

Reference No: 22/2/2008 LP; **Date:** 22/02/2008

22/2/2008 LP:- The Safety, Health and Welfare at Work Act 2005

22 February 2008

Re: The Safety, Health and Welfare at Work Act 2005

Dear Personnel Officer

I refer to *The Safety, Health and Welfare at Work Act 2005* and wish to remind Departments/Offices of their obligations under the Act. This Act came into force on the 1st September 2005 and is the statutory framework for securing the safety, health and welfare of persons at work. It replaced the Safety Health and Welfare Act 1989.

The Act makes further provision for securing the safety, health and welfare of person at work. It outlines the responsibilities and roles of employers, employees and self employed in relation to health, safety and welfare in the work place.

Heads of Departments/Offices should familiarise themselves fully with the provisions of the Act and understand their legal responsibilities. The following are the main features of the 2005 Act.

Duties of Employer and Employee

The Act sets out the general duties of the employer who will have to ensure, so far as is reasonably practicable, the safety, health and welfare at work of his or her employees. It provides that every employer shall, when providing information to his or her employees on matters relating to their safety, health and welfare at work ensure that the information is given in a form, manner and as appropriate, language that is reasonably likely to be understood by the employees concerned. It lays down the requirements for employers when providing instruction, training and supervision of employees in relation to their safety, health and welfare at work (sections 8 and 10).

It sets out the general duties of employees in relation to their own health, safety and welfare and any other person who may be affected by the employee's acts or omissions at work (section 13).

It sets out the general duties of designers, manufactures, importers and supplier of articles and substances (section 16).

Each Department/Office shall conduct its business in such a way as to ensure, so far as is reasonably practicable, that in the course of the work being carried on,

individuals (not employees) at the place of work are not exposed to risks to their safety, health or welfare. (Section 12)

Risk Assessment and Safety Statement

There is a requirement for employers to identify the hazards in the place of work; assess the risks presented by those hazards and prepare a written statement which shall be known as a “Risk Assessment”. On completion of the risk assessment the employers shall prepare or cause to be prepared, a written statement to be known as the “Safety Statement” (sections 19 and 20). This statement is to be based on the hazards identified and the risk assessment carried out. It must set out how the safety, health and welfare of employees is to be secured and managed in the work place. As the Act is now in force over two years it is expected that all Departments/Offices have complied with these sections of the Act.

Safety Representative

Section 25 of the Act allows for employees to select and appoint a safety representative to represent them in consultation with their employer on matters related to safety, health and welfare at the place of work.

Liability of Employers

Section 80 of the Act introduces new liabilities for employers and senior managers who can now be personally liable for breaches of health and safety legislation.

The above is a very brief synopsis of the contents of the Act and this letter is a reminder to Departments/Offices of their obligations under this Act. The Health and Safety Authority (HSA) has overall responsibility for the administration and enforcement of health and safety at work in Ireland. The HSA monitors compliance with legislation at the workplace and can take enforcement action and is the national centre for information and advice on all aspects of workplace health and safety. The HSA has several publications which give detailed guidance on safety and health management for specific sectors and work activities. Most are available for free download from the Authority’s website at www.hsa.ie.

Yours sincerely

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