

## Are you ready for the Act?

With the coming into force of this legislation, maybe now is the ideal time to re-focus yourself and your company on safety promotion. Irrespective of whether your company is involved in manufacturing or is a service organisation, it has a statutory obligation, under the SHWW Act, 2005, to operate in a way, which safeguards the health and safety of your workforce. With regard to "Duties" and "Rights" under the new Act please see below:



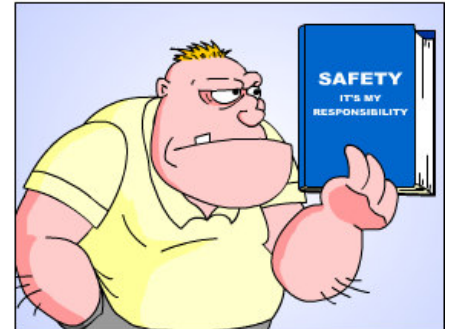
### Employers Duties

- To manage health and safety
- Ensure, in so far as is reasonably practicable, the prevention of risk to employees' health from exposure to noise, vibration, ionising/other radiation and other physical agents
- Provide employees with training, information and supervision in a form, manner and, as appropriate, a language that is reasonably likely to be understood
- Provide training on the commencement of employment, in the event of a transfer or change of task, or the introduction of new systems of work or technology
- Inform employees of emergencies and serious imminent or unavoidable dangers, and to take action and instruct employees to stop work and/or leave the place of work and proceed to a safe place
- When appointing competent person/s, to ensure the number appointed and the time available to them is adequate, having regard to the size of the workplace, the risks to which employees are exposed and the distribution of those risks in the place of work and to provide the competent persons with information on the factors that affect health and safety
- Review risk assessment and safety statements when there has been a significant change or there is another reason to believe the risk assessment is no longer valid and following the review, to amend as appropriate
- Bring safety statements to employees' attention on commencement of employment and annually - and to have the safety statement or a relevant extract from it available in every workplace
- Require employers from whom it contracts services to have an up-to-date safety statement
- Co-operate with other employers where workplaces are shared



## Employee Duties

- Comply with legislation to take reasonable care to protect their own safety and that of others
- Ensure that he/she is not under the influence of a toxicant to an extent of endangering their health & safety.
- Submit to any reasonable tests for intoxicants. (Testing for being under the influence of intoxicants will not come into force until regulations are introduced)
- Co-operate with employer (procedures etc.)
- Use appropriate PPE
- Report known defects
- Intentional or reckless misuse equipment, or engage in horseplay likely to endanger their safety
- Attend such training as may be reasonably required by employer
- If suffering from a disease or illness that adds to risks, to tell their employer
- Following training & instruction make correct use of articles and substances including PPE
- Report any defects in place, system of work, article, substance
- Report any contravention of health & safety legislation



## Employee Rights

With regard to Information employees must be informed of:

- Hazards and risks at the workplace
- Protective and Preventative measures to be taken
- The names of persons with responsibility for the emergency plans
- The name of the Safety Representative

With regard to Safety & Health Training employees must be trained:

- When first recruited
- On transfer and change of task
- When new technology and work equipment or systems of work are introduced
- If required by safety and health legislation (e.g. Manual Handling)

With regard to Consultation employees must be consulted on:

- Activities arising from protection and prevention of risks
- Appointment of a competent person for the purpose of ensuring safety and health
- The planning and organisation of any training
- The introduction of new technologies

## Other People who have Duties

Manufacturers, importers and suppliers (including designers, installers and erectors) also have duties:

- Articles designed are safe and without risk to health
- Comply with statutory provisions
- Are adequately tested
- Provide adequate information

Certain elements of the new Act will require further regulations. These elements include testing for intoxicants and drugs, health surveillance and on-the-spot fines. These new regulations are likely to be part of an updated General Application Regulations (replacing the replacing the General Application Regulations 1993) to be published in the coming months. There is likely to be 16 parts in the regulations, covering issues such as noise, vibration, signs etc- as well as the issues already covered in the 1993 Regulations.

