

Evaluation of the EU Occupational Safety and Health Directives

COUNTRY SUMMARY REPORT FOR IRELAND

VC/2013/0049



COWI

IOM 

milieu
Law & Policy Consulting

June 2015

This Report has been prepared for COWI under Service Contract VC/2013/0049. It was completed by Richard Graveling & Thomas Winski. Milieu was responsible for overall editing of the report.

The views expressed herein are those of the consultants alone and do not necessarily represent the official views of the European Commission.

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ABBREVIATIONS USED

CIF	Construction Industry Federation
CPM	Common Processes and Mechanisms
DJEI	Department of Jobs, Enterprise and Innovation
FIF	Federation of Irish Fishermen
CoP	Code of Practice
HSA	Health and Safety Authority
Ibec	Irish Business and Employers' Confederation
ICTU	Irish Congress of Trade Unions
IMEG	Irish Mining and Exploration Group
ISME	Irish Small and Medium Enterprises Association
L _{EX}	Exposure Level
MS	Member States
MQ	Mapping Questions
NISO	National Irish Safety Organisation
OSH	Occupational Safety and Health
PPE	Personal Protective Equipment
REACH	Registration, Evaluation, Authorisation and restriction of Chemicals
SHWW	Safety Health & Welfare at Work
UCATT	Union of Construction, Allied Trades and Technicians
WCU	Workplace Contact Unit

INTRODUCTION

General introduction to the report

This report presents a review of the main features of the practical implementation of 24 EU occupational safety and health (OSH) Directives in Ireland. The information in this report has been gathered between October 2013 and June 2014. This Country Summary Report, together with the Summary Reports prepared for each of the other Member States, aims at mapping the implementation of the OSH Directives in the EU as a whole. It is based on a desk-study and interviews with national stakeholders (see Annex II for details on interviews carried out) and is one of the sources of information for the overall evaluation of the implementation. The Country Summary Reports will form an Appendix to the Final Report, which will compile the results of the evaluation and the associated recommendations.

This review is based on seven key mapping questions, which will inform the evaluation of the implementation of the OSH Directives in all Member States and the EU in general. The seven general Mapping Questions (MQs), which have been defined by the Commission and are answered in this Country Summary Report are the following:

Mapping question
MQ1: "Across the Member States, how are the different 'common processes' and 'mechanisms' foreseen by the Directives put in place and how do they operate and interact with each other?"
MQ2: "What derogations and transitional periods are applied or have been used under national law under several of the Directives concerned?"
MQ3: "What are the differences in approach to and degree of fulfilment of the requirements of the EU OSH Directives in private undertakings and public-sector bodies, across different sectors of economic activity and across different sizes of companies, especially for SMEs, microenterprises and self-employed?"
MQ4: "What accompanying actions to OSH legislation have been undertaken by different actors (the Commission, the national authorities, social partners, EU-OSHA, Eurofound, etc.) to improve the level of protection of health and safety at work and to what extent are they actually used by companies and establishments to pursue the objective of protecting health and safety of workers? Are there any information needs that are not met?"
MQ5: "What are the enforcement (including sanctions) and other related activities of the competent authorities at national level and how are the priorities set among the subjects covered by the Directives?"
MQ6: "What are the differences of approach across Member States and across establishments with regard to potentially vulnerable groups of workers depending on gender, age, disability, employment status, migration status, etc., and to what extent are their specificities, resulting in particular from their greater unfamiliarity, lack of experience, absence of awareness of existing or potential dangers or their immaturity, addressed by the arrangements under question?"
MQ7: "What measures have been undertaken by the Member States to support SMEs and microenterprises (e.g. lighter regimes, exemptions, incentives, guidance, etc.)?"

The template is structured according to these mapping questions.

1 MAPPING QUESTION 1: STRUCTURAL COMPONENTS OF HEALTH AND SAFETY DIRECTIVES

This first section focuses on how the national legal and institutional frameworks have been designed to reflect the main common processes and mechanisms (CPMs) of each Directive. It includes:

- A review of the national transposing legislation and the general structure of the legal framework;
- Mechanisms of coordination amongst the different authorities responsible for the implementation of the directives;
- The identification of any delays in transposing directives, focusing on most recent ones;
- Differences between the Directives' requirements and the national ones, looking at observed discrepancies, more stringent and more detailed provisions;
- Interactions between CPMs as embedded in the legislation.

1.1 GENERAL LEGAL FRAMEWORK

National safety and health legislation in conjunction with the OSH Framework Directive 89/391/EEC was transposed in Ireland through the Safety Health and Welfare at Work Act 1989. Prior to this Act an extensive range of occupational safety and health legislation had been on the edict and applied in Ireland since the foundation of the State¹. This Act was updated in 2005 to the Safety Health and Welfare at work (SHWW) Act. The Irish legislation in the area of (occupational) health and safety covers all types and sectors, without distinction, including the public sector and SMEs.² The enforcement body competent for (occupational) health and safety issues and the procedures in case of infringement in the public sector is also the same as in the private sector.³

In Ireland, OSH legislation is structured around a single enabling Act (SHWW Act 2005) and regulations made under that Act. Significant proposals for legislation were drafted in 2007, which, following on from the SHWW Act 2005, have substantially modernised and simplified safety and health legislation in Ireland. This programme of regulatory reform culminated in the introduction of the Safety, Health and Welfare at Work (General Applications) Regulations 2007 (S.I. No. 299 of 2007) (SHWW General App (2007)). These Regulations replace, simplify and update 25 existing sets of regulations and orders and apply to all places of work. In addition, during the 2007-2012 period, regulations were introduced to further clarify or complete transposition of EU legislation, as necessary.

Several infringement cases were initiated against Ireland in relation to different OSH related Directives, in particular Directive 1999/92/EC (ATEX), Directive 2002/44/EC (vibration), Directive 2003/10/EC (noise), and Council Directive 98/24/EC (chemical agents at work). All these cases are linked to non-communication of transposing measures but the infringement proceedings are now closed as national measures have been adopted and notified following reasoned opinion or letter of formal notice. Three cases related to Directive 89/391/EEC (Framework Directive) and Directive

¹ The deficiencies of the earlier regime were identified in 1983 by the Report of the Commission of Inquiry on Safety Health and Welfare at Work (Barrington Report) which resulted subsequently in the adoption of the Safety Health and Welfare at Work Act 1989. The Safety Health and Welfare at Work Act 1989 constituted a framework measure which extended the scope of occupational safety and health regulation to all places of work. This model is retained in the subsequent Safety Health and Welfare at work (SHWW) Act 2005. The most significant feature of the 1989 scope is that it provided an expression for the first time of a body of common provisions applicable to all workers.

² Article 2(3) of the Safety, Health and Welfare at Work Act, 2005 states that "a person holding office under, or in the service of, the State (including a civil servant within the meaning of the Civil Service Regulation Act 1956) is deemed to be an employee employed by the State or Government, as the case may be".

³ http://www.hsa.ie/eng/Publications_and_Forms/Publications/Corporate/customer_charter_09.pdf

92/57/EEC (temporary or mobile construction sites) were concerned with non-conformity and are now closed.

The following table provides an overview of the approach to transposition, indicating whether there is one law covering all OSH issues (O) as opposed to transposition spread over different acts (S). It then lists transposing national legislation per directive, specifying whether there was legislation existing prior to transposition. In many instances, the current directives have been updated since the initial promulgation of a directive on that subject. As a result, the national legislation often pre-dates the directive shown but does not necessarily predate the earlier version. The indication of pre-existing legislation (or not) shown in the fifth column relates to the first version of any directive. Finally, it identifies any infringement proceedings, which were mentioned in an overview table provided by the Commission.

Table 1- 1 General Legal Framework⁴

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
Directive 89/391/EEC (Framework Directive)	○		Safety, Health and Welfare at Work Act, 2005 (No.10 of 2005), SHWW Act 2005	Y	Infringement cases 1995/2136 and 1997/4784 on non-conformity – cases closed Infringement Proceedings 95/2136, relating to Directive 89/391/EEC Articles 5 (1) and (4) and "insofar as is reasonably practicable" extended to Reasoned Opinion in 2001 ⁵ . Case closed upon enactment of 2005 Act.
Council Directive 89/654/EEC (workplace)	○		Safety, Health and Welfare at Work (General Application) Regulations 2007 (S.I. No.299 of 2007). Chapter 1. Workplace, SHWW General App (2007)	Y	
Directive 2009/104/EC (work equipment)	○		Safety, Health and Welfare at Work (General Application) Regulations 2007. Chapter 2. Use of work equipment. Revised ⁶	Y	
Council Directive 89/656/EEC (PPE)	○		Safety, Health and Welfare at Work (General Application) Regulations 2007. Chapter 3. PPE	N	
Council	○		Safety, Health and Welfare at Work	Y	

⁴ Transposing legislation is the most recent. Prior legislation refers to any legislation prior to the first directive covering this issue.

⁵ It should be noted that there were protracted bilateral discussions and exchanges of material that ultimately led to mutually agreed outcomes in terms of shared understandings about the content and effect of legislative provisions applying in Ireland.

⁶ As amended by Safety, Health and Welfare at Work (General Application)(Amendment) Regulations 2007 (S.I. No. 732 of 2007).

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
Directive 92/58/EEC (OSH signs)			(General Application) Regulations 2007. Part 7: Safety signs and first aid. Chapter 1. Safety Signs at Places of Work		
Directive 1999/92/EC (ATEX)	○		Safety, Health and Welfare at Work (General Application) Regulations 2007. Part 8: Explosive atmospheres at places of work	N	Infringement No. 03/0766/IE: case of non-communication - Closed case - national measures adopted and notified following letter of formal notice
Council Directive 90/269/EEC (manual handling of loads)	○		Safety, Health and Welfare at Work (General Application) Regulations 2007. Chapter 4. Manual handling	N	
Council Directive 90/270/EEC (display screen equipment)	○		Safety, Health and Welfare at Work (General Application) Regulations 2007. Chapter 5. Display Screen Equipment	N	
Directive 2002/44/EC (vibration)	○		Safety, Health and Welfare at Work (General Application) Regulations 2007. Part 5: Physical Agents. Chapter 2. Control of vibration at work	N	Infringement No. 05/800/IE: case of non-communication. Closed case - national measures adopted and notified following reasoned opinion
Directive 2003/10/EC (noise)	○		Safety, Health and Welfare at Work (General Application) Regulations 2007. Part 5: Physical Agents. Chapter 1. Control of noise at work	N	Infringement No. 06/452/IE: case of non-communication. Closed case - national measures adopted and notified following letter of formal notice
Directive 2004/40/EC (electromagnetic fields)			<i>This Directive has not been transposed.</i>		
Directive 2006/25/EC (artificial optical radiation)	○		Safety, Health and Welfare at Work (General Application) (Amendment) Regulations 2010 (S.I. No.176 of 2010) ⁷ , SHWW General App amendment (2010)	N	

⁷ Inserting Part 9: Control of Artificial Optical Radiation at Work into the Safety, Health and Welfare at Work (General Application) Regulations 2007 (S.I. No. 299 of 2007) as amended by the Safety, Health and Welfare at Work (General Application) (Amendment) Regulations 2007 (S.I. No. 732 of 2007).

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
Directive 2004/37/EC (carcinogens or mutagens)	○		Safety, Health and Welfare At Work (Carcinogens) Regulations, 2001, SHWW Carcinogens (2001)	Y	
Council Directive 98/24/EC (chemical agents at work)	○		Safety, Health and Welfare At Work (Chemical Agents) Regulations, 2001 (S.I. No.078 of 2001), SHWW Chemical Agents (2001)	Y	Infringement No. 01/0386/IE: case of non-communication. Closed case – national measures adopted and notified following reasoned opinion
Directive 2009/148/EC (asbestos)		S	Safety, Health and Welfare at Work (Exposure to asbestos) Regulations 2006 (S.I. No.386 of 2006), SHWW Asbestos (2006) Safety, Health and Welfare at Work (Exposure to asbestos) (Amendment) Regulation 2010 (S.I. No.589/2010)	Y	
Directive 2000/54/EC (biological agents)	○		This Directive was previously transposed in Ireland through the Safety, Health and Welfare at Work (Biological Agents) Regulations 1994 and the Safety, Health and Welfare at Work (Biological Agents) (Amendment) Regulations 1998. The 1994 and 1998 Regulations are repealed and replaced by the Safety, Health and Welfare at Work (Biological Agents) Regulations 2013 (S.I. No.572 of 2013), SHWW Biological Agents (2013) .	N	
Council Directive 92/57/EEC (temporary or mobile construction sites)	○		Safety, Health and Welfare at Work (Construction) Regulations 2013 (S.I. No.291 of 2013), SHWW Construction (2013)	N	Infringement case 2008/2329 on non-conformity – case closed. Commencement of infringement proceedings (2009) on the transposition measures of Directive 92/57/EEC (Temporary Mobile Sites Directive). ⁸ Case closed upon introduction of Construction Regs (S.I. No. 291 of 2013).
Council		S	Safety, Health and Welfare at Work	Y	

⁸ Main issue: definition of client to include domestic homeowners. It should be noted that there were protracted bilateral discussions and exchanges of material that ultimately led to mutually agreed outcomes in terms of shared understandings about the content and effect of legislative provisions applying in Ireland.

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
Directive 92/104/EEC (surface and underground mineral-extracting industries)			(Extractive Industries) Regulations 1997 (S.I. No.467 of 1997) Safety, Health and Welfare at Work (Quarries) Regulations 2008 (S.I. No.28 of 2008), SHWW Quarries (2008) Safety, Health and Welfare at Work (Quarries) (Amendment) Regulations 2013 (S.I. No.9 of 2013)		
Council Directive 92/91/EEC (mineral-extracting industries through drilling)		S	Safety, Health and Welfare at Work Offshore Installations 1991 (S.I. No.10 of 2005) Safety, Health and Welfare at Work (Extractive Industries) Regulations 1997 (S.I. No.467 of 1997)	Y	
Council Directive 92/29/EEC (medical treatment on board vessels)	O		European Communities (Minimum Safety and Health Requirements For Improved Medical Treatment on Board Vessels) Regulations, 1997 (S.I. No.506 of 1997)	N	
Council Directive 93/103/EC (work on board fishing vessels)	O		Safety health and welfare at work (fishing vessels) Regulations 1999 (S.I. No.325 of 1999), SHWW Fishing Vessels (1999)	N	
Council Directive 92/85/EEC (pregnant/breastfeeding workers)	O		Safety, Health and Welfare at Work (General Application) Regulations 2007. Part 6: Sensitive Risk Groups. Chapter 1. Protection of Pregnant, Post Natal and Breastfeeding Employees	N	
Council Directive 91/383/EEC (temporary workers)	O		Safety, Health and Welfare at Work Act 2005	N	
Council Directive 94/33/EC (young people at work)	O		Safety, Health and Welfare at Work (General Application) Regulations 2007. Part 6: Sensitive Risk Groups. Chapter 1. Protection of Children and Young Persons.	Y	

1.2 GENERAL INSTITUTIONAL FRAMEWORK

This section presents key policy documents and describes the institutional structure together with roles and responsibilities of the main authorities and other stakeholders. It reviews all mechanisms and structures for coordination amongst those authorities in the framework of the transposition and

implementation of the directives. Control and enforcement authorities will be covered under Section 5 below.

Ireland currently has a national OSH Strategy of the Health and Safety Authority (HSA) which runs from 2013 to 2015. The HSA will deliver this strategy through the development and implementation of annual programmes of work which will be submitted to the Minister for approval. These programmes of work will provide details of the specific topics, projects and collaborations the HSA has planned to support the achievement of its strategic priorities.

Competences over OSH in the private and public sector are attributed to the Health and Safety Authority, which reports directly to the Minister overseeing the Department of Jobs, Enterprise and Innovation (DJEI). The HSA has its own health and safety inspectorate responsible for inspecting and enforcing OSH legislation. The health and safety inspectorate is distinct and separate from the labour inspectorate in Ireland. The HSA is the national centre for information and advice to employers, employees and self-employed on all aspects of workplace health and safety. The Authority also promotes education, training and research in the field. To ensure compliance with the legislation, the HSA seeks, primarily, to reduce workplace accidents by providing guidance and support to employers and employees. Inspectors of the HSA carry out reactive and pro-active inspections of workplaces. Reactive inspections may arise following an accident, incident or complaint. Pro-active inspections may be routine or targeted.

Overall responsibility for occupational safety and health policy at national level lies with the Minister for Jobs, Enterprise and Innovation. The Department of Jobs, Enterprise and Innovation is responsible for formulating and developing national OSH policy. It works closely with the Health and Safety Authority (HSA) which has a statutory mandate to implement safety and health policy at all places of work, through the delegated powers from the Minister for Jobs, Enterprise and Innovation under the Safety, Health and Welfare at Work Act 2005.

