven, Northern Ireland, were fined a total of €3,800 at Brunswick Street District Court on 16 April 2004 having pleaded guilty to the following charges:

- Section 6 (2) (d) of the Safety, Health & Welfare at Work Act 1989;
- Regulation 19 of the Safety, Health & Welfare at Work (Construction) Regulations 2001.

This case arose when two employees were injured erecting a freestanding Doka table system. They placed a concrete slab on the table. While one of the operatives was descending from the table by means of a ladder, the table failed.

Galway County Council

Galway County Council was fined a total of €1,500 at Galway District Court on 24 May 2004, having pleaded guilty to the following charges:

- Regulation 3(1) of the Safety, Health and Welfare at Work (Construction) Regulations 2001
- Regulation 52(1) of the Safety, Health and Welfare at Work (Construction) Regulations 2001
- Regulation 58(3)(c) of the Safety, Health and Welfare at Work (Construction) Regulations 2001

The trial arose when two workers were injured when they fell from an aluminium tower scaffold when it fell over. The ladder had been used to extend the height of the working platform and the one outrigger in use at the place of work had not been repositioned after the tower was moved and taken into use.

Goulding Chemicals Ltd.

Goulding Chemicals Ltd, of 151 Thomas Street, Dublin 8, was fined a total of €1,800 at Cork District Court on 2 September 2004, having pleaded guilty to the following charges relating to their premises at Centre Park Road, Cork:

- Section 6(2)(d) of the Safety, Health and Welfare at Work, Act 1989;
- Regulation 13(1) of the Safety, Health and Welfare at Work (General Applications) Regulations 1993;
- Regulation 20(1) of the Safety, Health and Welfare at Work (General Applications) Regulations 1993.

This trial arose following an incident in which an employee became trapped by the hooder arms of a fertiliser bagging station.

Grangevale Enterprises Ltd (On Indictment)

Grangevale Enterprises Ltd of Granary House, William Street, Ardee, Co. Louth, was fined €20,000 at Dundalk Circuit Court on 19 May 2004, having pleaded guilty to the following charge:

- Section 8(2) Safety, Health and Welfare at Work Act 1989.

The trial arose after a fatal accident where a 3.5 metre deep trench collapsed on an employee of a sub-contractor (see also *Fergal Kerr*).

H & J Martin Ltd

The Probation Act was applied to H & J Martin Ltd, 163 Ormeau Road, Belfast BT4, Northern Ireland, at Dublin District Court on 10 June 2004, having pleaded guilty to the following charge:

- Regulation 6(2)(e)(ii) Safety, Health and Welfare at Work (Construction) Regulations 2001.

The trial arose that during the refurbishment of a shopping centre. Asbestos ceiling tiles were not identified prior to works commencing and were disturbed during the course of the works.

Holfeld Plastics Ltd (On Indictment)

Holfeld Plastics Ltd, of Kilmacanogue, Co. Wicklow was fined a €1500 at Wicklow Circuit Court on 9 March 2004, having pleading guilty to the following charge:

- Section 23(1) of the Factories Act 1955

This case followed an investigation of an accident in March 2002 where an employee suffered injury to his right hand due to failure to ensure that work equipment was securely fenced.

Ipodec Ireland Ltd (On Indictment)

Ipodec Ireland Ltd of Foregehill, Kinsale Road, Co. Cork, was fined a total of €60,000 at Cork Circuit Criminal Court on 20 October 2004, having pleaded guilty to the following charges:

- Section 17(1) of the Safety, Health and Welfare at Work (General Application) Regulations 1993;

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

The trial arose when a vehicle reversed into a disabled employee in a wheel chair. The yard foreman was off site at the time.

Ivernagh Security Services Ltd, trading as J.B. Security (On Indictment)

Ivernagh Security Services Ltd. was fined a total of €30,000 at Trim Circuit Court on 27 October 2004, having pleaded guilty to the following charge;

- Section 6 (1) of the Safety, Health at Work Act 1989.

The trial arose following the fatal accident of an employee of the defendant who suffered carbon monoxide poisoning from an unventilated container (see also *Commissioner of Public Works*).

James J. Farrell (Construction) Ltd

James J Farrell (Construction) Ltd was fined a total of €1,427.00 at Carlow District Court on 1 November 2004, having been found guilty of the following charges:

- Section 7 of the Safety Health & Welfare at Work Act 1989 (two counts).

