

Safety and Health at Work 2005

The Workplace (General Duties) Regulations, 2007...

The Minister in exercise of the powers conferred on him by section 108 of the Safety and Health at Work Act 2005 makes the following regulations:

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| Citation | 1. These Regulations may be cited as the Workplace (General Duties) Regulations, 2007 ... |
| Application of the Regulations | 2. These Regulations shall apply to all premises that are workplaces within the meaning of the Safety and Health at Work Act . |
| Definitions | 3. In these Regulations, unless the context otherwise requires,-

"article for use in any workplace" means -

a) any plant designed for use or operation (whether exclusively or not) by persons employed in any workplace; and

b) Any article designed for use as a component in any such plant;

"conditional sale agreement" means an agreement for sale of goods under which the purchase price or part of it is payable by installments, and the property in the goods is to remain in the seller (notwithstanding that the buyer is to be in possession of the goods) until such conditions as to the payment of installments or otherwise as may be specified in the agreement are fulfilled;

"credit-sale agreement" means an agreement for the sale of goods, under which the purchase price or part of it is payable by installments, but which is not a conditional sale agreement;

"hire purchase agreement" means an agreement other than a conditional sale agreement, under which -

(a) goods are bailed or hired in return for periodical payment by the person to whom they are bailed or hired; and |

- (b) the property in the goods will pass to that person if the terms of the agreement are complied with and one or more of the following occurs:
 - (1) The exercise of an option to purchase by that person;
 - (ii) the doing of any other specified act by any party to the agreement;
 - (iii) the happening of any other event;
 - and
 - "hire-purchase" shall be construed accordingly;

"plant" includes any machinery, equipment or appliance;

"substance" means any natural or artificial substance, whether in solid or liquid form or in the form of a gas, including vapour, mist, dust or fume;

"substance for use at work" means any substance intended for use (whether exclusively or not) by persons at work in any workplace;

"supply", where the reference is to supplying articles, means supplying them by way of sale, lease, hire or hire-purchase, whether as principal or agent for another.

General duties of employers to employees

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 - (1) It shall be the duty of every employer to ensure, so far as is reasonably practicable, the safety, health and welfare at work of all persons employed by him in any workplace.
 - (2) Every workplace shall be of sound construction so far as is reasonably practicable and, kept in a manner so as to be safe and without risk to health.
 - (3) No occupier or employer shall carry on any work or put into use any equipment, article or substance in the workplace unless a suitable and sufficient assessment of the risk likely to arise in the circumstances and of the steps taken to eliminate or minimize such risk to safety or health has been undertaken
 - (4) Without prejudice to the generality of an employer=s duty under paragraph (1) the matters to which that duty extends include in particular –

- (a) the provision and maintenance of plant and systems of work in the workplace that are, so far as is reasonably practicable, safe and without risks to health;
 - (b) Arrangements in the workplace for ensuring, so far as is reasonably practicable, safety and absence of risks to health in connection with the use, handling, storage and transport of articles and substances;
 - (c) the provision of such information, instruction, training and supervision as is necessary to ensure, so far as is reasonably practicable, the safety and health at work of his employees;
 - (d) so far as is reasonably practicable, as regards any place of work under the employer=s control, the maintenance of it in a condition that is safe and without risks to health and the provision and maintenance of means of access to and egress from it that are safe and without such risks;
 - (e) the provision and maintenance of a working environment for his employees that is, so afar as is reasonably practicable, safe, without risks to health and adequate as regards facilities and arrangements for their welfare at work.
- (5) Except in such cases as may be prescribed, it shall be the duty of every employer to prepare and as often as may be appropriate, revise a written statement of his general policy with respect to the safety and health at work of his employees and the organisation and arrangements for the time being in force for carrying out that policy, and to bring the statement and any revision of it to the notice of all his employees.

General duties of employers and self employed persons to other than their employees

(6) It shall be the duty of every employer to make suitable arrangements for consultations with his employees or their representatives with a view to the making and the maintenance of arrangements which will enable him and others acting on behalf of him and his employees to co-operate effectively in promoting and developing measures to ensure the safety and health of the employees and in checking the effectiveness of such measures.

5. (1) It shall be the duty of every employer to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment who may be affected thereby are not exposed to risks to their safety and health.

(2) It shall be the duty of every self-employed person to conduct his undertaking in such a way as to ensure so far as is reasonably practicable, that he and other persons (not being his employees) who may be affected thereby are not thereby exposed to risks to their safety or health.