The HSA is an independent, statutory, semi-State body with responsibility for the administration and enforcement of occupational health and safety legislation in Ireland. The HSA is also responsible for the implementation, within Ireland, for a number of EU frameworks governing chemicals.

The Authority is led by a twelve-member, tripartite Board of the HSA, with nominees from the social partners and other interests concerned with safety and health in the workplace. The appointment of the Board of the Authority of the HSA is a function of the Minister for Jobs, Enterprise and Innovation under the Safety, Health and Welfare at Work Act, 2005.

The primary pieces of legislation under which the HSA operates are the Safety, Health and Welfare at Work Act 2005 and the Chemicals Acts 2008 and 2010. The HSA works to a 3 year Statement of Strategy and an Annual Work Programme, both approved by the Minister under the 2005 Act.

The Safety Health and Chemicals Policy Unit of the DJEI serves as the liaison mechanism between the HSA and the DJEI. and is responsible for, inter alia, formulating and developing the OSH policy.

1.2.1 Key policy documents

The Health and Safety Authority (HSA) must under its statutory responsibilities submit all its draft multi-annual statements of national strategy, annual programmes of work and annual reports in advance to the Minister for Jobs, Enterprise and Innovation for approval.

The **Ireland OSH Strategy Statement 2013-2015**⁹ was developed by the HSA. It included a period of

⁹ HSA Strategy Statement 2013-2015:
http://www.hsa.ie/eng/Publications_and_Forms/Publications/Corporate/Strategy_Statement_2013.pdf

public consultation. The strategy sets out the HSA mandate, mission, vision, strategic outcomes and priorities up to the end of 2015. The strategy is intended to set the overall direction for the Authority's activities during this time.

The **HSA Programme of Work 2013**¹⁰ sets out the work plan for the first year of the new strategy (see above). It reflects what are regarded as unacceptable levels of work-related deaths and injuries in the agriculture sector despite reductions in fatalities in other sectors. In addition to bringing stakeholders together and developing action plans, the Health and Safety Authority planned to lead a campaign of awareness raising around specific risks and to "conduct a high number of inspections in this sector during 2013". This reflects a general policy of concentrating on visiting workplaces with the highest risk levels. The fishing sector is also a concern, again with a high level of fatalities. It was planned to develop practical guidance on safety for those who fish from small boats.

The **HSA Annual Report for 2012**¹¹ provides the background to the development of the 2013 strategy. It takes as a theme its approach of supporting Irish enterprises primarily through the provision of information and advice, and enforcing where necessary. One headlining element was the observation that over half of all work-related deaths in 2012 occurred in the farming and fishing sectors, which clearly elicited immediate action reflected in the strategy for 2013 outlined above.

1.2.2 Main authorities and stakeholders

The **Health and Safety Authority** (HSA) has overall responsibility for the administration and enforcement of health and safety at work in Ireland and is the sole enforcing authority for OSH in Ireland.

Its role includes both the making of proposals to the Minister regarding new laws and standards on safety and health at work and the inspection of all places of work, and the monitoring of compliance with occupational health and safety laws. It has responsibility for almost all work activities, including onshore industry; the offshore industry; major hazards onshore; REACH; the fishing industry; and the public sector, including the emergency services. It also has responsibility for road transport and road accidents at work. However, it does not have direct responsibility for railway safety. It enforces occupational health and safety law, promotes accident prevention, and provides information and advice.

The HSA operates under the auspices of the **Department of Jobs, Enterprise and Innovation** (DJEI). The **Health and Safety Policy Section** of the DJEI acts as a liaison mechanism between the HSA and the Department.

The functions of the Health and Safety Policy Section in this regard are to:

- formulate and develop policy relating to workplace health and safety, including reviewing legislative requirements and "work environment" developments on an ongoing basis;
- monitor and support the activities of the HSA;
- advise and inform the Minister and management of the DJEI on matters relating to workplace health and safety;
- interact with the HSA and other Government Departments, State Agencies and the European Commission on matters relating to workplace health and safety.

¹⁰ HSA Programme of Work 2013:

http://www.hsa.ie/eng/Publications_and_Forms/Publications/Corporate/programme_of_Work_2013.pdf

¹¹ HSA Annual Report 2012:

http://www.hsa.ie/eng/Publications_and_Forms/Publications/Corporate/annual_report_12.pdf

The HSA is structured into three Divisions, two of which (Operational Compliance and Prevention; and Chemicals and Prevention) deliver prevention and compliance programmes across a range of sectors and risks; with Operational Compliance taking the lead those sectors where the risks of fatality, injury or ill health are highest and where employer awareness and observed compliance is lowest.

Amongst the social partners, leading stakeholders amongst the employers are:

- Irish Business and Employers' Confederation (Ibec). Ibec represents Irish businesses, spanning all sizes and every sector of the economy;
- Irish Small and Medium Enterprises Association (ISME). ISME is the only independent representative association specifically for Small and Medium Enterprises with almost 9,000 members;
- Small Firms Association (SFA). The SFA styles itself as the "Voice of Small Business" in Ireland and has over 8000 member companies.

Employer stakeholder organisations with a more specific focus include:

- Construction Industry Federation (CIF). CIF is the national and regional representative body for construction industry employers in Ireland;
- Irish Mining and Exploration Group (IMEG). IMEG is the representative body for the mining and exploration industry in Ireland;
- Federation of Irish Fishermen (FIF). FIF is the umbrella organization for the three main Fish Producing Organizations in Ireland and represents over 90% of the fishing fleet.

All three represent sectors of industry for which there are sector-specific directives.

The principle general stakeholder from the workers' perspective is:

- Irish Congress of Trade Unions (ICTU). Congress is the largest civil society organisation on the island of Ireland, representing and campaigning on behalf of some 832,000 working people. There are currently 55 unions affiliated to Congress, north and south of the border.

Worker stakeholder organisations with a more specific focus include:

- Union of Construction, Allied Trades and Technicians (UCATT). Allied to the UK union, UCATT is the specialist Craft Union for Construction Workers in Ireland.

Ibec and ICTU are represented on the **Board** of the HSA, which determines the Authority's operational policy. This is a tripartite organisation which includes members of the social partners and other interests associated with OSH.

In addition, the following professional bodies represent three disciplines relevant to workplace safety and health offering a specialist expertise in a range of workplace hazards and risks including both general safety issues and exposure to physical and chemical agents:

- National Irish Safety Organisation (NISO)
- Occupational Hygiene Society of Ireland
- Irish Ergonomics Society

1.2.3 Coordination

The **Health and Safety Authority** is responsible both for strategy and enforcement. Coordination on these issues is therefore an internal matter within the HSA. The field inspectors and policy writers work in completely separate bodies within the HSA.

Results from stakeholder interviews:

There were two contradicting stakeholder views on this coordination. According to a Government stakeholder, there is good coordination between policy and enforcement. Consultation generally includes the field inspectorates, with inclusion from both external and internal input. The stakeholders are generally happy with this set up – safety alerts allow for clear coordination; happy with ACOP and guidance; input from stakeholders and social partners included are good. Furthermore, although no consultation was conducted directly with the DJEI regarding this evaluation a stakeholder from the DJEI confirmed that they are in support of this opinion.

However, an employer's representative believes that coordination between policy and enforcement is confused. This view was based on the regularly more stringent transpositions of the Directives in Ireland. This stakeholder did say that the enforcement and policy set up is effective in terms of enforcement; however, it is less effective for smaller organisations.

1.3 LEGAL COVERAGE, OBSERVED DISCREPANCIES AND MORE STRINGENT MEASURES

1.3.1 Observed discrepancies, more stringent and more detailed measures

The following tables describe observed discrepancies between the Directive's requirements and the transposing legislation and cases where the national legislation provides for more stringent, broader or more detailed measures than the Directive's ones. There is one table per directive.

Observed discrepancies between the Directive's requirements and the transposing legislation cover instances where the text of the national transposing legislation is different from the transposed Directive's provisions. This difference could lead to the non-application or partial application of the relevant CPM due to contradiction between the national provision and the corresponding one in the Directive.. They are considered for each CPM, scoping requirements and limit values when relevant (tables 1-2 to 1-25).

More stringent provisions set requirements which go beyond the requirements of the Directive e.g. more severe limit values. This review covers systematically the scope and relevant definitions as well as provisions setting limit values.

The identification of more specific requirements is different from more stringent measures, as it relates to the extent to which national law includes more detailed mechanisms for the implementation of the CPMs. In such cases, the main requirements of the Directive are fully and effectively transposed and the Member States have set up more detailed rules on e.g. procedures, responsibilities, etc.

In general, Ireland has satisfactorily transposed OSH-related EU Directives and done so in a very effective way with hardly any cases of more stringent or broader requirements and only a few cases of observed discrepancies. With regard to the scope of the legislation transposing Directive 89/391/EEC (Framework Directive), Ireland includes members of the Defence Forces (except in some special circumstances) and domestic servants. The definition of employer is also broader than in the Framework Directive. Additional requirements are set in relation to risk assessment, where Ireland has

introduced the idea of a ‘safety statement’ to reflect a safe system of work. Finally, the possibility for a worker to receive health surveillance at regular intervals if he so wishes is not specifically stated in the transposing legislation.

In relation to Directive 89/654/EEC (workplace), the national transposing legislation does not include a specific general provision for information of health and safety measures at the workplace and relies hereby just on the national legislation transposing the Framework Directive and specific individual Directives. Additional requirements with regard to the workplace, such as temperature, are laid down in the Irish legislation.

In relation to Directive 2009/104/EC (work equipment), there is no explicit provision in the national transposing legislation for the training of workers using work equipment.

The scope of the legislation transposing Directive 89/656/EEC (PPE) is broader, as it does not exclude some of the exclusions foreseen in the Directive. Also in relation to Directive 92/85/EEC (pregnant/breastfeeding workers), there is a difference in scope as the national legislation defines “post natal employee” as an employee who gave birth not more than 14 weeks preceding a material date. And different definitions are used in the legislation transposing Directive 94/33/EC (young people at work).

With regard to the risk assessment, the national legislation transposing Directive 1999/92/EC (ATEX) requires revision of the explosion protection document (which includes the findings of the risk assessment and actions arising) rather than specifying the revision of the risk assessment itself. The content of the risk assessment is also more detailed in SHWW Asbestos 2006, which transposes Directive 2009/148/EC (asbestos).

With regard to health surveillance, the law transposing Directive 2002/44/EC (vibration) considers “valid, low-risk tested techniques” instead of “tested techniques” and obliges the employer to review the risk assessment when the worker is found to have an identifiable disease or adverse health effect which is considered to be the result of exposure to mechanical vibration at work as well as of all other employees who have been similarly exposed. In relation to Directive 2006/25/EC (artificial optical radiation), the national transposing legislation does not specify the person responsible for carrying out health surveillance, while, in relation to Directive 98/24/EC (chemical agents at work), the national transposing legislation does specifically require health surveillance to be under the responsibility of an occupational healthcare professional – a requirement not specified in the Directive.

Finally, a subtle but important difference in the national legislation transposing Directive 2006/25/EC (artificial optical radiation) has been found as it requires the risk assessment to be competently carried out as opposed to being carried out by competent services.

Table 1- 2 Directive 89/391/EEC (Framework Directive) – Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions (Art.1 and 3)	<p>Art.1 1. All sectors of activity, both public and private (industrial, agricultural, commercial, administrative, service, educational, cultural, leisure, etc.). 2. Not be applicable where characteristics peculiar to certain specific public service activities, such as the armed forces or the police, or to certain specific activities in the civil protection services inevitably conflict with it.</p> <p>Art.3</p> <ul style="list-style-type: none"> • Apply to any person employed by an employer, including trainees and apprentices but excluding domestic servants; • Employer: any natural or legal person who has an employment relationship with the worker and has responsibility for the undertaking and/ or establishment; 	<p>There are no observed discrepancies.</p>	<ul style="list-style-type: none"> • Are specific public service activities (such as armed forces or police) included in the scope of the legislation which are not in the Directive? Y. The relevant statutory provisions apply to members of the Defence Forces except when they are: (a) on active service within the meaning of section 5 of the Defence Act 1954 or deemed to be on active service within the meaning of section 4(1) of the Defence (Amendment) (No. 2) Act 1960, (b) engaged in action in the course of operational duties at sea, (c) engaged in operations in aid to the civil power, or (d) engaged in training directly associated with any of the activities specified in paragraph (a) to (c). • Does the legislation include domestic servants in its scope? Y. No types of worker are excluded. • Is the definition of employer broader than the Directive's? Y. An employer has a wider meaning than that in the directive; "employer", in relation to an employee: (a) means the person with whom the employee has entered into or for whom the employee works under (or, where the employment has ceased, entered into or worked under) a contract of employment, (b) includes a person (other than an

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>employee of that person) under whose control and direction an employee works, and (c) includes where appropriate, the successor of the employer or an associated employer of the employer.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements. <p>N.</p>
<p>Conducting a risk assessment Art. 6(3), 9(1)(a)</p>	<p>Art.6</p> <ul style="list-style-type: none"> • The employer must, taking into account the nature of the activities of the enterprise and/ or establishment evaluate the risks to the safety and health of workers, inter alia in the choice of work equipment, the chemical substances or preparations used, and the fitting-out of work places. <p>Art.9</p> <ul style="list-style-type: none"> • The employer shall be in possession of an assessment of the risks to safety and health at work, including those facing groups of workers exposed to particular risks. 	<p>There are no observed discrepancies.</p>	<ul style="list-style-type: none"> • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? N. • Is the content of the risk assessment more detailed than described in the Directive? N. • Is a more specific methodology for risk assessment provided in the legislation? N. • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? N. • Other additional or more detailed requirements? Y. Introduces idea of a 'safety statement' reflecting a safe system of work. This is a written programme, produced by employers, to safeguard: the safety and health of employees while they work; and the safety and health of other people who might be at the workplace, including customers, visitors

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>and members of the public. It represents a commitment to their safety and health. It should state how the employer will ensure: their safety and health; the resources necessary to maintain and review safety and health laws and standards. The safety statement should influence all work activities, including: the selection of competent people, equipment and materials; the way work is done; how goods and services are designed and provided. Writing down the safety statement and putting in place the organisation and arrangements needed to implement and monitor it show to staff, and anyone else, that hazards have been identified and risks assessed, eliminated or controlled.</p>
Ensuring preventive and protective services Art.7(1)	<ul style="list-style-type: none"> • The employer shall designate one or more workers to carry out activities related to the protection and prevention of occupational risks for the undertaking and/ or establishment. • Designated workers may not be placed at any disadvantage because of their activities related to the protection and prevention of occupational risks and shall be allowed adequate time to enable them to fulfil their obligations. • If such protective and preventive measures cannot be organized for lack of competent personnel in the undertaking and/ or establishment, the employer shall enlist competent external services or persons. • He shall inform them of the factors known to affect, or suspected of affecting, the safety and health of the workers. • In all cases (internal/external services), they 	There are no observed discrepancies.	<ul style="list-style-type: none"> • Does the legislation define in more specific terms who shall be designated? N. • Are the conditions for resorting to external services more specifically defined in the legislation? N. • Are the competences required from workers or external services defined in the legislation? N. • Are criteria to define the resources (number of persons designated) provided in the legislation? N. • Other additional or more detailed