The case arose as a result of a fatal accident which occurred when the deceased's motorbike hit a trench box, which had been left in place overnight in a roadway with minimum traffic signage or lighting.

James Mulchrone, trading as Jim Mulchrone Plant Hire

James Mulchrone of 8, Aisling Place, Navan, Co. Meath, was fined €1,904 at Navan District Court on 19 August 2004 having pleaded guilty to the following charge:

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

The case arose after a member of the public was struck down on the street by an articulated dumper truck, owned by James Mulchrone. The dumper was at the time involved in construction work.

John Keegan

Section 1 of the Probation Act was applied to John Keegan of Tramnon Quarry & Depot, Rathmoylan, Trim, Co. Meath, at Trim District Court on 9 July 2004 when he pleaded guilty to the following charge:

- Section 37 in relation to section 48(6) of the Safety, Health and Welfare at Work Act 1989.

The trial arose following the issuing and subsequent breaches of Prohibition Notices served on Keegan Quarries Ltd within the knowledge of the Director (see also *Keegan Quarries Ltd*).

Keegan Quarries Ltd.

Keegan Quarries Ltd of Tramnon Quarry & Depot, Rathmoylan, Trim, Co. Meath, was fined €1904.61 at Trim District Court on 9 July 2004, having pleaded guilty to the following charge:

- Section 37 in relation to section 48(6) of the Safety, Health and Welfare at Work Act 1989

The trial arose following the issuing and subsequent breaches of Prohibition Notices served on Keegan Quarries Ltd (see also *John Keegan*).

Kingscourt Brick Ltd

Kingscourt Brick Ltd was fined a total of €750 with two summonses being taken into account, on 20 December 2004 at Kingscourt District Court, having pleaded guilty to the following charges:

- Section 12(1) of the Safety, Health & Welfare at Work Act 1989;
- Section 6(2)(b) of the Safety, Health & Welfare at Work Act 1989;
- Section 6(2)(d) of the Safety, Health & Welfare at Work Act 1989;
- Regulation 53(2) of the Safety, Health & Welfare at Work (General Application) Regulations 1993.

The case arose following breaches of occupational safety and health observed following inspections carried out on 23 and 24 September 2003, at the Clay Quarry at Cormey, Kingscourt, Co. Cavan.

Leeside Oil Terminal Company Ltd

Leeside Oil Terminal Company Ltd of Loughatallia Road, Galway Co. Galway, was fined a total of €2,000 at Galway District Court on 25 February 2004 having pleaded guilty to the following charges:

- Regulation 31(4)(a) (ii) of the Dangerous Substances (Petroleum Bulk Stores) Regulations 1979;
- Regulation 10(4) of the European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulation 2000.

The trial arose after 51,000 litres of diesel oil escaped from a bulk storage tank on the premises of the Leeside Oil Terminal. The fuel leaked into Galway Bay and dispersed.

Marbug Construction Ltd (On Indictment)

Marbug Construction Ltd of The Square, Castlecomer, Co. Kilkenny, was fined a total of €5,000 at Dublin Circuit Criminal Court, having pleading guilty to the following charges:

- Section 12(8) of the Safety, Health and Welfare at Work Act 1989 (two counts).

The trial arose following a fatal accident at Custom House Square on August 2001 when a carpenter fell off a ladder.

Michael Hyland (On Indictment)

Michael Hyland of Glencurran, Carrickboy, Co. Cavan, was fined €7,500 at Trim Circuit Court on 17 June 2004, having pleaded guilty to the following charge:

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

The trial arose after the fatal injury of an employee who was standing at the edge of a floor panel with slings still attached when it suddenly collapsed below him and he fell awkwardly to the floor below.

Neil Murray

Neil Murray of Green Lawn, Briar Hill, Waterfall, Co. Cork, was fined a total of €1,300 at Cork District Court on 21 January 2004, having pleaded guilty to the following charges:

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

- Regulation 59(1) of the Safety, Health and Welfare at Work (General Applications) Regulations 1993;
- Regulation 76(5)(a) of the Safety, Health and Welfare at Work (Construction) Regulations 2001.

The trial arose as a result of an accident on 24 April 2003 in which an apprentice carpenter fell 2.4 metres from a sloping roof a distance, suffering head injuries.

