

Health and Safety at Work Act

The Health and Safety at Work Act 1974 provides a broad framework within which health and safety can be regulated. It applies to all industries and puts the emphasis on the employer's responsibility to manage health and safety. Under Section 2 of this Act "it shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all employees".

Employers' duties

The Act places general duties on employers to:-

- prepare a written statement of the company health and safety policy and the organisation and arrangements for carrying out the policy. The policy must be brought to the attention of all employees and must also be updated from time to time as necessary.
- ensure that plant, machinery and equipment is safe and without risk to health
- ensure that no risks to health or safety arise from the use, handling, storage or transportation of articles (e.g. machines) or substances (such as chemicals or gases)
- ensure that systems of working are safe, that there is adequate supervision and that all agreed safety procedures are carried out effectively
- ensure that the place of work and/or buildings are safe and without risk to health and that there are safe means of access to and egress from the place of work
- provide a working environment that is safe and without risk to health
- provide all employees with sufficient training to ensure their health and safety at work
- provide information about health and safety in the company to all employees
- provide and ensure the use of protective equipment or clothing where appropriate. Where such protective equipment is required under a specific Regulation, e.g. The Protection of Eyes Regulations, 1974, The Noise at Work Regulations 1989 and The Control of Substances Hazardous to Health Regulations 1988, such equipment is to be provided without charge to employees
- provide adequate facilities and arrangements for the employees' welfare at work
- ensure that in carrying out the work of the company there are no risks to the health and safety of the public.

Furthermore the duty to consult safety reps and establish safety committees is stipulated in Section 2 of the HSW Act.

Manufacturers and Suppliers

Under the Act, designers, manufacturers, importers and suppliers of articles or substances for use at work are required to:

- design articles which are intrinsically safe and without risk to health or, where this is not feasible, design adequate safeguards for them
- carry out (or arrange to have carried out) research to discover and eliminate or minimise any risks to health or safety to which the design, article or substance may give rise
- carry out (or arrange to have carried out) tests if these are necessary, to ensure that the article or substance is safe and without risk to health when properly used
- provide information about how it can be used safely and without risk to health, including adequate information about the results of any tests; and
- install any article for use at work in a manner which makes it safe and without risk to health when properly used.

Employees' duties

Under the Act, employees are required:

- to take reasonable care to ensure that they do not endanger themselves or anyone else who may be affected by their activities at work
- to co-operate with their employers and others in meeting the employers' legal duty on health and safety
- not intentionally or recklessly to interfere with anything provided in the interests of health, safety or welfare.