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent requirements
	<p>must have the necessary capabilities/ aptitudes and means and must be sufficient in number to deal with the organization of protective and preventive measures. MS must define the necessary capabilities and aptitudes and determine the sufficient number.</p> <ul style="list-style-type: none"> • The protection from, and prevention of, the health and safety risks shall be the responsibility of one or more workers, of one service or of separate services whether from inside or outside the undertaking and/ or establishment. The worker(s) and/ or agency(ies) must work together whenever necessary. • MS may define, in the light of the nature of the activities and size of the undertakings, the categories of undertakings in which the employer, provided he is competent, may himself take responsibility. 		<p>N.</p>
Information for workers Art.10	<ul style="list-style-type: none"> • The employer shall ensure that workers receive all the necessary information concerning the safety and health risks and protective and preventive measures and activities in respect of the establishment and each type of workstation. • The employer shall take appropriate measures so that employers of workers from any outside undertakings and/ or establishments engaged in work in his undertaking and/ or establishment receive similar information • The employer shall take appropriate measures so that workers with specific functions in protecting the safety and health of workers, or workers' representatives with specific responsibility 	There are no observed discrepancies.	<ul style="list-style-type: none"> • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? N. • Is the content or form of information to workers further specified? N. • Are there more detailed requirements relating specifically to one of the individual directives? Y. Covered in entries on individual directives. • Other additional or more detailed requirements N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	for the safety and health of workers shall have access to the risk assessment and protective measures, to the list of and reports on occupational accidents and the information yielded by protective and preventive measures, inspection agencies and bodies responsible for safety and health.		
Training of workers Art.12	<ul style="list-style-type: none"> • The employer shall ensure that each worker receives adequate safety and health training during working hours, in particular in the form of information and instructions specific to his workstation or job and adapted to any changes in technology or risks and repeated periodically if necessary. • The employer shall ensure that workers from outside undertakings and/ or establishments engaged in work in his undertaking and/ or establishment have in fact received appropriate instructions regarding health and safety risks. • Workers' representatives with a specific role in protecting the safety and health of workers shall be entitled to appropriate training during working hours or in accordance with national practice either within or outside the undertaking and/ or the establishment. 	There are no observed discrepancies.	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation? N. • Are there specific requirements as to the competence of trainers provided in the legislation? N. • Are there more detailed requirements relating specifically to one of the individual directives? Y. Covered in entries on individual directives. • Other additional or more detailed requirements N.
Health surveillance Art.14	<ul style="list-style-type: none"> • The employer shall ensure that workers receive health surveillance appropriate to the health and safety risks they incur at work. • These measures shall be such that each worker, if he so wishes, may receive health surveillance at regular intervals. • Health surveillance may be provided as part of a national health system. 	An observed discrepancy has been identified. The possibility for a worker to receive health surveillance at regular intervals if he so wishes is not specifically stated in the transposing legislation.	<ul style="list-style-type: none"> • Are there more detailed requirements relating specifically to one of the individual directives? Y. Covered in entries on individual directives. • Other additional or more detailed requirements N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Consultation of workers Art.11, 6(3)(c)	<ul style="list-style-type: none"> Employers shall consult workers and/ or their representatives and allow them to take part in discussions on all questions relating to safety and health at work. Workers' representatives with specific responsibility for the safety and health of workers shall have the right to ask the employer to take appropriate measures and to submit proposals to him to that end to mitigate hazards for workers and/ or to remove sources of danger. They shall have adequate time off work, without loss of pay, and the necessary means to enable them to exercise their rights and functions. Workers and/ or their representatives are entitled to appeal to the authority responsible for safety and health protection at work if they consider that the measures taken and the means employed by the employer are inadequate for the purposes of ensuring safety and health at work. Workers' representatives must be given the opportunity to submit their observations during inspection visits by the competent authority. 	There are no observed discrepancies.	<ul style="list-style-type: none"> Is balanced¹² participation reflected in the national legislation? Are specific criteria put in place? N. Are there more detailed requirements relating specifically to one of the individual directives? Y. Covered in entries on individual directives. Other additional or more detailed requirements Y. Safety representatives are selected by workers.
Limit values	N/A	N/A	N/A
Other issues identified	Controls and supervision (MS level) Art. 4(2); Responsibility of the employer Art. 5(1); Measures necessary for the safety and health protection of workers Art. 6(1) and 6(2); Employer cooperation Art. 6(4); Emergency measures Art. 8; List of occupational accidents Art. 9(1)(c); Reporting of occupational accidents Art.	There are no observed discrepancies with any of these other Key Requirements.	Provides for a 'Rights Commissioner' to hear complaints from employees. This independent Commissioner functions within the Labour Relations Commission. Provides for Offences and Penalties.

¹² This covers balanced representation of groups or workers e.g. workers exposed to particular health or safety risks.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	9(1)(d); Workers may not be placed at a disadvantage Art. 11(4).		

Table 1- 3 Council Directive 89/654/EEC (workplace) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and Art. 2	<ul style="list-style-type: none"> The Directive applies to workplaces, but excludes from its scope of application (a) means of transport used outside the undertaking and/or the establishment, or workplaces inside means of transport, (b) temporary or mobile construction sites, (c) extracting industries, (d) fishing boats, and (e) fields, woods and other land forming part of an agricultural or forestry undertaking but situated away from the undertaking's buildings. 'Workplace' means the place intended to house workstations on the premises of the undertaking and/or establishment and any other place within the area of the undertaking and/or establishment to which the worker has access in the course of his employment. 	There are no observed discrepancies.	<ul style="list-style-type: none"> Does the transposing legislation cover any of the elements that the Directive expressly excludes¹³? N. Is the definition of 'workplace' in national law broader than the required by the Directive? N. Other additional or more detailed requirements N.
Conducting a risk assessment	N/A	N/A	N/A
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art. 7	<ul style="list-style-type: none"> Workers and/ or their representatives shall be informed of all measures to be taken concerning safety and health at the workplace 	<p>There are no observed discrepancies.</p> <p>However, no specific general provision for information of health and safety measures at</p>	<ul style="list-style-type: none"> Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? N.

¹³ Please note that points (b), (c) and (d) are regulated by specific legislation.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> Framework Directive applies. 	the workplace. Covered by implementation of framework directive and of individual directives.	<ul style="list-style-type: none"> Is the content or form of information to workers further specified? N. Other additional or more detailed requirements N.
Training of workers	N/A	N/A	N/A
Health surveillance	N/A	N/A	N/A
Consultation of workers Art. 8	<ul style="list-style-type: none"> Framework Directive applies. 	There are no observed discrepancies.	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? N. Other additional or more detailed requirements N.
Limit values	N/A	N/A	N/A
Others	Minimum safety and health requirements Arts. 3, 4 and 5; Annex I and II.	There are no observed discrepancies with any of these additional Key Requirements.	<p>Y. Defines a minimum temperature of 17.5°C for sedentary office work, and 16°C for other sedentary work.</p> <p>NIR adds: "Requirements were also specified to cover the provision of fixed living accommodation at a place of work so as to ensure the safety and welfare of employees during their non-working periods in response to scenarios where some employers were providing accommodation for employees and this had not been addressed in the legislation up to 2007.</p> <p>The required width for a loading bay to have an exit at each end was specified to be the width of 5 vehicles or else a refuge had to be provided.</p> <p>Additional text was also incorporated to</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			address conflicts between building owners and occupiers regarding compliance with the Regulations." ¹⁴

Table 1- 4 Directive 2009/104/EC (work equipment) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions <i>Art. 1 and Art. 2(a)</i>	<ul style="list-style-type: none"> The Directive relates to the use of work equipment by workers at work where work equipment is defined as any machine, apparatus, tool or installation used at work. 	There are no observed discrepancies.	<ul style="list-style-type: none"> Any additional or more detailed requirements N.
Conducting a risk assessment <i>Art. 3 #</i>	<ul style="list-style-type: none"> The employer must take measures to ensure that the work equipment made available to workers is suitable for the work to be carried out or properly adapted for that purpose and may be used by workers without impairment to their safety or health. In selecting the work equipment which he proposes to use, the employer must pay attention to the specific working conditions and characteristics and to the hazards which exist in the undertaking or establishment, in particular at the workplace, for the safety and health of the workers, and any additional hazards posed by the use of the work equipment in question. 	There are no observed discrepancies.	<ul style="list-style-type: none"> Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? N. <ul style="list-style-type: none"> Is the content of the risk assessment more detailed than described in the Directive? N. <ul style="list-style-type: none"> Is a more specific methodology for risk assessment provided in the legislation? N. <ul style="list-style-type: none"> Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? N.

¹⁴ National Implementation Report, Part A, Section II, p.18.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<ul style="list-style-type: none"> Other additional or more detailed requirements N.
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art. 8	<ul style="list-style-type: none"> Framework Directive applies. Where appropriate, written instructions should be made available to workers on the work equipment used at work, including information on (a) the conditions of use of work equipment; (b) foreseeable abnormal situations; and (c) the conclusions to be drawn from experience, where appropriate, in using work equipment. 	There are no observed discrepancies.	<ul style="list-style-type: none"> Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? N. <ul style="list-style-type: none"> Other additional or more detailed requirements N.
Training of workers Art. 9	<ul style="list-style-type: none"> Framework Directive applies. Workers given the task of using work equipment receive adequate training, including training on any risks which such use may entail. Workers specifically designated to carry out repairs, modifications, maintenance or servicing receive adequate specific training. 	<p>There are no observed discrepancies.</p> <p>However, there is no explicit provision for the training of workers using work equipment.</p>	<ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation? N. <ul style="list-style-type: none"> Are there specific requirements as to the competence of trainers provided in the legislation? N. <ul style="list-style-type: none"> Other additional or more detailed requirements N.
Health surveillance	N/A	N/A	N/A

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Consultation of workers Art. 10	<ul style="list-style-type: none"> Framework Directive applies. 	There are no observed discrepancies.	<ul style="list-style-type: none"> Is balanced¹⁵ participation reflected in the national legislation? Are specific criteria put in place? N. Other additional or more detailed requirements N.
Limit values	N/A	N/A	N/A
Other issues identified	General obligations Art. 3(1); Minimising risks Art. 3(2); Minimum requirements Art 4; Maintenance Art. 4(2); Restriction of use Art. 6 Ergonomics Art. 7.	There are no observed discrepancies with any of these other Key Requirements.	According to NIR 2013, "In the Regulations transposing this Directive there are additional provisions for lifts and lifting equipment which provide a unified approach to the inspection of this type of equipment." ¹⁶

*Where appropriate, the existence of the earlier version (89/655/EEC) will be taken into account.

Employers are required to assess possible risks in selecting work equipment.

+ Inspection (and testing) by competent persons.

Table 1- 5 Council Directive 89/656/EEC (PPE) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2	The Directive applies to personal protective equipment (PPE) used by workers at work. PPE as defined excludes (a) ordinary working clothes and uniforms not specifically designed to protect the safety and health of the worker; (b) equipment used by emergency and rescue services; (c) personal protective equipment worn or used by the military, the police and other public order	There are no observed discrepancies.	<ul style="list-style-type: none"> Does the transposing legislation cover PPE used by emergency and rescue services? Y. Does the transposing legislation cover any of the other exclusions in the Directive? Y. The definition does not exclude (b) and (c).

¹⁵ This covers balanced representation of groups or workers e.g. workers exposed to particular health or safety risks.

¹⁶ National Implementation Report, Part A, Section II, p.21.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	agencies; (d) personal protective equipment for means of road transport; (e) sports equipment; (f) self-defence or deterrent equipment; (g) portable devices for detecting and signalling risks and nuisances.		<ul style="list-style-type: none"> Other additional or more detailed requirements N.
Conducting a risk assessment Art. 5*	<ul style="list-style-type: none"> Before choosing personal protective equipment, the employer is required to assess whether the personal protective equipment he intends to use satisfies certain requirements. This assessment shall involve (a) an analysis and assessment of risks which cannot be avoided by other means; (b) the definition of the characteristics which personal protective equipment must have in order to be effective against such risks, taking into account any risks which this equipment itself may create; (c) comparison of those characteristics with the characteristics of the personal protective equipment available. <ul style="list-style-type: none"> The assessment shall be reviewed if any changes are made to any of its elements 	There are no observed discrepancies.	<ul style="list-style-type: none"> Any additional or more detailed requirements N.
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art. 7	<ul style="list-style-type: none"> Framework Directive applies Workers and/or their representatives shall be informed of all measures to be taken with regard to the health and safety of workers when personal protective equipment is used by workers at work. 	There are no observed discrepancies.	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? Are there other additional or more detailed requirements N.
Training of workers	<ul style="list-style-type: none"> The employer shall arrange for training and shall, if appropriate, organize 	There are no observed discrepancies.	<ul style="list-style-type: none"> Is more specific information on the scope of training on PPE provided in the

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Art. 4(8) and 4(9)	<p>demonstrations in the wearing of personal protective equipment.</p> <ul style="list-style-type: none"> Personal protective equipment [...] must be used in accordance with instructions. Such instructions must be understandable to the workers. 		<p>legislation?</p> <p>N.</p> <ul style="list-style-type: none"> Are there detailed requirements on demonstrations to be organized in the wearing of PPE? <p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
Health surveillance #	N/A	N/A	N/A
Consultation of workers Art. 8	<ul style="list-style-type: none"> Framework Directive applies 	There are no observed discrepancies.	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? Are there other additional or more detailed requirements. <p>N.</p>
Limit values	N/A	N/A	N/A
Other issues identified	General provisions Art. 4(1); Assessment of PPE Art. 5; Rules for use (MS level) Art. 6	There are no observed discrepancies with any of these other Key Requirements.	No

* The Directive makes no provision for a risk assessment. The need for the use of PPE is presumably identified in addressing the findings of other risk assessments, relating to the hazard which the PPE is intended to protect against. There is however provision for an assessment of the PPE itself (Article 5) but this is not specifically a risk assessment.
Health surveillance is covered by the provisions of those directives covering the risks from which a specific item of PPE is intended to provide protection.

Table 1- 6 Council Directive 92/58/EEC (OSH signs) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2	<ul style="list-style-type: none"> The Directive applies to safety and/or health signs and excludes from its scope of application signs for placing on the market of dangerous substances and preparations, 	There are no observed discrepancies.	<ul style="list-style-type: none"> Any additional or more detailed requirements <p>N.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	products and/or equipment and signs used for regulating road, rail, inland waterway, sea or air transport.		
Conducting a risk assessment	N/A	N/A	N/A
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art. 7	<ul style="list-style-type: none"> • Framework Directive applies. • Workers and/or their representatives shall be informed of all the measures to be taken concerning the safety and/or health signs used at work. 	There are no observed discrepancies.	<ul style="list-style-type: none"> • Are there more detailed requirements than in the Framework Directive? N. • Other additional or more detailed requirements N.
Training of workers Art. 7(2)	<ul style="list-style-type: none"> • Framework Directive applies. • Workers must be given specific directions concerning the safety and/or health signs used at work, in particular the meaning of the signs, especially signs incorporating words, and the general and specific behaviour to be adopted. 	There are no observed discrepancies.	<ul style="list-style-type: none"> • Are there more detailed requirements than in the Framework Directive? N. • Other additional or more detailed requirements N.
Health surveillance	N/A	N/A	N/A
Consultation of workers Art. 8	<ul style="list-style-type: none"> • Framework Directive applies. 	There are no observed discrepancies.	<ul style="list-style-type: none"> • Are there more detailed requirements than in the Framework Directive? N. • Other additional or more detailed requirements N.
Limit values	N/A	N/A	N/A
Other issues identified	Minimum requirements for OSH signs Arts. 3(1), 4 and 5 and Annexes I-IX	There are no observed discrepancies with these Key Requirements.	No

Table 1- 7 Directive 1999/92/EC (ATEX) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2	<ul style="list-style-type: none"> The Directive applies to the protection of workers potentially at risk from explosive atmospheres as defined in Art. 2. It excludes from its scope of application: (a) the areas used directly for and during the medical treatment of patients; (b) the use of appliances burning gaseous fuels; (c) the manufacture, handling, use, storage and transport of explosives or chemically unstable substances; (d) mineral extracting industries; and (e) the use of transport subject to international agreements as specified. The Directive applies to the risk from explosive atmospheres, i.e. from mixtures with air, under atmospheric conditions, of flammable substances in the form of gases, vapours, mists or dusts in which, after ignition has occurred, combustion spreads to the entire unburned mixture. 	There are no observed discrepancies.	<ul style="list-style-type: none"> Does the transposing legislation include¹⁷ : <ul style="list-style-type: none"> areas used directly for and during the medical treatment of patients? N. the manufacture, handling, use, storage and transport of explosives or chemically unstable substances? N. Other additional or more detailed requirements N.
Conducting a risk assessment Art. 4(1)	<ul style="list-style-type: none"> The employer shall assess the specific risks arising from explosive atmospheres, taking account at least of: <ul style="list-style-type: none"> the likelihood that explosive atmospheres will occur and their persistence, the likelihood that ignition sources, including electrostatic discharges, will be present and become active and effective, the installations, substances used, processes, and their possible interactions, the scale of the anticipated effects. Explosion risks shall be assessed overall. 	There are no observed discrepancies.	<ul style="list-style-type: none"> Is the risk assessment reviewed regularly and in any event when any changes occur in the conditions of the type of work involved? The national legislation requires revision of explosion protection document (which includes the findings of the risk assessment and actions arising) rather than specifying revision of the risk assessment itself. Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive?