Paul Harrison, trading as Tastymacs

Paul Harrison The Quay, Ballina, Co. Mayo, was fined a total of €800 at Ballina District Court on 23 March 2004, having been found guilty of the following charges:

- Section 6 (1) of the Safety, Health and Welfare at Work Act 1989;
- Section 12 of the Safety, Health and Welfare at Work Act 1989.

The trial arose as a result of a gas explosion in a fast food restaurant. Four propane gas cylinders had been stored inside the building. Three of these were attached to a regulator device. The rubber seals of two of these were found to be faulty. Lighting a match for the gas fryers provided the ignition source.

Sean McSweeney

Sean McSweeney of Clodagh, Drimoleague, Co. Cork, was fined a total of €1,500 at Skibereen District Court on 27 August 2004, having pleaded guilty to the following charges:

- Section 6(1) of the Safety, Health and Welfare at Work Act 1989 (two counts);
- Section 12(3) of the Safety, Health & Welfare at Work Act 1989

The trial related to a fatal accident in which an employee of Mr Mc Sweeney was fatally injured by electrocution whilst topping trees close to live 20kv power lines. The contractor was engaged by the ESB to cut the trees. The employees of the contractor were not trained in the use of chainsaws, tree-climbing and emergency rescue (See also *ESB*).

Sicim Ireland Ltd (On Indictment)

Sicim Ireland Ltd of Nathan House, Christchurch Square, Dublin 8, was fined €50,000 at Ennis Circuit Court on 2 November 2004, having pleading guilty to the following charge:

- Regulation 21(1)(b) of the Safety, Health and Welfare at Work (Construction) Regulations 2001

The trial arose following a fatal accident on a construction site in Clarecastle, Co. Clare in which the side supports of an excavation collapsed trapping the employee.

Smurfit News Press Ltd (On Indictment)

Smurfit News Press Ltd of Kells Industrial Estate, Kells, Co. Meath, were fined a total of €1 million at Trim Circuit Criminal Court on 29 October 2004, having pleaded guilty to the following charges. In relation to the first accident:

- Section 6(2)(c) of the Safety, Health & Welfare at Work Act 1989;
- Regulation 10 (a) of the Safety, Health & Welfare at Work (General Application) Regulations 1993;

- Regulation 20(1) of the Fifth Schedule, paragraph 8(a) of the Safety, Health & Welfare at Work (General Application) Regulations 1993.

This trial arose as a result of injuries received to an employee when working on printing press 30/40 when a web (paper) break occurred & his right leg became entrapped between two free flowing path rollers, which were still spinning after the web break.

In relation to the second accident:

- Section 6(2)(c) of the Safety, Health & Welfare at Work Act 1989;
- Regulation 10 (a) of the Safety, Health & Welfare at Work (General Application) Regulations 1993;
- Regulation 20(1) of the Fifth Schedule, paragraph 8(a) of the Safety, Health & Welfare at Work (General Application) Regulations 1993

This trial arose as a result of injuries received to an employee when working on printing press 50/60 when a web (paper) break occurred. The injured party was clearing paper from two free-flowing path rollers, which were still spinning after the web break, when his left hand became entrapped between the rollers.

Stone Developments Ltd

Stone Developments Ltd, Old Leighlin, Carlow, Co. Carlow, were fined a total of €500 at Muine Bheag District Court on 8 November 2004, having pleaded guilty to the following charges:

- Section 48(2) of the Safety, Health & Welfare at Work Act 1989;
- Section 6(2)(b) of the Safety, Health & Welfare at Work Act 1989.

The case arose from an accident to an employee of Stone Developments Ltd in April 2003. The injured party was removing a stone slab from an A-frame in the slab storage hall to access a smaller slab behind when it gave way forcing the larger slab the injured party was removing to fall trapping the victim's hand and elbow against an adjoining slab on another A-frame behind him. The closeness of the two A-frames prevented the injured party from escaping the falling slab.

Webdale Ltd, trading as Mactech Industrial Pyrotechnics

Webdale Ltd of Belford Business Park, Belford, was fined a total of €4,500 at Ballyshannon District Court on 15 October 2004, having been found guilty of the following charges:

- Regulation 15(1) of the Safety, Health and Welfare at Work (Construction) Regulations 2001;
- Regulation 35(3)(b) of the Safety, Health and Welfare at Work (Construction) Regulations 2001;
- Section 7(1) of the Safety, Health and Welfare at Work Act 1989.

