

## Appendix C

# Safety, Health and Welfare at Work Act 2005 (No. 10 of 2005)

### Section 8

Section 8 of the 2005 Act sets out the general duties of employers including:

(1) Every employer shall ensure, so far as is reasonably practicable, the safety, health and welfare at work of his or her employees.

(2) Without prejudice to the generality of subsection (1), the employer's duty extends, in particular, to the following:

- (a) managing and conducting work activities in such a way as to ensure, so far as is reasonably practicable, the safety, health and welfare at work of his or her employees;
- (b) managing and conducting work activities in such a way as to prevent, so far as is reasonably practicable, any improper conduct or behaviour likely to put the safety, health or welfare at work of his or her employees at risk;
- (c) as regards the place of work concerned, ensuring, so far as is reasonably practicable -
  - (i) the design, provision and maintenance of it in a condition that is safe and without risk to health,
  - (iii) the design, provision and maintenance of plant and machinery or any other articles that are safe and without risk to health;
- (d) ensuring, so far as it is reasonably practicable, the safety and the prevention of risk to health at work of his or her employees relating to the use of any article or substance
- (e) providing systems of work that are planned, organised, performed, maintained and revised as appropriate so as to be, so far as is reasonably practicable, safe and without risk to health;
- (g) providing the information, instruction, training and supervision necessary to ensure, so far as is reasonably practicable, the safety, health, and welfare at work of his or her employees;
- (h) determining and implementing the safety, health and welfare measures necessary for the protection of the safety, health and welfare of his or her employees when identifying hazards and carrying out a risk assessment under section 19 or when preparing a safety statement under section 20 and ensuring that the measures take account of changing circumstances and the general principles of prevention specified in Schedule 3;
  - (i) having regard to the general principles of prevention in Schedule 3, where risks cannot be eliminated or adequately controlled or in such circumstances as may be prescribed, providing and maintaining such suitable protective clothing and equipment as is necessary to ensure, so far as is reasonably practicable, the safety, health and welfare at work of his or her employees;

### Schedule 3

Schedule 3 of the Act outlines the general principles of prevention to be followed in complying with section 8:

1. The avoidance of risks.
2. The evaluation of unavoidable risks.
3. The combating of risks at source.
5. The adaptation of the place of work to technical progress.
6. The replacement of dangerous articles, substances or systems of work by safe or less dangerous articles, substances or systems of work.
7. The giving of priority to collective protective measures over individual protective measures.
8. The development of an adequate prevention policy in relation to safety, health and welfare at work, which takes account of technology, organisation of work, working conditions, social factors and the influence of factors related to the working environment.
9. The giving of appropriate training and instructions to employees.

### Section 12

In addition to the employer's obligation towards the workforce, section 12 of the Act requires that the employer ensure that other persons (not being employees) present at the place of work are not exposed to risks to their health

*Every employer shall manage and conduct his or her undertaking in such a way as to ensure, so far as is reasonably practicable, that in the course of the work being carried on, individuals at the place of work (not being his or her employees) are not exposed to risks to their safety, health or welfare.*

**Section 16**

Section 16 of the Act outlines the requirements for designers, manufacturers, importers and suppliers of articles for use at work.

- (1) *A person who designs, manufactures, imports or supplies any article for use at work shall —*
- (a) *ensure, so far as is reasonably practicable, that the article is designed and constructed so as —*
    - (i) *to be safe and without risk to health when properly used by a person at a place of work.*

**Section 19**

Section 19 of the Act outlines the requirement for employers (and where applicable persons who have control to any extent of a place of work) to carry out a written risk assessment.

- (1) *Every employer shall identify the hazards in the place of work under his or her control, assess the risks presented by those hazards and be in possession of a written assessment (to be known and referred to in this Act as a "risk assessment") of the risks to the safety, health and welfare at work of his or her employees, including the safety, health and welfare of any single employee or group or groups of employees who may be exposed to any unusual or other risks under the relevant statutory provisions.*
- (2) *For the purposes of carrying out a risk assessment under subsection (1), the employer shall, taking account of the work being carried on at the place of work, have regard to the duties imposed by the relevant statutory provisions.*
- (3) *The risk assessment shall be reviewed by the employer where -*
- (a) *there has been a significant change in the matters to which it relates, or*
  - (b) *there is another reason to believe that it is no longer valid and, following the review, the employer shall amend the risk assessment as appropriate.*
- (4) *In relation to the most recent risk assessment carried out by an employer, he or she shall take steps to implement any improvement considered necessary relating to the safety, health and welfare at work of employees and to ensure that any such improvement is implemented in respect of all activities and levels of the place of work.*
- (5) *Every person to whom sections 12 or 15 applies shall carry out a risk assessment in accordance with this section to the extent that his or her duties under those sections may apply to persons other than his or her employees.*

**Note: Sections 8 and 16 are abridged.**