¹⁷ Please note that points (b),(d) and (e) are regulated by specific legislation.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>N.</p> <ul style="list-style-type: none"> • Is the content of the risk assessment more detailed than described in the Directive? <p>N.</p> <ul style="list-style-type: none"> • Is a more specific methodology for risk assessment provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers	N/A	N/A	N/A
Training of workers Annex II, 1.1	<ul style="list-style-type: none"> • The employer must provide those working in places where explosive atmospheres may occur with sufficient and appropriate training with regard to explosion protection. 	There are no observed discrepancies.	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>
Health surveillance	N/A	N/A	N/A
Consultation of workers	N/A	N/A	N/A
Limit values	N/A	N/A	N/A

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Other issues identified	Measures to prevent and protect against explosions Arts. 3, 5, 7 and Annex II; Coordination between employers Art. 6; Explosion protection document Art. 8; Written instructions and permits to work Annex II, 1.2	There are no observed discrepancies with any of these other Key Requirements.	No

Table 1- 8 Council Directive 90/269/EEC (manual handling of loads) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2	<ul style="list-style-type: none"> The Directive relates to the manual handling of loads where there is a risk particularly of back injury to workers where manual handling is defined as any transporting or supporting of a load, by one or more workers, including lifting, putting down, pushing, pulling, carrying or moving of a load which, by reason of its characteristics or of unfavourable ergonomic conditions, involves a risk particularly of back injury to workers. 	There are no observed discrepancies.	N.
Conducting a risk assessment Art. 4(a)	<ul style="list-style-type: none"> Wherever the need for manual handling of loads by workers cannot be avoided, the employer shall organize workstations in such a way as to make such handling as safe and healthy as possible and: assess, in advance if possible, the health and safety conditions of the type of work involved, and in particular examine the characteristics of loads, taking account the reference factors provided for in Annex I to the Directive. 	There are no observed discrepancies.	<ul style="list-style-type: none"> Is the risk assessment reviewed regularly and in any event when any changes occur in the conditions of the type of work involved? N. Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive, in particular are the reference factors provided in Annex I of the Directive further detailed? N. Is the content of the risk assessment more

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>detailed than described in the Directive? N.</p> <ul style="list-style-type: none"> Is a more specific methodology for risk assessment provided in the legislation? N. Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? N. Other additional or more detailed requirements N.
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art. 6	<ul style="list-style-type: none"> Framework Directive applies Workers and/or their representatives shall be informed of all measures to be implemented, pursuant to this Directive, with regard to the protection of safety and of health. Employers must ensure that workers and/or their representatives receive general indications and, where possible, precise information on: <ul style="list-style-type: none"> the weight of a load, the centre of gravity of the heaviest side when a package is eccentrically loaded. 	<p>There are no observed discrepancies.</p> <p>However, there is no restating of general requirement for information although weight and centre of gravity are covered.</p>	<ul style="list-style-type: none"> Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? N. Is the content or form of information to workers further specified? N. Other additional or more detailed requirements N.
Training of workers Art. 6	<ul style="list-style-type: none"> Framework Directive applies Employers must ensure that workers receive in addition proper training and information on how to handle loads correctly and the 	<p>There are no observed discrepancies as the requirement for training is covered in the application of the Framework Directive.</p>	<ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation, in particular in relation to the reference and risk factors?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	risks they might be open to particularly if these tasks are not performed correctly, having regard to the reference factors provided for in Annex I to the Directive and the risk factors listed in Annex II to the Directive.		N. • Other additional or more detailed requirements N.
Health surveillance	N/A	N/A	N/A
Consultation of workers Art. 7	Framework Directive applies	There are no observed discrepancies as the requirement for consultation is covered in the application of the Framework Directive.	• Are there more detailed requirements than in the Framework Directive? N. • Other additional or more detailed requirements N.
Limit values	N/A	N/A	N/A
Other issues identified	Avoidance of (hazardous) manual handling Art. 3(1); Measures to avoid and reduce exposure Art. 3(2); Organization of workstations Art. 4	There are no observed discrepancies with any of these other Key Requirements.	No
Annex I	Reference Factors: <ul style="list-style-type: none"> • The manual handling of a load may present a risk particularly of back injury if it is too heavy or too large; unwieldy or difficult to grasp; unstable or has contents likely to shift; positioned in a manner requiring it to be held or manipulated at a distance from the trunk, or with a bending or twisting of the trunk; likely, because of its contours and/or consistency, to result in injury to workers, particularly in the event of a collision. • A physical effort may present a risk particularly of back injury if it is too strenuous; only achieved by a twisting movement of the trunk; likely to result in a sudden movement of the load; made with the body in an unstable posture. • The characteristics of the work environment may increase a risk particularly of back injury if there is not enough room, in particular vertically, to carry out the activity; the floor is uneven, thus presenting tripping hazards, or is slippery in relation to the worker's footwear; the place of work or the working environment prevents the handling of loads at a safe height or with good posture by the worker; there are variations in the level of the floor or the working surface, requiring the load to be manipulated on different levels; the floor or foot rest is unstable; the temperature, humidity or ventilation is unsuitable. • The activity may present a risk particularly of back injury if it entails over-frequent or over-prolonged physical effort involving in particular the spine; an insufficient bodily rest or recovery period; excessive lifting, lowering or carrying distances; a rate of work imposed by a process which cannot be altered by the worker. 		
Annex II	Individual Risk Factors The worker may be at risk if he/she is physically unsuited to carry out the task in question; is wearing unsuitable clothing, footwear or other		

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	personal effects; does not have adequate or appropriate knowledge or training.		

Table 1- 9 Council Directive 90/270/EEC (display screen equipment) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions	<ul style="list-style-type: none"> The Directive relates to work with display screen equipment as defined in Article 2, an alphanumeric or graphic display screen, regardless of the display process employed. The Directive does not apply to: <ol style="list-style-type: none"> drivers' cabs or control cabs for vehicles or machinery; (computer systems on board a means of transport; computer systems mainly intended for public use; 'portable' systems not in prolonged use at a workstation; calculators, cash registers and any equipment having a small data or measurement display required for direct use of the equipment; typewriters of traditional design, of the type known as 'typewriter with window' 	There are no observed discrepancies.	<ul style="list-style-type: none"> Does the transposing legislation cover any of the elements that the Directive expressly excludes? N. Is the definition of 'display screen equipment' in national law broader than required by the Directive? N. Other additional or more detailed requirements N.
Conducting a risk assessment Art.3	<ul style="list-style-type: none"> Employers must perform an analysis of workstations in order to evaluate the safety and health conditions to which they give rise for their workers, particularly as regards possible risks to eyesight, physical problems and problems of mental stress. Employers must take appropriate measures to remedy the risks found, on the basis of the evaluation of the safety and health conditions, taking account of the additional and/or combined effects of the 	There are no observed discrepancies.	<ul style="list-style-type: none"> Is the risk assessment reviewed regularly and in any event when any changes occur in the conditions of the type of work involved? No need for regular review – but needed when changes occur. Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	risks so found.		<ul style="list-style-type: none"> • Is the content of the risk assessment more detailed than described in the Directive? N. • Is a more specific methodology for risk assessment provided in the legislation? N. • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? N. • Other additional or more detailed requirements N.
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art. 6	<ul style="list-style-type: none"> • Framework Directive applies. • Workers shall receive information on all aspects of safety and health relating to their workstation, in particular information on such measures applicable to workstations as are implemented under Articles 3 (analysis of workstations), 7 (daily work routine) and 9 (protection of workers' eyes an eyesight). 	There are no observed discrepancies.	<ul style="list-style-type: none"> • Is the content or form of information to workers further specified? N. • Other additional or more detailed requirements N.
Training of workers Art. 6	<ul style="list-style-type: none"> • Framework Directive applies. • Every worker shall receive training in use of the workstation before commencing work with display screen equipment and whenever the organization of the workstation is substantially modified. 	There are no observed discrepancies.	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation? N. • Is the notion of 'substantially modified' further specified?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			N. • Other additional or more detailed requirements N.
Health surveillance Art. 9*	<ul style="list-style-type: none"> Workers shall be entitled to an appropriate eye and eyesight test carried out by a person with the necessary capabilities: <ul style="list-style-type: none"> — before commencing display screen work, at regular intervals thereafter, and — if they experience visual difficulties which may be due to display screen work. Workers shall be entitled to an ophthalmological examination if the results such test show that this is necessary. If the results of the test or of the examination show that it is necessary and if normal corrective appliances cannot be used, workers must be provided with special corrective appliances appropriate for the work concerned. In no circumstances these measure may involve workers in additional financial cost. Protection of workers' eyes and eyesight may be provided as part of a national health system. 	There are no observed discrepancies.	<ul style="list-style-type: none"> Are the conditions in which eye and eye sight test is required more specifically described in the legislation? N. Is the periodicity of eye and eye sight test provided in national law? N. Other additional or more detailed requirements N.
Consultation of workers Art. 8	Framework Directive applies.	There are no observed discrepancies.	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? N. Other additional or more detailed requirements. N.
Limit values	N/A	N/A	N/A
Other issues identified	Minimum requirements for workstations Arts. 4 & 5; Daily work routine Art. 7	There are no observed discrepancies with any of these other Key Requirements.	No

* The primary purpose of this requirement is to identify users who have deficiencies in their eyesight which require correction to enable them to carry out their work with DSE without risk to their health.

Table 1- 10 Directive 2002/44/EC (vibration) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art 1(2) and Art 2	<ul style="list-style-type: none"> • This Directive shall apply to activities in which workers are or are likely to be exposed to risks from mechanical vibration during their work. • 'hand-arm vibration': the mechanical vibration that, when transmitted to the human hand-arm system, entails risks to the health and safety of workers, in particular vascular, bone or joint, neurological or muscular disorders; • 'whole-body vibration': the mechanical vibration that, when transmitted to the whole body, entails risks to the health and safety of workers, in particular lower-back morbidity and trauma of the spine. 	There are no observed discrepancies.	<ul style="list-style-type: none"> • Any additional or more detailed requirements <p>N.</p>
Conducting a risk assessment Art.4	<ul style="list-style-type: none"> • The employer shall assess and, if necessary, measure the levels of mechanical vibrations to which workers are exposed. • The data obtained shall be preserved in a suitable form to permit consultation at a later stage. • The employer shall give particular attention to: <ul style="list-style-type: none"> - the level, type and duration of exposure, including any exposure to intermittent vibration or repeated shocks; - the exposure limit values and the exposure action values - any effects concerning the health and safety of workers at particularly sensitive risk - any indirect effects on worker safety resulting from interactions between 	There are no observed discrepancies.	<ul style="list-style-type: none"> • Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically? <p>N.</p> <ul style="list-style-type: none"> • Does the national legislation require that practical guidelines for the determination and assessment of risk must be developed? <p>N.</p> <ul style="list-style-type: none"> • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? <p>N.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>mechanical vibration and the workplace or other work equipment</p> <ul style="list-style-type: none"> - information provided by the manufacturers of work equipment - the existence of replacement equipment designed to reduce the levels of exposure to mechanical vibration - the extension of exposure to whole-body vibration beyond normal - working hours under the employer's responsibility - specific working conditions such as low temperatures - appropriate information obtained from health surveillance, including published information, as far as possible • The employer must be in possession of the risk assessment • The risk assessment shall be recorded on a suitable medium; it may include a justification by the employer that the nature and extent of the risks related to mechanical vibration make a further detailed risk assessment unnecessary. • The risk assessment shall be kept up-to-date on a regular basis, particularly in case of significant changes. 		<ul style="list-style-type: none"> • Is the content of the risk assessment more detailed than described in the Directive? N. • Is a more specific methodology for risk assessment provided in the legislation? N. • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? N. • Other additional or more detailed requirements N.
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art. 6	<ul style="list-style-type: none"> • Exposed workers and/or their representatives must receive information and training on the outcome of the risk assessment in particular: - measures taken to eliminate or reduce to a minimum the risks from mechanical 	There are no observed discrepancies.	<ul style="list-style-type: none"> • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? N. • Is the content or form of information to

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	vibration; - the exposure limit values and the exposure action values - the results of the assessment and measurement and the potential injury arising from the work equipment in use; - why and how to detect and report signs of injury; - circumstances in which workers are entitled to health surveillance - safe working practices to minimise exposure.		workers further specified? N. <ul style="list-style-type: none"> Other additional or more detailed requirements N.
Training of workers Art. 6	Same as above	There are no observed discrepancies.	<ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation? N. Are there specific requirements as to the competence of trainers provided in the legislation? N. Other additional or more detailed requirements N.
Health surveillance Art. 8	<ul style="list-style-type: none"> Health surveillance of workers measures with reference to the risk assessment outcome where it indicates a risk to their health. Health surveillance is intended to prevent and diagnose rapidly any disorder linked with exposure to mechanical vibration. Such surveillance shall be appropriate where: <ul style="list-style-type: none"> workers' exposure to vibration is such that a link can be established with an identifiable illness or harmful effects on health, it is probable that the illness or the effects occur in a worker's particular working 	There are no observed discrepancies. However, the transposing law considers "valid, low-risk tested techniques" instead of "tested techniques" (insertion of 'valid, low-risk')	<ul style="list-style-type: none"> Does the national legislation require health surveillance prior to exposure to vibration? N. Does the national legislation oblige employers to set health surveillance requirements after the end of exposure? N. Does the national legislation oblige employers in case where, as a result of health surveillance, a worker is found to have an identifiable disease or adverse health effect which is considered to be

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>conditions, and</p> <ul style="list-style-type: none"> - there are tested techniques for the detection of the illness or the harmful effects on health. • Workers exposed to mechanical vibration in excess of the values shall be entitled to appropriate health surveillance. • Individual health records are required and kept up-to-date. • Health records to contain a summary of the results of the health surveillance and kept in a suitable form to permit any later consultation, taking into account any confidentiality. • Where a worker is found to have an identifiable disease or adverse health effect, considered by a doctor or occupational health-care professional to be the result of exposure to mechanical vibration at work: <ul style="list-style-type: none"> - The worker shall be informed of the result which relates to him personally and, in particular, information and advice regarding any health surveillance which he should undergo following the end of exposure; - The employer shall be informed of any significant findings from the health surveillance, taking into account any medical confidentiality. - Arrange continued health surveillance and provide for a review of the health status of any other worker who has been similarly exposed. The competent doctor/authority or occupational health care professional may propose that exposed persons undergo a medical examination. 		<p>the result of exposure to mechanical vibration at work, to review the risk assessment and the measures to eliminate or reduce risk?</p> <p>Y. Regulation 8(8) transposes these requirements and adds a need to review other employees similarly exposed.</p> <ul style="list-style-type: none"> • Are the arrangements for health surveillance records specified in the legislation, in particular in terms of content? N. • Are the conditions in which health surveillance is required more specifically described in the legislation? N. • Is the periodicity of health surveillance provided in national law? N. • Other additional or more detailed requirements N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Consultation of workers Art. 7	<ul style="list-style-type: none"> Framework Directive applies 	There are no observed discrepancies as the requirement for consultation is covered in the application of the Framework Directive.	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? N. Other additional or more detailed requirements N.
Limit values Art.3	<ul style="list-style-type: none"> The Directive provides for a set of exposure limit values and exposure action values in respect of the daily vibration exposure levels. Hand-arm vibration: <ul style="list-style-type: none"> Daily exposure limit value standardised to an eight-hour reference period: 5 m/s²; Daily exposure action value standardised to an eight-hour reference period: 2,5 m/s². For whole-body vibration: <ul style="list-style-type: none"> Daily exposure limit value standardised to an eight-hour reference period: 1,15 m/s² or, at the MS's choice, a vibration dose value of 21 m/s^{1,75}; Daily exposure action value standardised to an eight-hour reference period: 0,5 m/s² or, at the MS's choice, a vibration dose value of 9,1 m/s^{1,75}. 	There are no observed discrepancies.	<ul style="list-style-type: none"> Does the transposing legislation set more stringent values? N. Other additional or more detailed requirements N.
Other issues identified	Exposure limit values and action values Art. 3; Measures to avoid and reduce exposure Art. 5	There are no observed discrepancies with either of these other Key Requirements.	No