The trial arose after an explosion occurred on a construction site. No warning had been given to local residents as to the nature of the site operation and no provision was made to evacuate them from their houses.

Weyerhaeuser Europe Ltd

Weyerhaeuser Europe Ltd, Redmondstown, Clonmel, Co. Tipperary, was fined a total of €2,000 at Clonmel District Court on 27 April 2004, having been found guilty of the following charges:

- Section 6(1) of the Safety, Health and Welfare at Work Act 1989;
- Regulation 20 (1) of the Safety, Health and Welfare at Work (General Application) Regulations 1993.

The trial arose following an accident in which an employee was requested to clean the inside of a bag filter. The employee had to stand on a screw feeder as part of the process. It started to rotate and his feet became entangled in the screw.

APPENDIX D : ADVISORY COMMITTEES AND WORKING GROUPS

The Authority is advised by a number of statutory advisory committees, these include:

The Advisory Committee on Construction Safety

This committee is chaired by Sylvester Cronin and has representatives from clients, contractors, designers, employees and the Authority. The main items dealt with by the Committee in 2004 were as follows:

- Finalisation of New Construction Regulations.
- Draft Guidelines to the Construction Regulations.
- Draft Code of Practice for Design and Construction of Load Bearing Pre-cast Structures.
- Draft Guidelines for Client Best Practice.
- Working at Heights Regulations.

The Farm Safety Partnership Advisory Committee

This committee is chaired by Frank Lafferty of Teagasc and contains representatives of farm, contracting, insurance, rural organisations, government organisations, and the Authority. The Board was represented by Joe Hegarty. The committee continued its' partnership work in implementing the Farm Safety Action Plan, focusing on aspects of education, engineering and enforcement.

Dangerous Substances Advisory Committee

This committee is chaired by Fergus Whelan and includes representatives of the fuel, chemical, and pharmaceutical industries, government departments and agencies, dangerous goods' hauliers, employer bodies, trade unions, NGOs, and the Authority. During 2004, the Advisory Committee examined and assisted in the development of proposals for Regulations, Guidance Documents, and also considered a range of other issues during 2004 including the Carriage of Dangerous Goods by Road (Fees) Regulations, 2004, New Dangerous Goods Provisions in 2005 ADR, Transport of Dangerous Goods in Road Tunnels, Reduction of the Occupational Exposure Limit Value for Nitrogen monoxide and EU Chemical Strategy/REACH

Southern Regional Advisory Committee

This committee is chaired by Sylvester Cronin and has representation from a wide range of experts including the social partners. A number of initiatives were run during 2004, including two seminars held in Cork and Kerry during European Safety Week. The theme was health and safety in construction, and the seminars were aimed at the small to medium sized sector. The Committee promoted a very useful safety booklet aimed at children, and copies of the booklet were distributed to a number of public libraries in Cork and Kerry, who in turn passed them on to schools in their locality. A number of sub-committees were set up to handle specific projects, including a sub-committee focusing on a workplace health promotion survey of the SME sector in the Kinsale area.



Western Regional Advisory Committee

This committee was chaired by Marion Coy during 2004 and includes representatives from employers, trade unions, and local organisations. Talks to the public including Education, Construction and Health sectors, and SIPTU, formed a significant part of the workload. Initiatives included European Safety Week, organising a seminar on Risk Assessment and Safety Statements, launching the Workplace Health Information Pack and developing a second level schools competition focusing on a health and safety project.

The Authority also chairs and supports the Construction Safety Partnership. This body, comprising representatives of the major construction bodies and the Authority, is tasked with implementing the Construction Safety Partnership Plan launched in 2003.

