

Safety, Health and Welfare at Work (General Application) Regulations 2007

Aisling Butler



William Fry

2007 General Application Regulations



- ▶ Signed into law on 14 June 2007
- ▶ Effective from 1 November 2007
- ▶ Replace 1993 General Application Regulations (save for Part X)
- ▶ Revoke various Regulations
- ▶ Safety, Health and Welfare at Work Act, 2005 (“the 2005 Act”)



Who is the Employer?



- ▶ Definitions in 2005 Act
- ▶ Self-employed persons
- ▶ Temporary employees
- ▶ Trainees
- ▶ Persons in Control of a Place of Work



William Fry

“Reasonably Practicable”



- ▶ 25 references in 2007 Regulations
- ▶ 2005 Act definition

“means that an employer has exercised all due care by putting in place the necessary protective and preventative measures, having identified the hazards and assessed the risks to safety and health likely to result in accidents or injury to health...and where the putting in place of any further measures is grossly disproportionate having regard to the unusual, unforeseeable and exceptional nature of any circumstances or occurrence that may result in an accident at work or injury to health at that place of work”



William Fry

“Reasonably Practicable” cont’d



- ▶ Balance between risks involved in hazard(s) and cost or other measures in remedying them
- ▶ Absence of this term – higher standard required
- ▶ “Practicable” – technologically possible
- ▶ Examples:
 - Regulation 9 – floors not slippery so far as is reasonably practicable
 - Regulation 117 – place of work must be, so far as is reasonably practicable, equipped with devices preventing unauthorised employees from entering danger areas
 - Regulation 129 – hearing protectors are used, so far as is reasonably practicable, where any employee who exposure to noise equals or exceeds the upper exposure action values



“Competent Persons”



- ▶ 2005 Act provides that:

“Person is deemed to be a competent person where: “having regard to the task he or she is required to perform and taking account of the size or hazard (or both) of the undertaking or establishment in which he or she undertakes work, the person possesses sufficient training, experience and knowledge appropriate to the nature of the work to be undertaken”

- ▶ Employer must appoint one or more competent persons to protect from and prevent risks to safety, health and welfare at work



“Competent Persons” cont’d



▶ 2007 Regulations Examples

- Regulation 13 – Fire detection/fire fighting equipment to be serviced by competent person
- Regulation 27 – Definition of “thorough examination” – by competent person
- Regulation 27 – Work equipment to be maintained/repaired etc
- Regulation 30 – Work equipment to be inspected by
- Regulation 40 – Self-propelled work equipment to be used only by competent person



Risk Assessments



- ▶ Section 9, 2005 Act
- ▶ Identify hazards, assess risks
- ▶ Written document
- ▶ Must account for employees and others
- ▶ Take account of work and statutory duties
- ▶ Keep under review/implement improvements



Risk Assessments cont'd



- ▶ 2007 Regulations, examples:
 - Regulation 2(3) – Must account for working alone/in isolation
 - Regulation 89 – Testing and inspecting electrical equipment – Rectify defects
 - Regulation 95 – Work at height – “Organisation, Planning and Risk Assessment”
 - Regulation 108 – Use of safeguards for arresting falls
 - Regulation 111 – Use of rope access – work at height

Risk Assessments cont'd



- ▶ An anomaly:
 - Regulation 111 – Previously required need to refer to risk assessment removed from 2007 Regulations
 - Regulation 115 – Fragile surfaces
 - Regulation 116 – Falling objects



2007 Regulations



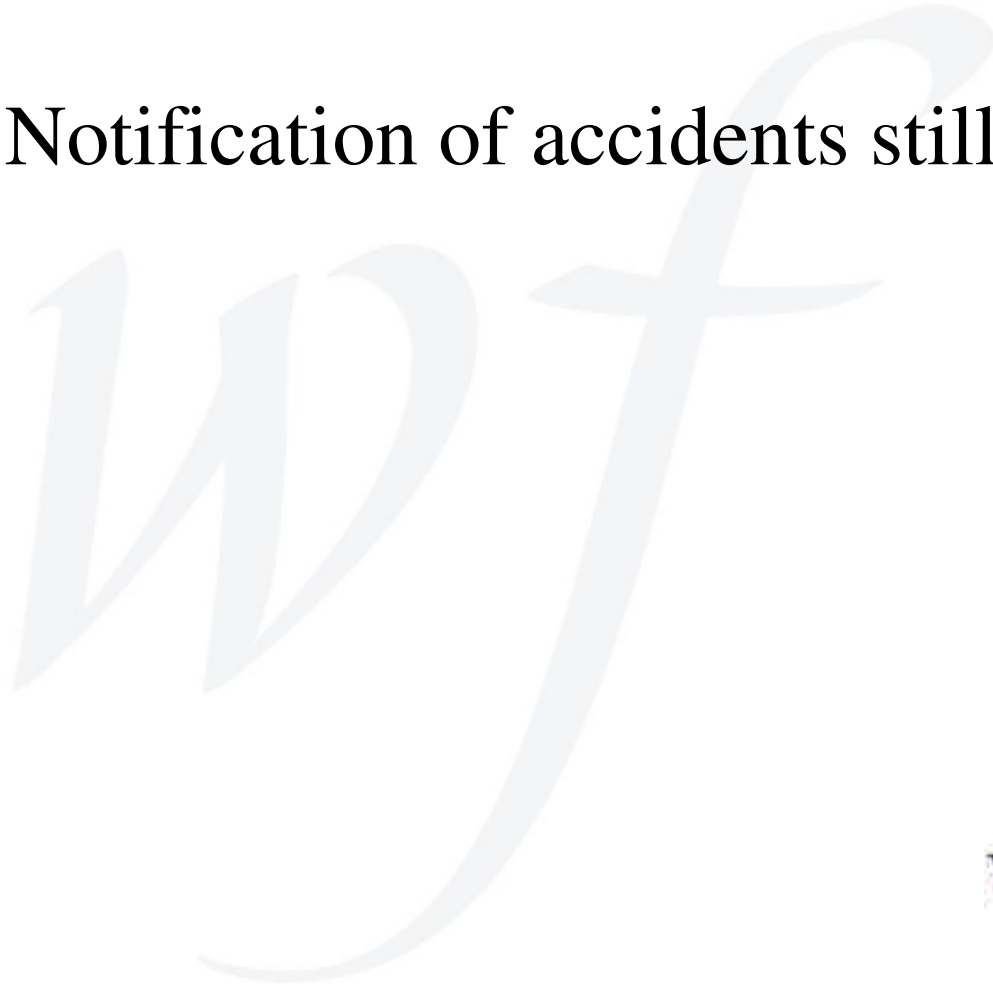
- ▶ Sections of 2005 Act referred to:
 - Section 9 – Information for Employees
Regs 29, 67, 130, 140, 152
 - Section 10 - Instruction, Training & Supervision
Regs 29, 67, 161, 173
 - Section 11 - Emergencies & Serious and Imminent Dangers
Regs 12, 13
 - Section 16 - Duties of Designers, Manufacturers, Importers & Suppliers
Regs 59, 62, 75, 124



1993 General Application Regs



- ▶ Part X – Notification of accidents still in force



William Fry

2007 General Application Regs



▶ Comparison Documents

- Print in black – Regulation already existed
- Print in blue – New
- Print in red – Relates to sections of 2005 Act
- Print in purple – Refers to Schedule to Regulations



William Fry



Aisling Butler
William Fry
Solicitors
Fitzwilton House
Wilton Place
Dublin 2

Direct Dial: +353 1 639 5179
Email: aisling.butler@williamfry.ie

WF821509


William Fry