Table 1- 11 Directive 2003/10/EC (noise) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art 1 and Art 2	<ul style="list-style-type: none"> Directive shall apply to activities in which workers are or are likely to be exposed to risks from noise as a result of their work. daily noise exposure level (L_{EX,8h}) (dB(A) re. 	There are no observed discrepancies.	<ul style="list-style-type: none"> Any additional or more detailed requirements N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>20 µPa): time weighted average of the noise exposure levels for a nominal;</p> <ul style="list-style-type: none"> - weekly noise exposure level ($L_{EX,8h}$): time-weighted average of the daily noise exposure levels for a nominal week of five eight-hour working days as defined by international standard ISO 1999:1990, point 3.6 (note 2). 		
Conducting a risk assessment Art.4	<ul style="list-style-type: none"> • The employer shall assess and, if necessary, measure the levels of noise to which workers are exposed, giving particular attention, to: <ul style="list-style-type: none"> - the level, type and duration of exposure, including any exposure to impulsive noise; - the exposure limit values and the exposure action values; - any effects concerning the health and safety of workers belonging to particularly sensitive risk groups; - as far as technically achievable, any effects on workers' health and safety resulting from interactions between noise and work-related toxic substances, and between noise and vibrations; - any indirect effects resulting from interactions between noise and warning signals or other sounds that need to be observed in order to reduce the risk of accidents; - information on noise emission provided by manufacturers of work equipment in accordance with relevant EU directives; - the existence of alternative work equipment designed to reduce the noise emission; - the extension of exposure to noise beyond normal working hours under the employer's responsibility; 	There are no observed discrepancies.	<ul style="list-style-type: none"> • Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically? N. • Does the national legislation require that practical guidelines for the determination and assessment of risk must be developed? N. • Are the risks/factors to be taken into account in the assessment described in a more specific manner than in the Directive? N. • Is the content of the risk assessment more detailed than described in the Directive? N. • Is a more specific methodology for risk assessment provided in the legislation? N. • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> - appropriate information from health surveillance, including published information, as far as possible; - the availability of hearing protectors with adequate attenuation characteristics. • The employer shall be in possession of the risk assessment. • The risk assessment shall be recorded on a suitable medium, according to national law and practice. • The risk assessment shall be kept up to date on a regular basis, particularly in case of significant changes which could render it out of date, or when the results of health surveillance show it to be necessary. 		<p>than in the Directive?</p> <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>
Ensuring preventive and protective services Art 4(4)	<ul style="list-style-type: none"> • The assessment and measurement shall be planned and carried out by competent services at suitable intervals 	There are no observed discrepancies.	<ul style="list-style-type: none"> • Any additional or more detailed requirements <p>N.</p>
Information for workers Art. 8	<ul style="list-style-type: none"> • Workers exposed at work at or above the lower exposure action values, and/or their representatives, receive information and training relating to risks resulting from exposure concerning, in particular: <ul style="list-style-type: none"> - the nature of such risks; - the measures taken to implement this Directive in order to eliminate or reduce to a minimum the risks from noise, - the exposure limit values and the exposure action values - the results of the assessment and measurement together with an explanation of their significance and potential risks - the correct use of hearing protectors - why and how to detect and report signs of hearing damage 	There are no observed discrepancies.	<ul style="list-style-type: none"> • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? <p>N.</p> <ul style="list-style-type: none"> • Is the content or form of information to workers further specified? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> - the circumstances in which workers are entitled to health surveillance and the purpose of health surveillance - safe working practices to minimise exposure to noise 		
Training of workers Art. 8	Same as above	There are no observed discrepancies.	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation? N.
Health surveillance Art. 10	<ul style="list-style-type: none"> • Health surveillance of workers where the results of the assessment/measurement show a risk to their health. • A worker whose exposure exceeds the upper exposure action values shall have the right to have his/her hearing checked by a doctor or by another suitably qualified person under the responsibility of a doctor, • Preventive audiometric testing shall also be available for workers whose exposure exceeds the lower exposure action values, where the risk assessment indicates a risk to health. • The objectives of these checks are to provide early diagnosis of any hearing loss and preserve hearing function. • Individual health records are made and kept up to date. • Health records shall contain a summary of the results of the health surveillance carried out. • They shall be kept in a suitable form to permit consultation, taking into account any confidentiality. • Copies of the appropriate records shall be supplied to the CA on request. The individual worker shall, at his or her request, have access to health records relating personally to him/her. 	There are no observed discrepancies.	<ul style="list-style-type: none"> • Does the national legislation require health surveillance prior to exposure to noise? N. • Does the national legislation oblige employers to set health surveillance requirements after the end of exposure? N. • Are the arrangements for health surveillance records specified in the legislation, in particular in terms of content? N. • Are the conditions in which health surveillance is required more specifically described in the legislation? N. • Is the periodicity of health surveillance provided in national law? N. • Other additional or more detailed requirements N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> • Where, as a result of surveillance, a worker is found to have identifiable hearing damage, a doctor, or a specialist if the doctor considers it necessary, shall assess if the damage is likely to be the result of exposure at work. If this is the case: <ul style="list-style-type: none"> - the worker shall be informed by the doctor or other suitably qualified person of the result which relates to him or her personally; <p>The employer shall:</p> <ul style="list-style-type: none"> - review the risk assessment - review the risk mitigation measures taking into account the advice of the occupational healthcare professional or other suitably qualified person or the CA in implementing any measures required to eliminate or reduce risk and, including the possibility of assigning the worker to alternative work where there is no risk of further exposure; and - arrange systematic health surveillance and provide for a review of the health status of any other worker who has been similarly exposed. 		
Consultation of workers Art. 9	<ul style="list-style-type: none"> • Framework Directive applies 	There are no observed discrepancies.	<ul style="list-style-type: none"> • Are there more detailed requirements than in the Framework Directive? N. • Other additional or more detailed requirements N.
Limit values Art.3	<ul style="list-style-type: none"> • For the purposes of this Directive the exposure limit values and exposure action values in respect of the daily noise exposure levels and peak sound pressure are fixed at: (a) exposure limit values: $L_{EX,8h} = 87$ dB(A) and $p_{peak} = 200$ Pa (1) respectively; 	There are no observed discrepancies.	<ul style="list-style-type: none"> • Does the transposing legislation set more stringent values? N. • Other additional or more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>(b) upper exposure action values: $L_{EX,8h}$ 85 dB(A) and $p_{peak} = 140$ Pa (2) respectively;</p> <p>(c) lower exposure action values: $L_{EX,8h} = 80$ dB(A) and $p_{peak} = 112$ Pa (3) respectively.</p> <ul style="list-style-type: none"> When applying the exposure limit values, the determination of the worker's effective exposure shall take account of the attenuation provided by the individual hearing protectors worn by the worker. The exposure action values shall not take account of the effect of any such protectors. 		N.
Other issues identified	Exposure limit values and action values Art. 3; Individual hearing protectors Art. 6; Measures to avoid and reduce exposure Arts. 5 and 7; National Codes of conduct (MS level) Art. 14	There are no observed discrepancies with any of these other Key Requirements.	No

Table 1- 12 Directive 2004/40/EC (electromagnetic fields) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art 1 and Art 2	<ul style="list-style-type: none"> Directive lays down minimum requirements for the protection of workers from risks from exposure to electromagnetic fields (0 Hz to 300 GHz) during their work. It refers to the risk to the health and safety of workers due to known short-term adverse effects in the human body caused by the circulation of induced currents and by energy absorption as well as by contact currents. It does not address suggested long-term effects, nor the risks resulting from contact with live conductors. electromagnetic fields': static magnetic and time-varying electric, magnetic and 	Not transposed	<ul style="list-style-type: none"> Does the national legislation cover suggested long-term effects? Does the national legislation address the risks resulting from contact with live conductors? Other additional or more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	electromagnetic fields with frequencies up to 300 GHz;		
Conducting a risk assessment Art.4	<ul style="list-style-type: none"> • The employer shall assess and, if necessary, measure and/or calculate the levels of electromagnetic fields to which workers are exposed. • On the basis of this assessment, if the action values are exceeded, s/he shall assess and, if necessary, calculate whether the exposure limit values are exceeded. • Assessment, measurement and/or calculations need not be carried out in workplaces open to the public provided that an evaluation has already been undertaken in accordance with Council Recommendation 1999/519/EC. • The data obtained shall be preserved in a suitable form to permit consultation at a later stage • The employer shall give particular attention, when carrying out the risk assessment, to: <ul style="list-style-type: none"> - level, frequency spectrum, duration and type of exposure; - the exposure limit values and action values; - any effects concerning workers at particular risk; - any indirect effects. • The employer shall be in possession of a risk assessment. • The risk assessment shall be recorded on a suitable medium. It may include a justification by the employer that the nature and extent of the risks related to electromagnetic fields make a further detailed risk assessment unnecessary. • The risk assessment shall be updated on a regular basis, particularly if there have been 		<ul style="list-style-type: none"> • Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically? • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? • Is the content of the risk assessment more detailed than described in the Directive? • Is a more specific methodology for risk assessment provided in the legislation? • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? • Other additional or more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	significant changes which could render it out of date, or when the results of health surveillance show it to be necessary.		
Ensuring preventive and protective services Art 4(4)	Assessment, measurement and/or calculations shall be planned and carried out by competent services or persons at suitable intervals,		<ul style="list-style-type: none"> • Any additional or more detailed requirements • Other additional or more detailed requirements
Information for workers Art. 6	<p>The employer shall ensure that exposed workers and/or their representatives receive any necessary information/training relating to the outcome of the risk assessment, in particular on:</p> <ul style="list-style-type: none"> - measures taken to implement this Directive; - values and concepts of the exposure limit values and action values and the associated potential risks - the results of the assessment, measurement /calculations of the levels of exposure to electromagnetic fields - how to detect adverse health effects and to report them; - circumstances in which workers are entitled to health surveillance; - safe working practices to minimise risks from exposure 		<ul style="list-style-type: none"> • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? • Is the content or form of information to workers further specified?
Training of workers Art. 6	Same as above		<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation? • Other additional or more detailed requirements
Health surveillance Art. 8	<ul style="list-style-type: none"> • Framework Directive applies • In any event, where exposure above the limit values is detected, a medical examination shall be made available to the worker(s) concerned. • If health damage resulting from exposure is detected, the employer must carry out a 		<ul style="list-style-type: none"> • Does the national legislation require health surveillance prior to exposure to electromagnetic fields? • Does the national legislation oblige employers to set health surveillance requirements after the end of exposure to electromagnetic fields?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>reassessment of the risks</p> <ul style="list-style-type: none"> The employer shall take appropriate measures to ensure that the doctor and/or the medical authority responsible for the health surveillance has access to the results of the risk assessment The results of health surveillance shall be preserved in a suitable form to permit consultation at later date, taking account of confidentiality requirements. Individual workers shall, at their request, have access to their own personal health records 		<ul style="list-style-type: none"> Are the arrangements for health surveillance records specified in the legislation? Are the conditions in which health surveillance is required more specifically described in the legislation? Is the periodicity of health surveillance provided in national law? Other additional or more detailed requirements
Consultation of workers Art. 7	<ul style="list-style-type: none"> Framework Directive applies 		<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? Other additional or more detailed requirements
Limit values Art.3	<p>Exposure limit values are as set out in the Annex, Table 1. Action values are as set out in the Annex, Table 2.</p>		<ul style="list-style-type: none"> Does the transposing legislation set more stringent values? Other additional or more detailed requirements
Other issues identified	<p>Exposure limit values Art. 3; Measures to avoid and reduce exposure Arts. 5</p>		

Table 1- 13 Directive 2006/25/EC (artificial optical radiation) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art 1 and Art 2	<ul style="list-style-type: none"> It lays down minimum requirements for the protection of workers from risks to their health and safety arising or likely to arise from exposure to artificial optical radiation during their work. It refers to the risk to the health and safety of workers due to adverse effects caused by exposure to artificial optical radiation to the eyes and to the skin. optical radiation: any electromagnetic 	<p>There are no observed discrepancies.</p>	<ul style="list-style-type: none"> Any additional or more detailed requirements <p>N.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>radiation in the wavelength range between 100 nm and 1 mm. The spectrum of optical radiation is divided into ultraviolet radiation, visible radiation and infrared radiation:</p> <p>(i) ultraviolet radiation: optical radiation of wavelength range between 100 nm and 400 nm. The ultraviolet region is divided into UVA (315-400 nm), UVB (280-315 nm) and UVC (100-280 nm);</p> <p>(ii) visible radiation: optical radiation of wavelength range between 380 nm and 780 nm;</p> <p>(iii) infrared radiation: optical radiation of wavelength range between 780 nm and 1 mm. The infrared region is divided into IRA (780-1 400 nm), IRB (1 400-3 000 nm) and IRC (3 000 nm-1 mm);</p>		
<p>Conducting a risk assessment Art.4</p>	<ul style="list-style-type: none"> • The employer shall assess and, if necessary, measure and/or calculate the levels of exposure to optical radiation to which workers are likely to be exposed • The data obtained shall be preserved in a suitable form to permit their consultation at a later stage. • The employer shall give particular attention, when carrying out the risk assessment, to the following: <ul style="list-style-type: none"> - the level, wavelength range and duration of exposure; - the exposure limit values - any effects concerning the health and safety of workers belonging to particularly sensitive risk groups; - any possible effects resulting from workplace interactions between optical radiation and photosensitising chemical 	<p>There are no observed discrepancies.</p>	<ul style="list-style-type: none"> • Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically? N. • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? N. • Is the content of the risk assessment more detailed than described in the Directive? N. • Is a more specific methodology for risk assessment provided in the legislation? N. • Are the sources of information and

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	substances; - any indirect effects e.g. temporary blinding, explosion or fire; - the existence of replacement equipment designed to reduce the levels of exposure to artificial optical radiation; - appropriate information obtained from health surveillance, including published information, as far as possible; - multiple sources of exposure; - a classification applied to a laser as defined in accordance with the relevant IEC standard and, in relation to any artificial source likely to cause damage similar to that of a laser of class 3B or 4, any similar classification;		persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? N. <ul style="list-style-type: none"> • Other additional or more detailed requirements N.
Ensuring preventive and protective services Art 4(2)	<ul style="list-style-type: none"> • The assessment, measurement and/or calculations referred to in paragraph 1 shall be planned and carried out by competent services or persons at suitable intervals 	An observed discrepancy has been identified. There is a subtle but important difference in that the national legislation requires the assessment to be competently carried out as opposed to being carried out by competent services.	<ul style="list-style-type: none"> • Any additional or more detailed requirements. N.
Information for workers Art. 6	<ul style="list-style-type: none"> • The employer shall ensure that workers exposed to risks from artificial optical radiation at work and/or their representatives receive necessary information and training relating to the outcome of the risk assessment in particular: - measures taken to implement this Directive; - the exposure limit values and the associated potential risks; - the results of the assessment, measurement and/or calculations with an explanation of their significance and potential risks; - how to detect adverse health effects of exposure and how to report them 	There are no observed discrepancies.	<ul style="list-style-type: none"> • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? N. • Is the content or form of information to workers further specified? N. • Other additional or more detailed requirements N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> - circumstances in which workers are entitled to health surveillance; - safe working practices to minimise risks from exposure; - proper use of appropriate personal protective equipment 		
Training of workers Art. 6	Same as above	There are no observed discrepancies.	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation? N. • Are there specific requirements as to the competence of trainers provided in the legislation? N. • Other additional or more detailed requirements N.
Health surveillance Art. 8	<ul style="list-style-type: none"> • Health surveillance is carried out by a doctor, an occupational health professional or a medical authority responsible for health surveillance • Individual health records are made and kept up to date. • Health records shall contain a summary of the results of the health surveillance and be kept in a suitable form to permit later consultation, taking into account any confidentiality. • Copies of the appropriate records shall be supplied to the competent authority on request, taking into account any confidentiality. • Doctor, the occupational health professional or the medical authority responsible for the health surveillance, has access to the results of the risk assessment 	An observed discrepancy has been identified. The person responsible for carrying out health surveillance is not specified.	<ul style="list-style-type: none"> • Does the national legislation require health surveillance prior to exposure to artificial optical radiation? N. • Does the national legislation oblige employers to set health surveillance requirements after the end of exposure to artificial optical radiation? N. • Are the arrangements for health surveillance records specified in the legislation? N. • Are the conditions in which health surveillance is required more specifically described in the legislation?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>where such results may be relevant to the health surveillance.</p> <ul style="list-style-type: none"> • Individual workers shall, at their request, have access to their own personal health records • When exposure above limit values is detected, a medical examination shall be made available to the worker(s) concerned. • In both cases, when limit values are exceeded or adverse health effects (incl. diseases) are identified: <ul style="list-style-type: none"> - the worker shall be informed of the result which relates to him personally and receive information and advice regarding any health surveillance which he should undergo following the end of exposure; - the employer shall be informed of any significant findings of the health surveillance, taking into account any medical confidentiality; - the employer shall: <ul style="list-style-type: none"> ○ review the risk assessment ○ review the measures taken to eliminate or reduce risks ○ take into account the health professional advice in implementing such measures ○ arrange continued health surveillance and provide for a review of the health status of any other worker who has been similarly exposed. In such cases, the competent health professional may propose that the exposed persons undergo a medical examination. 		<p>N.</p> <ul style="list-style-type: none"> • Is the periodicity of health surveillance provided in national law? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>
Consultation of workers Art. 7	<ul style="list-style-type: none"> • Framework Directive applies 	There are no observed discrepancies.	<ul style="list-style-type: none"> • Are there more detailed requirements than in the Framework Directive? <p>N.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<ul style="list-style-type: none"> Other additional or more detailed requirements N.
Limit values Art.3	<ul style="list-style-type: none"> Exposure limit values for non-coherent radiation, other than that emitted by natural sources of optical radiation, are set out in Annex I. Exposure limit values for laser radiation are set out in Annex II. 	There are no observed discrepancies.	<ul style="list-style-type: none"> Does the transposing legislation set more stringent values? N. <ul style="list-style-type: none"> Other additional or more detailed requirements N.
Other issues identified	Exposure limit values Art. 3; Measures to avoid and reduce exposure Art. 5	There are no observed discrepancies with either of these further Key Requirements.	No