APPENDIX E

T. Began – Chief Executive Margaret Egan PA Graime O'Hanlon – (Acting)

Assistant Chief Executive Workplace Compliance and Advice – M Henry

Programme Manager Field Operations PJ Claffey				Programme Manager Field Operations J Heffernan acting				Programme Manager Chemical Safety				
Offshore, Retail, Public Bodies, Discipline Services Galway Sligo	Agriculture & Forestry, Manufacturing Biological Agents (temporary) Limerick	NCE Mach. Regs Pressure Vessels Work Equipment Waterford	Noise, Vibration Physical Agents, ATEX, ETC1	Construction	Construction Electricity, Room 203	Mines & Quarries, Fire	Transport, health, Diving, Schools (Cork, Kerry)	PIU 1	PIU 2	Dangerous substances/AD R Unit, Transportable Pressurised Equipment Regulations	Use of Chemical Agents Including Asbestos	Hazardous Substance Assessment
H Byrne ¹ PJ Murphy (acting) G1	B Higginson G1	G1	S.Hyde F. Kellaghan G1	P. O'Halloran G1	P. Delaney Acting G1	P. Giffin G1	D Dineen G1	J Colreavy G1	P Connelly G1	D Sinnott G1	R McEneaney OHU G1	M Cummins Acting G1
M Walsh ¹ VHelly ² B Gannon (Acting) G2	J Kennedy ¹ D O'Brien ² G2	A Costelloe ² G2	P O'Connell ⁴ T O'Sullivan ¹ P Skinner ² J Harrington ² G2	M O'Dea ¹ T Dowling ¹ G2	A Morahan ¹ G Croke ² Acting G2	F Mahon ¹ J Holmes ² T Browne ² G2	W Murphy ¹ M Rolands ² G2	J Sheeran ² M O'Keary– Flynn ¹ G2	M Boylan ¹ K Buckley ² G2	M Flynn ¹ R O'Brien ² P Gough ³ G2	F Mitchell ¹ J Fanning ² M Lowe Limerick G2	E Healy ² G Christ ¹ Acting G2
M King ² A Davis ² G Murphy ¹ GII	P McMahan ¹ Vacancy ² IGIII	M Cullen ¹ F Murphy ² GIII	H Martin ¹ T Doyle ² A Doherty ¹ D O'Connell ⁴ T O'Connell ³ GIII	K Broderick ¹ V Darcy ² B McHugh ² P McNally ¹ GIII	T Murphy ² P Earley ² K Foran ¹ K Kavanagh ¹ GIII	S Notley ¹ F Kerins ¹ M Tiernan ² C Clancy ³ M Convey GIII	T O'Donnell ¹ L O'Neill ² GIII	J Shannon ² N Dooley ¹ J Quinn ¹ E White ¹ D Doran GIII	T O'Sullivan ¹ A Moriarity ² GIII	N Corbett ¹ S McGarry ² M Fitzgerald GIII	M Burke ² (Athlone) F Donnelly ¹ GIII	S McMickan ¹ M Feehan ² C Walsh ¹ GIII
B Guihen O Cahalane EO	C O'Shea EO	M Kavanagh EO	E Walsh E Robinson EO	P Truscott C Hynes Acting EO	E Walsh E Robinson EO	A Brennan C Downes CO	S Duggan CO	J Lynch CO	H Forde EO	W O'Brien CO		

T. Began – Chief Executive		M O'Halloran – ACE Corporate Services			
M Dorgan – ACE Prevention Services		M O'Halloran – ACE Corporate Services			
M O'Neill Programme Manager Legislation & Legal Services	P Donnellan Programme Manager, Customer Service, Enterprise Support, Public Relations FOI		John Moran Head of Finance	A Allen Head of IT	
C Body Legislation COP's Liaison AP	R Roe Workplace Contact Manager (Acting)	K Sluuds Occupational Health Manager	B Rutledge Head of Human Resources		M Gormley – Secondment Planning Evaluation, Manager/Board Secretary AP
	C Kearns Communications Manager P Daly (consultant) Joanne Harmon/ Public Relations ETS Contract				
	C Fitzgerald Vacancy B Guihen FOI HEO	E O'Sullivan V.P.P. GII	J Brophy Training & Development Officer Contract HEO	M Manning A Curran HEO	Y Kobayashi Research & Statistics Officer GIII
A Guerin HEO	T Sullivan PR Officer HEO	P Murray Psychologist F Power GII	G Mathews Acting J Hannigan HEO	M Ryan D Smith Acting HEO	
	N Parnell	S Slater Anti-Bullying Response Unit C Corcoran Contract – Manual Handling Training Project EO	E Lawless	G Griffin Services Manager EO	
	J Kelly Focal Point EO				
	A Morrissey Legal Executive				
I O'Neill CO	B MacCeailligh M Page P Duffy (WC) H Jordan CO	C Prunty CO	Vacancy H Geraghty (Temp) CO	M O'Reilly M Bourke C Maher Contract CO	E Mirza Temp Consultant F O'Brien



NOTES

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