General duties of manufacturers etc, as regards articles and substances for use in workplaces

6. (1) It shall be the duty of any person who designs, manufactures, imports or supplies any article for use in any workplace -

(a) to ensure, so far as is reasonably practicable, that the article is so designed and constructed as to be safe and without risks to health when properly used;

(b) To carry out or arrange for the carrying out of such Testing and examination as may be necessary for the performance of the duty imposed on him by the preceding sub-paragraph;

(c) To take such steps as are necessary to ensure that there will be available in connection with the use of the article at work adequate information about the use for which it is designed and has been tested, and about any conditions necessary to ensure that, when put to that use, it will be safe and without risks to health.

- (2) It shall be the duty of any person who undertakes the design or manufacture of any article for use in any workplace to carry out or arrange for the carrying out of any necessary research with a view to the discovery and, so far as is reasonably practicable, the elimination or minimisation of any risks to safety or health to which the design or article may give rise.
- (3) It shall be the duty of any person who erects or installs any article for use in any workplace to ensure, so far as is reasonably practicable, that nothing about the way in which it is erected or installed makes it unsafe or a risk to health when properly used.
- (4) It shall be the duty of any person who manufactures, imports or supplies any substance for use in any workplace -
 - (a) To ensure, so far as is reasonably practicable, that the Substance is safe and without risks to health when Properly used;
 - (b) To carry out or arrange for the carrying out of such testing and examination as may be necessary for the performance of the duty imposed on him by the preceding sub-paragraph;
 - (c) To take such steps as are necessary to ensure that there will be available in connection with the use of the substance at work adequate information about the results of any relevant tests which have been carried out on or in connection with the substance and about any conditions necessary to ensure that it will be safe and without risks to health when properly used.
- (5) It shall be the duty of any person who undertakes the manufacture of any substance for use at work in any workplace to carry out or arrange for the carrying out of any necessary research with a view to the discovery and, so far as is reasonably practicable, the elimination or minimisation of any risks to safety or health to which the substance may give rise.

- (6) Nothing in the preceding provisions of this Regulation shall be taken to require a person to repeat any testing, examination or research which has been carried out otherwise than by him or at his instance, in so far as it is reasonable for him to rely on the results thereof for the purposes of those provisions.
- (7) Any duty imposed on any person by any of the preceding provisions of these Regulations shall extend only to things done in the course of a trade, business or other undertaking carried on by him (whether for profit or not) and to matters within his control.
- (8) Where a person designs, manufactures, imports or supplies an article for or to another on the basis of a written undertaking by that other to take specified steps sufficient to ensure, so far as is reasonably practicable, that the article will be safe and without risks to health when properly used, the undertaking shall have the effect of relieving the first-mentioned person from the duty imposed by paragraph (1) (a) above to such extent as is reasonable having regard to the terms of the undertaking.
- (9) Where a person ("the ostensible supplier") supplies any article for use at work or substance for use at work to another ("customer") under a hire-purchase agreement, conditional sale agreement or credit-sale agreement, and the ostensible supplier -
- (a) carries on the business of financing the acquisition of goods by others by means of such agreements; and
 - (b) in the course of that business acquired his interest in the article or substance supplied to the customer as a means of financing its acquisition by the customer from a third ("the effective supplier"),

the effective supplier and not the ostensible supplier shall be treated for the purpose of this Regulation as supplying the article or substance to the customer, and any duty imposed by the preceding provisions of this Regulation on suppliers shall accordingly fall on the effective supplier and not on the ostensible supplier.

General duties of employees at work

(10) For the purposes of this Regulation an article or substance is not to be regarded as properly used where it is used without regard to any relevant information or advice to its use which has been made available by a person by whom it was designed, manufactured, imported or supplied.

7. It shall be the duty of every employee while at work -

(a) to take reasonable care for the safety and health of himself and of other persons who may be affected by his acts or omissions at work; and

(b) as regards any duty or requirement imposed on his employer or any other person by or under any of the relevant statutory provisions, to co-operate with him so far as is necessary to enable that duty or requirement to be performed or complied with.

Duty not to interfere with or misuse things provided pursuant to certain provisions

8. No person shall intentionally or recklessly interfere with or misuse anything provided in the interest of safety, health or welfare in pursuance of any of the relevant statutory provisions.

Made by the Minister this day of 2007..