Table 1- 14 Directive 2004/37/EC (carcinogens or mutagens) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art 3(1) read in conjunction with Art 2	<ul style="list-style-type: none"> This Directive shall apply to activities in which workers are or are likely to be exposed to carcinogens or mutagens as a result of their work Carcinogens Substance category 1 or 2 carcinogens Annex VI to Directive 67/548/EEC Mutagens: Substance category 1 or 2 mutagens Annex VI to Directive 67/548/EEC 	There are no observed discrepancies.	<ul style="list-style-type: none"> Does the transposing legislation also cover reprotoxic substances (1A and 1B)? N. <ul style="list-style-type: none"> Does the national legislation apply the carcinogen and mutagen classification according to the CLP Regulation (EC) 1272/2008? N. <ul style="list-style-type: none"> Other additional or more detailed requirements N.
Conducting a risk assessment Art. 3	<ul style="list-style-type: none"> nature, degree and duration of workers' exposure shall be determined in order to make it possible to assess any risk to the workers' health or safety and to lay down the measures to be taken. The assessment shall be renewed regularly 	There are no observed discrepancies.	<ul style="list-style-type: none"> Does the transposing legislation oblige employers to supply the authorities with information automatically and not on request? N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>and in any event when any change occurs in the conditions which may affect workers' exposure to carcinogens or mutagens.</p> <ul style="list-style-type: none"> • The employer shall supply the authorities at their request with the information used for making the assessment. • When assessing the risk, account shall be taken of all other routes of exposure, such as absorption into and/or through the skin. 		<ul style="list-style-type: none"> • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directives? N. • Is the content of the risk assessment more detailed than described in the Directives? N. • Is a more specific methodology for risk assessment provided in the legislation? N. • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directives? N. • Other additional or more detailed requirements N.
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art.12	<p>Appropriate measure to ensure that:</p> <ul style="list-style-type: none"> • Workers and/or any workers' representatives in the undertaking can check that this Directive is applied or can be involved in its application in particular for: <ul style="list-style-type: none"> ◦ the consequences for workers' safety and health of the selection, wearing and use of protective clothing and equipment, without prejudice to the employer's responsibility for determining the 	There are no observed discrepancies.	<ul style="list-style-type: none"> • Does the Directive set additional information requirements, including on: <ul style="list-style-type: none"> ◦ relevant activities and industrial processes, including reasons why carcinogens mutagens and reprotoxins are used; ◦ quantities of substances and preparations manufactured or used that contain CMR ◦ numbers of workers exposed ◦ replacement by another product

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>effectiveness of protective clothing and equipment;</p> <ul style="list-style-type: none"> ○ the measures in case of foreseeable exposure • Workers and/or their representatives are informed as quickly as possible of abnormal exposures including foreseeable ones or the cause and of the measures taken or to be taken to rectify the situation • The employer keeps an up-to-date list of the workers engaged in the activities in respect of which the results of the assessment reveals a risk to workers and indicating if available their exposure • Doctors and/or competent authorities have access to this list. • Each worker has access to the information about him • Workers and/or workers representatives have access to anonymous collective information 		<ul style="list-style-type: none"> ○ negative impacts on fertility N. • Does the legislation provide for specific conditions in relation (e.g. size of the establishments) to workers information? N. • Is the content or form of information to workers further specified? N. • Other additional or more detailed requirements N.
Training of workers Art.11	<ul style="list-style-type: none"> • Sufficient and appropriate training on the basis of all available information on: <ul style="list-style-type: none"> ○ Potential risks to health including the additional risks due to tobacco consumption ○ Precautions to be taken to prevent exposure 	There are no observed discrepancies.	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation? N. • Are there specific requirements as to the competence of trainers provided in the legislation? N. • Other additional or more detailed requirements N.
Health surveillance Art.14 and ANNEX II	<ul style="list-style-type: none"> • Health surveillance prior exposure and at regular intervals thereafter • If a workers suffer from an abnormality suspected to be the result of exposure the 	There are no observed discrepancies.	<ul style="list-style-type: none"> • Does the national legislation set health surveillance requirements after the end of exposure? N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>doctor or relevant authority may require other workers who have been similarly exposed to undergo health surveillance. In that even a reassessment of the risk must be carried out.</p> <ul style="list-style-type: none"> • Medical records must be kept and doctors must propose any protective or preventive measures to be taken in respect of any individual worker. • Advice must be given to workers on health surveillance after the end of exposure • Workers have access to the result of health surveillance that concern them • Workers/employers may request a review of the results of the health surveillance 		<ul style="list-style-type: none"> • Are the arrangements for health surveillance records specified in the legislation? N. • Are the conditions in which health surveillance is required more specifically described in the legislation? N. • Is the periodicity of health surveillance provided in national law? N. • Other additional or more detailed requirements N.
Consultation of workers Art.13	<ul style="list-style-type: none"> • Framework Directive applies 	There are no observed discrepancies.	<ul style="list-style-type: none"> • Are there more detailed requirements than in the Framework Directive? N. • Other additional or more detailed requirements N.
Limit values Art 16 and Annex III	<ul style="list-style-type: none"> • Limit values on Benzene, Vinyl chloride monomer, hardwood dusts 	There are no observed discrepancies.	<ul style="list-style-type: none"> • Does the transposing legislation set more stringent limit values? N. • Does the legislation set binding limit values on other carcinogens and mutagens (e.g. refractory ceramic fibres?) N. • Other additional or more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			N.
Other issues identified	Three tiered approach Arts. 4, 5(2)-5(4); Measures limiting worker exposure Arts. 5(5), 7(2) and 10(1); Information to competent authorities Art. 6	There are no observed discrepancies with any of these other Key Requirements.	No

Table 1- 15 Council Directive 98/24/EC (chemical agents at work) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2	<ul style="list-style-type: none"> • The requirements of this Directive apply where hazardous chemical agents are present or may be present at the workplace, without prejudice to the provisions for chemical agents to which measures for radiation protection apply pursuant to Directives adopted under the Treaty establishing the European Atomic Energy Community. • Chemical agent is defined as any chemical element or compound, on its own or admixed, as it occurs in the natural state or as produced, used or released, including release as waste, by any work activity, whether or not produced intentionally and whether or not placed on the market. • Hazardous chemical agent is defined as <ul style="list-style-type: none"> ○ any chemical agent which meets the criteria for classification as a dangerous substance according to the criteria in Annex VI to Directive 67/548/EEC, whether or not that substance is classified under that Directive, other than those substances which only meet the criteria for classification as dangerous for the 	There are no observed discrepancies.	<ul style="list-style-type: none"> • Is the scope broader than the directive's for: <ul style="list-style-type: none"> - Chemical agent? N. - Hazardous chemical agent? N. • Other additional or more detailed requirements N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>environment;</p> <ul style="list-style-type: none"> ○ any chemical agent which meets the criteria for classification as a dangerous preparation within the meaning of Directive 88/379/EEC, whether or not that preparation is classified under that Directive, other than those preparations which only meet the criteria for classification as dangerous for the environment; ○ any chemical agent which, whilst not meeting the criteria for classification as dangerous in accordance with (i) and (ii), may, because of its physico-chemical, chemical or toxicological properties and the way it is used or is present in the workplace, present a risk to the safety and health of workers, including any chemical agent assigned an occupational exposure limit value under Article 3 of the Directive. 		
Conducting a risk assessment Art. 4(1), (2) and (4)	<ul style="list-style-type: none"> • The Directive requires a risk assessment to be carried out by employers which must determine whether any hazardous chemical agents are present at the workplace. If so they should assess them taking into account, inter alia, their hazardous properties; level, type and duration of exposure; the circumstances of work involving such agents; occupational exposure limit values or biological limit values; effect of preventive measures taken or to be taken; conclusions to be drawn from any health surveillance. • In case of activities involving exposure to several agents, the risk must be assessed 	There are no observed discrepancies.	<ul style="list-style-type: none"> • Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically? N. • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? N. • Is the content of the risk assessment more detailed than described in the

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>taking into account all chemical agents in combination.</p> <ul style="list-style-type: none"> The risk assessment must be documented. The employer must be in possession of the risk assessment. 		<p>Directive?</p> <p>N.</p> <ul style="list-style-type: none"> Is a more specific methodology for risk assessment provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? <p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art.8	<ul style="list-style-type: none"> The employer must ensure that workers are provided with: <ul style="list-style-type: none"> Data obtained from the risk assessments Information on the hazardous chemical agents occurring in the workplace (e.g. relevant occupational exposure limit values) Training and information on appropriate precautions and actions to be taken Safety data sheet 	There are no observed discrepancies.	<ul style="list-style-type: none"> Does the transposing legislation set any additional information requirements? <p>N.</p> <ul style="list-style-type: none"> Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? <p>N.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<ul style="list-style-type: none"> Is the content or form of information to workers further specified? N. Other additional or more detailed requirements N.
Training of workers Art.8	<ul style="list-style-type: none"> The employer must ensure that workers are provided with: <ul style="list-style-type: none"> Training and information on appropriate precautions and actions to be taken 	There are no observed discrepancies.	<ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation? N. Are there specific requirements as to the competence of trainers provided in the legislation? N.
Health surveillance Art.10	<ul style="list-style-type: none"> The employer shall provide health surveillance of workers for whom the results of the assessment of the hazardous chemical agents reveal a risk to health. Individual health and exposure records shall be made and kept up-to-date and contain a summary of the results of health surveillance and of any monitoring data representative of the exposure of the individual. Copies must be supplied on request to the authorities 	There are no observed discrepancies other than the more stringent requirement for health surveillance (see column 4).	<ul style="list-style-type: none"> Does the transposing legislation require health surveillance to be provided for other workers than those for which the assessment of the hazardous chemical agents revealed a risk to health? N. Does the transposing legislation oblige employers to supply the authorities with information automatically and not on request? N. Are the arrangements for health surveillance records specified in the legislation?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>N.</p> <ul style="list-style-type: none"> Are the conditions in which health surveillance is required more specifically described in the legislation? <p>N.</p> <ul style="list-style-type: none"> Is the periodicity of health surveillance provided in national law? <p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>National legislation specifically requires health surveillance to be under the responsibility of an occupational healthcare professional. This is not specified in the Directive.</p>
Consultation of workers Art.11	<ul style="list-style-type: none"> Framework Directive applies 	There are no observed discrepancies.	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? <p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
Limit values Art 3 and 6(4) and (5)	<ul style="list-style-type: none"> Exposure limit values and biological limit values 	There are no observed discrepancies.	<ul style="list-style-type: none"> Does the transposing legislation set more stringent limit values? <p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>Y. Directive 91/322/EEC lays down OELs for 10 substances based on an 8-hour reference period. For some of these substances, the transposing legislation also includes potentially more restrictive 15-minute OELs. See table 1-15a below.</p> <p>With a few minor exceptions, the first list of indicative OELs (Directive 2000/39/EC) all OELs are transposed at the same level. The exceptions are chloroform (IE 9.8 cf 10 mg.m⁻³); Sulphotep (IE 0.0008 cf 0,1); and Hydrogen bromide (IE 6.6 cf 6.7). In addition, for Ethylene glycol, national limits include an 8-hour OEL for the particulate (dust) state of 10 mg.m⁻³.</p> <p>For the chemicals in Directive 2006/15/EC all OELs are transposed as given. However, the national legislation adds 15 minute OELs for 2 chemicals: carbon dioxide 27000 (mg.m⁻³) & 15000 (ppm); bromine 2 (mg.m⁻³) 0.3 (ppm).</p> <p>Finally, for those chemicals in Directive 2009/161/EC, a similar pattern emerges with a few minor deviations but the majority transposed directly. The exceptions are: Vinyl acetate 18 cf 17.6 (mg.m⁻³) over 8 hours and 35 cf 35.2 (mg.m⁻³) over 15-mins (The ppm OELs do not differ); and Ethylacrylate 15-minute OEL 41 cf 42(mg.m⁻³) (again the ppm OELs do not differ).</p>
Other issues identified	Specific protection and prevention measures Art. 6; Procedures for accidents, incidents & emergencies Art. 7; Prohibitions Art. 9 + Annex III	There are no observed discrepancies with any of these other Key Requirements.	No

Table 1-15 a National OELs for substances listed in Directive 91/322/EEC

Einecs (1)	CAS (2)	Name of agent	Limit values (3)		Ireland OEL(8h)		Ireland OEL (15mins)	
			mg/m3 (4)	ppm (5)	mg/m3 (4)	ppm (5)	mg/m3 (4)	ppm (5)
2 005 807	64-19-7	Acetic acid	25	10	25	10	37	15
2 018 659	88-89-1	Picric acid (6)	0.1	-	0.1	-	0.3	-
2 020 495	91-20-3	Naphthalene	50	10	50	10	75	15
2 038 099	110-86-1	Pyridine (6)	15	5	15	5	30	10
2 151 373	1305-62-0	Calcium hydroxide (6)	5	-	5			
2 152 932	1319-77-3	Cresols (all isomers) (6)	22	5	22	5		
2 311 161	7440-06-4	Platinum (metallic) (6)	1	-				
2 314 843	7580-67-8	Lithium hydride (6)	0.025	-	0.025			
2 332 710	10102-43-9	Nitrogen monoxide	30	25	30	25	45	35
		Tin (inorganic compounds as Sn) (6)	2	-	2			

(1) Einecs: *European Inventory of Existing Chemical Substances.*

(2) CAS: *Chemical Abstract Service Number.*

(3) Measured or calculated in relation to a reference period of eight hours.

(4) Mg/m3 = milligrams per cubic metre of air at 20 °C and 101,3 KPa (760 mm mercury pressure).

(5) Ppm = parts per million by volume in air (ml/m3).

(6) Existing scientific data on health effects appear to be particularly limited.

Table 1- 16 Directive 2009/148/EC (asbestos) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art.1 and 2	The Directive covers health and safety risks arising or likely to arise from exposure to asbestos at work where asbestos is defined as any one of six fibrous silicates: - asbestos actinolite, CAS No 77536-66-4 (1); - asbestos grunerite (amosite), CAS No 12172-73-5 (1); - asbestos anthophyllite, CAS No 77536-67-5 (1) - chrysotile, CAS No 12001-29-5 (1); - crocidolite, CAS No 12001-28-4 (1); - asbestos tremolite, CAS No 77536-68-6 (1).	There are no observed discrepancies.	<ul style="list-style-type: none"> Any additional or more detailed requirements N.
Conducting a risk	<ul style="list-style-type: none"> In the case of activity likely to involve a risk 	There are no observed discrepancies.	<ul style="list-style-type: none"> Are the risks to be taken into account in

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
assessment Art.3(2)	of exposure to dust arising from asbestos or materials containing asbestos, this risk must be assessed to determine the nature and degree of the workers' exposure.		<p>the assessment described in a more specific manner than in the Directive? N.</p> <ul style="list-style-type: none"> Is the content of the risk assessment more detailed than described in the Directive? Y. Regulation 8(1-6) (determination and assessment of risk) of SHWW Asbestos 2006 S.I N.386 lays down requirements for the employer to complete a risk assessment.¹⁸ Is a more specific methodology for risk assessment provided in the legislation? N. Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? N. Other additional or more detailed requirements N.
Ensuring preventive and protective services Art.7(4)	<ul style="list-style-type: none"> Sampling shall be carried out by suitably qualified personnel. The samples taken shall be subsequently analysed, in laboratories equipped for fibre counting. 	There are no observed discrepancies.	<ul style="list-style-type: none"> Any additional or more detailed requirements N.
Information for workers Art.4(4) Art.17	<ul style="list-style-type: none"> Art.4(4): Workers must have access to the documents used in the documentation system Art.17: Workers must receive adequate information on: 	There are no observed discrepancies.	<ul style="list-style-type: none"> Does the transposing legislation set any additional information requirements? N. Does the legislation provide for specific

¹⁸ SHWW Asbestos 2006 (S.I No.386) Regulation 8: http://www.hsa.ie/eng/Legislation/Acts/Safety_Health_and_Welfare_at_Work/Exposure_to_Asbestos_-_SI_589_-_2010/Exposure_to_Asbestos_Regulations_SI_386_2006.pdf

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> - potential risks to health from exposure to dust arising from asbestos or materials containing asbestos; - existence of statutory limit values and the need for the atmosphere to be monitored; - hygiene requirements, including the need to refrain from smoking; - precautions to be taken as regards the wearing and use of protective equipment and clothing; - special precautions designed to minimise exposure to asbestos. • Workers must have access to the results of asbestos-in-air concentration measurements and can be given explanations of the significance of those results. If the results exceed the limit value, the workers concerned are informed as quickly as possible of the fact and the reasons for it and the workers are consulted on the measures to be taken or, in an emergency, are informed of the measures which have been taken. 		<p>conditions (e.g. size of the establishments) in relation to workers information? N.</p> <ul style="list-style-type: none"> • Is the content or form of information to workers further specified? N. • Other additional or more detailed requirements N.
Training of workers Art.14	<ul style="list-style-type: none"> • Appropriate training must be given for all workers who are, or are likely to be, exposed to dust from asbestos or materials containing asbestos. Such training must be provided at regular intervals and at no cost to the workers. • The content of the training must be easily understandable for workers. It must enable them to acquire the necessary knowledge and skills in terms of prevention and safety, particularly as regards: <ul style="list-style-type: none"> - properties of asbestos and its effects on health; - types of products or materials likely to 	There are no observed discrepancies.	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation? N. • Are there specific requirements as to the competence of trainers provided in the legislation? N. • Are there more detailed requirements on the content of training than in the Directive? N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>contain asbestos;</p> <ul style="list-style-type: none"> - operations that could result in asbestos exposure and the importance of preventive controls to minimise exposure; - safe work practices, controls and protective equipment; - appropriate role, choice, selection, limitations and proper use of respiratory equipment; - emergency procedures; - decontamination procedures; - waste disposal; - medical surveillance requirements 		<ul style="list-style-type: none"> • Are there more detailed requirements on the regularity of training than in the Directive? N. • Other additional or more detailed requirements N.
Health surveillance Art.18 and ANNEX I	<ul style="list-style-type: none"> • Assessment of each worker's health must be available prior to the beginning of exposure to dust arising from asbestos or materials containing asbestos at the place of work. It must include a specific examination of the chest. • A new assessment must be available at least once every 3 years for as long as exposure continues. • Individual health record to be established for each worker • The doctor or responsible authority shall advise on individual protective/preventive measures to be taken or determine such measures, including where appropriate the withdrawal of the worker from all exposure to asbestos. • Information and advice must be given to workers on any assessment of their health which they may undergo following the end of exposure. 	There are no observed discrepancies.	<ul style="list-style-type: none"> • Do these health surveillance requirements also apply if worker exposure is sporadic and of low intensity, and is clear from the results of the risk assessment that the exposure limit for asbestos will not be exceeded? N. • Does the national legislation oblige worker to continue medical surveillance after exposure to asbestos? N. • Are the arrangements for health surveillance records specified in the legislation? Y. Regulation 21 (medical records relating to health assessments) of SHWW Asbestos 2006 S.I No.386 lays down requirements for health surveillance records.¹⁹

¹⁹ SHWW Asbestos 2006 (S.I No.386) Regulation 21: <http://www.hsa.ie/eng/Legislation/Acts/Safety Health and Welfare at Work/Exposure to Asbestos - SI 589 - 2010/Exposure to Asbestos Regulations SI 386 2006.pdf>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> The doctor may indicate that medical surveillance must continue after the end of exposure for as long as he/she considers it necessary to safeguard the health The worker concerned or the employer may request a review of the assessments These measures do not apply if worker exposure is sporadic and of low intensity, and is clear from the results of the risk assessment that the exposure limit for asbestos will not be exceeded (See Article 3(3)) 		<ul style="list-style-type: none"> Are the conditions in which health surveillance is required more specifically described in the legislation? N. Is the periodicity of health surveillance provided in national law? Y. At least every 3 years. Other additional or more detailed requirements N.
Consultation of workers Art.3(5) and 7(3) and 12	<ul style="list-style-type: none"> Art.3(5): risk assessment is subject to worker consultation Art.7(3): sampling is carried out after worker consultation Art.12: workers must be consulted on measures to be taken in case of activities such as demolition, asbestos removal work, repairing and maintenance where it is foreseeable that the limit values will be exceeded, before the activities start. 	There are no observed discrepancies.	<ul style="list-style-type: none"> Does the national legislation set additional worker consultation requirements? N. Are more specific criteria put in place? N. Other additional or more detailed requirements Instruction to issue suitable RPE & PPE, legible warning signs, and prevention of asbestos containing dust is not spread outside of the site.
Limit values Art.8	<ul style="list-style-type: none"> Employers shall ensure that no worker is exposed to an airborne concentration of asbestos in excess of 0,1 fibres per cm³ as an 8-hour time-weighted average (TWA). 	There are no observed discrepancies.	<ul style="list-style-type: none"> Does the transposing legislation set more stringent limit values? N. Other additional or more detailed requirements N.
Other issues identified	Exclusion of some work Art. 3(3); Guidelines (MS level) Art. 3(4); Notification system. Art 4; Prohibition of use. Art. 5; Measures to reduce exposure. Art. 6; Regular measurement of	There are no observed discrepancies with any of these other Key Requirements.	No

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>exposure. Art. 7; Maximum exposure limit. Art. 8; Cessation of work Art. 10; Identifying asbestos containing material. Art. 11; Exceeding exposure limit. Art. 12; Plan of work. Art. 13; Demonstration of competence. Art. 15; Required measures. Art. 16; Register of workers (MS level) Art. 19(2); Penalties (MS level) Art. 20; Register of cases (MS level) Art. 21</p>		

Table 1- 17 Directive 2000/54/EC (biological agents) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<p>Scope and definitions Art. 1 and 2</p>	<ul style="list-style-type: none"> • The Directive covers risks, arising or likely to arise from exposure to biological agents at work. • 'biological agents': micro-organisms, including those which have been genetically modified, cell cultures and human endoparasites, which may be able to provoke any infection, allergy or toxicity; 	<p>There are no observed discrepancies.</p>	<ul style="list-style-type: none"> • Is the scope of the national legislation broader than the Directive? N. • Other additional or more detailed requirements N.
<p>Conducting a risk assessment Art. 3, 7(1)</p>	<ul style="list-style-type: none"> • The nature, degree and duration of workers' exposure must be determined. • In the case of activities involving exposure to several groups of biological agents, the risk shall be assessed on the basis of the danger presented by all hazardous agents present. • The assessment must be renewed regularly and in any event when any change occurs in the conditions which may affect workers' exposure • The employer must supply the CAs, at their request, with the information used for making the assessment. • The assessment is conducted on the basis 	<p>There are no observed discrepancies.</p>	<ul style="list-style-type: none"> • Does the national legislation require employers to submit risk assessment to national authorities automatically? N. • Does the national legislation require that practical guidelines for the determination and assessment of risk must be developed? N. • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>of all available information:</p> <ul style="list-style-type: none"> - classification of biological agents which are or may be a hazard to human health - recommendations from a CA which indicate that the biological agent should be controlled to protect workers' health when workers are or may be exposed to such a biological agent as a result of their work - information on diseases which may be contracted as a result of the work of the workers - potential allergenic or toxigenic effects as a result of the work of the workers; - knowledge of a disease from which a worker is found to be suffering and which has a direct connection with his work • Where the assessment reveals risk to workers' health or safety, employers shall, when requested, make available to the CA appropriate information on: <ul style="list-style-type: none"> - the results of the assessment; - the activities in which workers have been exposed or may have been exposed; - the number of workers exposed; - the name and capabilities of the person responsible for OSH, - the protective and preventive measures taken; - an emergency plan for the protection of workers from exposure to a group 3 or 4 biological agent which might result from a loss of physical containment. 		<ul style="list-style-type: none"> • Is the content of the risk assessment more detailed than described in the Directive? N. • Is a more specific methodology for risk assessment provided in the legislation? N. • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? N. • Other additional or more detailed requirements N.
Ensuring preventive and protective services	N/A	N/A	N/A
Information for	<ul style="list-style-type: none"> • Employers shall provide written instructions 	There are no observed discrepancies.	<ul style="list-style-type: none"> • Does the information to be provided to

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
workers Art.10	<p>and, if appropriate, display notices which shall, include the procedure to follow in the case of:</p> <ul style="list-style-type: none"> - a serious accident or incident involving the handling of a biological agent; - handling a group 4 biological agent. • Employers shall inform the workers of any accident/incident which may have resulted in the release of a biological agent and could cause severe human infection and/or illness. • Employers shall inform the workers as quickly as possible when a serious accident or incident occurs, of its causes and the remedial measures taken or to be taken. • Each worker shall have access to the information on the list of exposed workers which relates to him personally. • Workers or their representatives shall have access to anonymous collective information. • Employers shall provide workers and/or their representatives, at their request, with the information for CAs (see Article 7) 		<p>the CAs need to be available to the workers independently of their request? N.</p> <ul style="list-style-type: none"> • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? N. • Is the content or form of information to workers further specified? N. • Other additional or more detailed requirements N.
Training of workers Art.9	<ul style="list-style-type: none"> • Workers receive training concerning: <ul style="list-style-type: none"> - potential risks to health; - precautions to be taken to prevent exposure; - hygiene requirements; - wearing and use of protective equipment and clothing; - steps to be taken in case of incidents and to prevent them. • Training shall be: <ul style="list-style-type: none"> - given at the beginning of work involving contact with biological agents, - adapted to new or changed risks, and 	There are no observed discrepancies.	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation? N. • Are there specific requirements as to the competence of trainers provided in the legislation? N. • Other additional or more detailed requirements N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	repeated periodically if necessary		
Health surveillance Art.14 and ANNEX IV	<ul style="list-style-type: none"> • Each worker can undergo, if appropriate, relevant health surveillance prior to exposure and at regular intervals • When necessary, effective vaccines should be made available for workers who are not already immune to the biological agent to which they are exposed. • A worker is found to be suffering from an infection and/or illness which is suspected to result from exposure, the doctor or responsible authority shall offer such surveillance to other workers similarly exposed. In that event, a reassessment of the risk of exposure shall be carried out • In cases where health surveillance is carried out, an individual medical record shall be kept for at least 10 years following the end of exposure. • In the special cases of infection [referred to in Article 11(2) second subparagraph], an individual medical record shall be kept for an appropriately longer time up to 40 years following the last known exposure. • The doctor or responsible authority shall propose protective or preventive measures in respect of any individual worker. • Information and advice must be given to workers on health surveillance they may undergo after the end of exposure. • Workers shall have access to the results of the health surveillance which concern them, and they or the employer may request a review of these results. • All cases of diseases or death identified from occupational exposure to biological agents shall be notified to the CA 	There are no observed discrepancies.	<ul style="list-style-type: none"> • Does the national legislation set more stringent requirements on health surveillance (e.g. individual medical records must be kept more than 10 years)? N. • Are the arrangements for health surveillance records specified in the legislation? N. • Are the conditions in which health surveillance is required more specifically described in the legislation? N. • Is the periodicity of health surveillance provided in national law? N. • Other additional or more detailed requirements N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Consultation of workers Art.12	<ul style="list-style-type: none"> Framework Directive applies 	There are no observed discrepancies.	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? N.
Limit values	N/A	N/A	N/A
Other issues identified	<p>Annex 1: Indicative list of activities</p> <ol style="list-style-type: none"> 1. Work in food production plants. 2. Work in agriculture. 3. Work activities where there is contact with animals and/or products of animal origin. 4. Work in healthcare, including isolation and post-mortem units. 5. Work in clinical, veterinary and diagnostic laboratories, excluding diagnostic microbiological laboratories. 6. Work in refuse disposal plants. 7. Work in sewage purification installations. 	There are no observed discrepancies.	Schedule 1 to the SHWW (Biological Agents) Regulations includes 1 extra activity: "Work in biotechnology, including the production of pharmaceutical products."

Table 1- 18 Council Directive 92/57/EEC (temporary or mobile construction sites) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1, 2 and 10(1) and (2)	<ul style="list-style-type: none"> The Directive applies to the health and safety of workers at temporary or mobile construction sites, i.e. any construction site at which building or civil engineering works are carried out (a non-exhaustive list of works is provided in Annex I). It does not apply to drilling and extractive industries*. 	There are no observed discrepancies.	No
Conducting a risk assessment	N/A	N/A	N/A
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art.11	<ul style="list-style-type: none"> Framework Directive applies. Workers and/or their representatives must be informed of all the measures to be 	There are no observed discrepancies.	<ul style="list-style-type: none"> Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>taken concerning their safety and health on the construction site.</p> <ul style="list-style-type: none"> The information must be comprehensible to the workers concerned. 		<p>N.</p> <ul style="list-style-type: none"> Is the content or form of information to workers further specified? <p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
Training of workers	N/A	N/A	N/A
Health surveillance	N/A	N/A	N/A
Consultation of workers Art. 12	<ul style="list-style-type: none"> Framework Directive applies. The consultation of workers must be coordinated, whenever necessary, between workers and/or workers' representatives carrying out their activities at the workplace, having regard to the degree of risk and the size of the work site. 	There are no observed discrepancies.	<ul style="list-style-type: none"> Are specific criteria put in place for coordination of workers consultation e.g. based on the size of the work site? <p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
Limit values	N/A	N/A	N/A
Other issues identified	Appointment of coordinators Art. 3; Drawing up a health plan Art. 3(2); Prior notification Art. 3(3); Employer responsibility Art. 7(2); Measures in line with the minimum requirements Art. 9(a) and Annex IV	There are no observed discrepancies with any of these other Key Requirements.	No

* The Council Decision 74/326/EEC, to which the Directive refers for a definition of "drilling and extracting industries" has been repealed by the Council Decision setting up an Advisory Committee on Safety and Health at Work.

Table 1- 19 Council Directive 92/104/EEC (surface and underground mineral-extracting industries) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2	The Directive applies to surface and underground mineral-extracting industries (excluding extraction by drilling which is subject to a separate directive).	There are no observed discrepancies.	N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Conducting a risk assessment Art. 3.2	The employer shall ensure that a document concerning safety and health and covering the relevant requirements on risk assessment of the Framework Directive is drawn up and kept up to date. The safety and health document shall demonstrate in particular that the risks to which workers at the workplace are exposed have been determined and assessed.	There are no observed discrepancies.	<ul style="list-style-type: none"> Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically? N. Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? N. Is the content of the risk assessment more detailed than described in the Directive? N. Is a more specific methodology for risk assessment provided in the legislation? N. Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? N. Does the national legislation include more specific information on the content of the 'health and safety document' as provided for by the Directive for the part related to the risk assessment? N. Other additional or more detailed requirements N.
Ensuring internal and/or external	N/A	N/A	N/A

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
preventive and protective services			
Information for workers Art. 7	<ul style="list-style-type: none"> • Framework Directive applies • Workers and/or their representatives shall be informed of all measures to be taken concerning safety and health at workplaces, and in particular of those relating to the implementation of Articles 3 (general obligations), 4 (protection from fire, explosions and health-endangering atmospheres), 5 (Escape and rescue facilities) and 6 (communication, warning and alarm systems). • The information must be comprehensible to the workers concerned. 	There are no observed discrepancies.	<ul style="list-style-type: none"> • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? N. • Is the content or form of information to workers further specified? N. • Other additional or more detailed requirements N.
Training of workers Art. 10 (Annex, Part 1.5 and 1.6)	<ul style="list-style-type: none"> • Workers must be given the necessary information, instructions, training and re-training to ensure their health and safety. • The employer must ensure that workers receive comprehensible instructions so as not to endanger their safety and health or those of other workers. 	There are no observed discrepancies.	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation? N. • Are there specific requirements as to the competence of trainers provided in the legislation? N. • Other additional or more detailed requirements N.
Health surveillance Art. 8	<ul style="list-style-type: none"> • To ensure that workers receive health surveillance appropriate to the health and safety risks they incur at work, measures shall be introduced in accordance with national law and/or practices. • The measures shall be such that each worker shall be entitled to, or shall undergo, health surveillance before being assigned to duties related to the activities 	There are no observed discrepancies.	<ul style="list-style-type: none"> • Does the transposing legislation require health surveillance if workers experience health problems that can be attributed to the performance of the activities covered by the Directive? N. • Are the arrangements for health surveillance records specified in the

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>covered by the Directive and subsequently at regular intervals.</p> <ul style="list-style-type: none"> Health surveillance may be provided as part of a national health system. 		<p>legislation?</p> <p>N.</p> <ul style="list-style-type: none"> Are the conditions in which health surveillance is required more specifically described in the legislation? <p>N.</p> <ul style="list-style-type: none"> Is the periodicity of health surveillance provided in national law? <p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
Consultation of workers Art. 9	<ul style="list-style-type: none"> Framework Directive applies 	There are no observed discrepancies.	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? <p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
Limit values	N/A	N/A	N/A
Other issues identified	Reporting to competent authorities Art. 3(4); Protection from fire, explosions and health-endangering atmospheres Art. 4; Escape and rescue facilities Art. 5; Communication, warning and alarm systems Art. 6; Minimum requirements for safety and health. Art 10	There are no observed discrepancies with any of these other Key Requirements.	No

Table 1- 20 Council Directive 92/91/EEC (mineral-extracting industries through drilling) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2	<ul style="list-style-type: none"> The Directive applies to the safety and health protection of workers in mineral extracting industries; i.e. industries practising extraction of minerals through 	There are no observed discrepancies.	N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	drilling by boreholes, prospection with a view to such extraction and/or preparation of extracted materials for sale, excluding activities of processing the materials extracted.		
Conducting a risk assessment Art.3(2)	<ul style="list-style-type: none"> A 'safety and health document', covering the relevant requirements of the Framework Directive is drawn up and kept up to date. It shall demonstrate in particular that the risks incurred by the workers at the work place have been determined and assessed. 	There are no observed discrepancies.	<ul style="list-style-type: none"> Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically? N. Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? N. Is the content of the risk assessment more detailed than described in the Directive? N. Is a more specific methodology for risk assessment provided in the legislation? N. Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? N. Does the national legislation include more specific information on the content of the 'health and safety document' as provided for by the Directive for the part related to the risk assessment? N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<ul style="list-style-type: none"> Other additional or more detailed requirements N.
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art. 7	<ul style="list-style-type: none"> Framework Directive applies Workers and/or their representatives shall be informed of all measures to be taken concerning safety and health at workplaces, and in particular those relating to the implementation of Articles 3 (general obligations), 4 (protection from fire, explosions and health-endangering atmospheres), 5 (Escape and rescue facilities) and 6 (communication, warning and alarm systems). The information must be comprehensible to the workers concerned. 	There are no observed discrepancies.	<ul style="list-style-type: none"> Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? N. <ul style="list-style-type: none"> Is the content or form of information to workers further specified? N. <ul style="list-style-type: none"> Other additional or more detailed requirements N.
Training of workers Art. 10 (Annex Part A 2.5))	<ul style="list-style-type: none"> Workers must be given the necessary information, instructions, training and retraining to ensure their health and safety. The employer must ensure that workers receive comprehensible instructions so as not to endanger their safety and health or those of other workers. 	There are no observed discrepancies.	<ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation? N. <ul style="list-style-type: none"> Are there specific requirements as to the competence of trainers provided in the legislation? N. <ul style="list-style-type: none"> Other additional or more detailed requirements N.
Health surveillance Art. 8	<ul style="list-style-type: none"> To ensure that workers receive health surveillance appropriate to the health and safety risks they incur at work, measures shall be introduced in accordance with national law and/or practices. 	There are no observed discrepancies.	<ul style="list-style-type: none"> Does the transposing legislation require health surveillance if workers experience health problems that can be attributed to the performance of the activities covered by the Directive?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> The measures shall be such that each worker shall be entitled to, or shall undergo, health surveillance before being assigned to duties related to the activities covered by the Directive and subsequently at regular intervals. Health surveillance may be provided as part of a national health system 		<p>N.</p> <ul style="list-style-type: none"> Are the arrangements for health surveillance records specified in the legislation? <p>N.</p> <ul style="list-style-type: none"> Are the conditions in which health surveillance is required more specifically described in the legislation? <p>N.</p> <ul style="list-style-type: none"> Is the periodicity of health surveillance provided in national law? <p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
Consultation of workers Art. 9	<ul style="list-style-type: none"> Framework Directive applies 	There are no observed discrepancies.	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? <p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
Limit values	N/A	N/A	N/A
Other issues identified	Safe workplaces Art. 3(1)(a), 10, Annex; Supervision of a person in charge Art. 3(1)(b), Annex, Part A 2.2 and 2.3; Safety and health document Art. 3(2) and 3(4), second line; Coordination between employers Art. 3(3); Reporting to the competent authorities Art. 3(4); Measures for protection from fire, explosions, etc. Art. 4, Annex, Part A 6.2 and 6.3; Escape and rescue facilities and warning systems Arts. 5	There are no observed discrepancies with any of these other Key Requirements.	No

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	and 6, Annex, Part A, 7.		

Table 1- 21 Council Directive 92/29/EEC (medical treatment on board vessels) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2(a) and(b), Art 2(3) and (4)	<ul style="list-style-type: none"> The Directive applies to workers on board a vessel, i.e. any vessel flying the flag of a MS or registered under the plenary jurisdiction of a MS, seagoing or estuary-fishing, publicly or privately owned, excluding inland navigation vessels, warships, pleasure boats used for non-commercial purposes and not manned by professional crews and tugs operating in harbour areas. It applies to workers, excluding port pilots and shore personnel carrying out work on board a vessel at the quayside. Vessels of more than 500 gross registered tonnes with a crew of 15 or more workers and engaged in voyage of more than three days are required to have a sick bay. Vessels with a crew of 100 or more workers and engaged in international voyage of more than 3 days are required to have a doctor responsible for medical care on board. 	There are no observed discrepancies.	<ul style="list-style-type: none"> Does the national legislation require a sick bay for vessels board under conditions that go beyond the conditions set by the directive? N. Does the national legislation require having a doctor responsible for medical care on board under conditions that go beyond the conditions set by the directive? N. Other additional or more detailed requirements N.
Conducting a risk assessment	N/A	N/A	N/A
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers	Each Member State shall take the measures necessary to ensure that:	There are no observed discrepancies.	<ul style="list-style-type: none"> Does the national legislation set additional information requirements?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Art. 5	<p>1. medical supplies are accompanied by one or more guides to their use, including instructions for use of at least the antidotes required in Annex II section III;</p> <p>2. all persons receiving professional maritime training and intending to work on board ship have been given basic training in the medical and emergency measures to be taken immediately in the event of an accident or serious medical emergency;</p> <p>3. the captain and any worker or workers to whom he delegates the use of the medical supplies pursuant to Article 4 (1) (b) have received special training updated periodically, at least every five years, taking into account the specific risks and needs connected with the different categories of vessel and in accordance with the general guidelines set out in Annex V'</p>		<p>N.</p> <ul style="list-style-type: none"> Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? <p>N.</p> <ul style="list-style-type: none"> Is the content or form of information to workers further specified? <p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
Training of workers Art. 5	Same as above.	There are no observed discrepancies.	<ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation (general training for person likely to command a vessel)? <p>N.</p> <ul style="list-style-type: none"> Are there specific requirements as to the competence of trainers provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
Health surveillance	N/A	N/A	N/A
Consultation of workers	N/A	N/A	N/A

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<i>Limit values</i>	N/A	N/A	N/A
<i>Other issues identified</i>	Minimal requirements as regards medical supplies Art. 2(1); Minimal requirements as regards watertight medicine chests Art. 2(2); Sick bays Art. 2(3); Doctor on board Art. 2(4); Antidotes Art. 3; Responsibility of the owner and of the captain Art. 4(1); Information and training Art. 5; Inspection (MS level) Art. 6; List of medical supplies. Annexes II and IV	There are no observed discrepancies with any of these other Key Requirements.	No

Table 1- 22 Council Directive 93/103/EC (work on board fishing vessels) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<i>Scope and definitions Art. 1 and 2(b) and(c)</i>	<ul style="list-style-type: none"> The Directive applies to any new or existing fishing vessels with a length between perpendiculars of 15 meters (which on or after 23 November 1995 furthermore satisfied the conditions specified therein) or with a length of 18 metres or over respectively. 	There are no observed discrepancies.	<ul style="list-style-type: none"> Does the national legislation apply the requirement of the Directive to other fishing vessels than the ones covered by the Directive? N. Other additional or more detailed requirements N.
<i>Conducting a risk assessment</i>	N/A	N/A	N/A
<i>Ensuring preventive and protective services</i>	N/A	N/A	N/A
<i>Information for workers Art.8</i>	<ul style="list-style-type: none"> The framework Directive applies. The information must be comprehensible to the workers concerned. 	There are no observed discrepancies.	<ul style="list-style-type: none"> Does the national legislation set additional information requirements? N. Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>N.</p> <ul style="list-style-type: none"> Is the content or form of information to workers further specified? <p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
Training of workers Art.9 Art.10	<p>Art.9</p> <ul style="list-style-type: none"> Workers shall be given suitable training, in particular in the form of precise, comprehensible instructions, on safety and health on board vessels and on accident prevention The training shall cover in particular firefighting, the use of life-saving and survival equipment and, for the workers concerned, the use of fishing gear and hauling equipment and the use of various types of signs including hand signals Such training shall be subject to the necessary updating where this is required by changes in the activities on board <p>Art.10</p> <ul style="list-style-type: none"> Any person likely to command a vessel shall be given detailed training on: <ul style="list-style-type: none"> the prevention of occupational illness and accidents on board and the steps to be taken in event of accident; stability and maintenance of the vessel under all foreseeable conditions of loading and during fishing operations; radio navigation and communication, including procedures. 	There are no observed discrepancies.	<ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation (general training for person likely to command a vessel)? <p>N.</p> <ul style="list-style-type: none"> Are there specific requirements as to the competence of trainers provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
Health surveillance	N/A	N/A	N/A
Consultation of	• The framework Directive applies	There are no observed discrepancies.	• Are there more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
workers Art.11			<p>than in the Framework Directive?</p> <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>
Limit values	N/A	N/A	N/A
Other issues identified	Reporting to competent authorities Art. 3(1)(c); Regular checks (MS level) Art. 3(2); Minimum requirements Arts. 4-6, Annex I and II; Technical maintenance Art. 7(1)(a) and (b); Emergency equipment Art. 7(c) and (d); Personal protective equipment Art. 7(1)(e); Skipper training Art. 10	There are no observed discrepancies with any of these other Key Requirements.	No

Table 1- 23 Council Directive 92/85/EEC (pregnant/breastfeeding workers) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2	<p>The Directive applies to pregnant workers and workers who have recently given birth or who are breastfeeding.</p> <ul style="list-style-type: none"> • <i>pregnant worker</i> shall mean a pregnant worker who informs her employer of her condition, in accordance with national legislation and/or national practice; • <i>worker who has recently given birth</i> shall mean a worker who has recently given birth within the meaning of national legislation and/ or national practice and who informs her employer of her condition, in accordance with that legislation and/or practice; • <i>worker who is breastfeeding</i> shall mean a worker who is breastfeeding within the meaning of national legislation and/or national practice and who informs her 	There are no observed discrepancies.	<ul style="list-style-type: none"> • Any additional or more detailed requirements <p>Y. "Post natal employee" means an employee who gave birth not more than 14 weeks preceding a material date.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	employer of her condition, in accordance with that legislation and/or practice.		
Conducting a risk assessment Art. 4	<p>For all activities liable to involve a specific risk of exposure to the agents, processes or working conditions of which a non-exhaustive list is given in Annex I, the employer shall assess the nature, degree and duration of exposure, in the undertaking and/or establishment concerned in order to:</p> <ul style="list-style-type: none"> - assess any risks to the safety or health and any possible effect on the pregnancy or breastfeeding of workers - decide what measures should be taken 	There are no observed discrepancies.	<ul style="list-style-type: none"> • Does the national legislation go beyond the Directive by prohibiting exposure of agent listed in Annex I without carrying out a risk assessment? N. • Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically? N. • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? N. • Is the content of the risk assessment more detailed than described in the Directive? N. • Is a more specific methodology for risk assessment provided in the legislation? N. • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? N. • Other additional or more detailed requirements N.
Ensuring	N/A	N/A	N/A

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<i>preventive and protective services</i>			
<i>Information for workers Art.4(2)</i>	Pregnant workers, workers who have recently given birth, workers who are breastfeeding in the undertaking and/or establishment concerned shall be informed of the results of the assessment and of all measures to be taken concerning health and safety at work.	There are no observed discrepancies.	<ul style="list-style-type: none"> Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? N. Is the content or form of information to workers further specified? N. Other additional or more detailed requirements N.
<i>Training of workers</i>	N/A	N/A	N/A
<i>Health surveillance</i>	N/A	N/A	N/A
<i>Consultation of workers</i>	N/A	N/A	N/A
<i>Limit values Art. 6</i>	N/A	N/A	N/A
<i>Other issues identified</i>	Three-tiered approach Art. 5; Cases in which exposure is prohibited Art. 6	There are no observed discrepancies with either of these other Key Requirements.	No

Table 1- 24 Council Directive 91/383/EEC (temporary workers) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<i>Scope and definitions Art 3(1) read in conjunction with Art 2</i>	<ul style="list-style-type: none"> This Directive shall apply to: <ul style="list-style-type: none"> employment relationships governed by a fixed-duration contract of employment concluded directly between the employer and the worker, where the end of the contract is established by objective conditions 	There are no observed discrepancies.	<ul style="list-style-type: none"> Any additional or more detailed requirements N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>such as: reaching a specific date, completing a specific task or the occurrence of a specific event;</p> <ul style="list-style-type: none"> o temporary employment relationships between a temporary employment business which is the employer and the worker, where the latter is assigned to work for and under the control of an undertaking and/or establishment making use of his services. 		
Conducting a risk assessment	N/A	N/A	N/A
Ensuring preventive and protective services Art. 6	<ul style="list-style-type: none"> • Protective and prevention services are to be informed about the assignment of workers with temporary or fixed-duration contracts 	There are no observed discrepancies.	<ul style="list-style-type: none"> • Does the legislation define in more specific terms information to be provided to such services? N.
Information for workers Art.3 (and 7)	<ul style="list-style-type: none"> • In addition to the general requirements with regard to workers' information, temporary workers shall be informed of special occupational qualifications or skills or special medical surveillance and about increased risks that the job may entail. 	There are no observed discrepancies.	<ul style="list-style-type: none"> • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? N. • Is the content or form of information to workers further specified? N. • Other additional or more detailed requirements N.
Training of workers Art.4	<ul style="list-style-type: none"> • In addition to the general requirements regarding training, each temporary worker must receive sufficient training appropriate to the particular characteristics of the job, account being taken of his qualifications and experience. 	There are no observed discrepancies.	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation? N. • Other additional or more detailed requirements N.
Health	<ul style="list-style-type: none"> • Workers who are used for particularly 	There are no observed discrepancies.	<ul style="list-style-type: none"> • Does the transposing legislation require

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
surveillance Art.5(2)	dangerous work which requires special medical surveillance must be provided with appropriate special medical surveillance.		<p>medical surveillance for all types of temporary workers? N.</p> <ul style="list-style-type: none"> • Are the arrangements for health surveillance records specified in the legislation? N. • Are the conditions in which health surveillance is required more specifically described in the legislation? N. • Is the periodicity of health surveillance provided in national law? N. • Other additional or more detailed requirements N.
Consultation of workers	N/A	N/A	N/A
Limit values	N/A	N/A	N/A
Other issues identified	Responsibility of User undertaking Art. 8	There are no observed discrepancies with this other Key Requirement.	No

Table 1- 25 Council Directive 94/33/EC (young people at work) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 2(1) in conjunction with Art. 3 Art. 2(2)	<ul style="list-style-type: none"> The Directive applies to any person under 18 years of age (defined as a 'young person') having an employment contract or an employment relationship. It provides for the optional exclusion of occasional or short-term work in domestic service in a private household or of work not considered to be harmful, damaging or dangerous to young people in a family undertaking. 	There are no observed discrepancies although the definitions used are different.	<ul style="list-style-type: none"> Does the transposing legislation cover occasional or short-term work in domestic service in a private household or work not considered to be harmful, damaging or dangerous to young people in a family undertaking? N. Other additional or more detailed requirements Y. The national legislation uses different definitions defining a "child" as a person under 16 years of age and a person who has reached 16 years of age but is less than 18 years of age as a "young person".
Conducting a risk assessment Art. 6(2)	<ul style="list-style-type: none"> The employer shall implement the measures necessary to protect the safety and health of young people on the basis of an assessment of the hazards to young people in connection with their work. <p>The assessment must be made before young people begin work and when there is any major change in working conditions and must pay particular attention to the following points:</p> <p>(a) the fitting-out and layout of the workplace and the workstation;</p> <p>(b) the nature, degree and duration of exposure to physical, biological and chemical agents;</p> <p>(c) the form, range and use of work equipment, in particular agents, machines, apparatus and devices, and the way in which they are handled;</p>	There are no observed discrepancies.	<ul style="list-style-type: none"> Does the transposing legislation provide for a risk assessment to be conducted on a regular basis (i.e. every year) independently of any major change in working conditions? N. Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically? N. Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>(d) the arrangement of work processes and operations and the way in which these are combined (organization of work);</p> <p>(e) the level of training and instruction given to young people.</p> <ul style="list-style-type: none"> • Where this assessment shows that there is a risk to the safety, the physical or mental health or development of young people, an appropriate free assessment and monitoring of their health shall be provided at regular intervals without prejudice to Directive 89/391/EEC. • The free health assessment and monitoring may form part of a national health system. 		<ul style="list-style-type: none"> • Is the content of the risk assessment more detailed than described in the Directive? N. • Is a more specific methodology for risk assessment provided in the legislation? N. • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? N. • Other additional or more detailed requirements N.
Ensuring preventive and protective services Art. 6(4)	<ul style="list-style-type: none"> • The employer shall involve the protective and preventive services referred to in Article 7 of Directive 89/391/EEC in the planning, implementation and monitoring of the safety and health conditions applicable to young people. 	There are no observed discrepancies.	<ul style="list-style-type: none"> • Does the national legislation set any specific/detailed rules on the way and extent of the involvement of protective and preventive services in the planning, implementation and monitoring of the safety and health conditions applicable to young people? N. • Other additional or more detailed requirements N.
Information for workers Art. 6(3)	<ul style="list-style-type: none"> • The employer shall inform young people of possible risks and of all measures adopted concerning their safety and health. 	There are no observed discrepancies.	<ul style="list-style-type: none"> • Is the content or form of information to young workers/legal representatives of children further specified?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	Furthermore, he shall inform the legal representatives of children of possible risks and of all measures adopted concerning children's safety and health.		N. • Other additional or more detailed requirements N.
Training of workers Art.6 (2)	<ul style="list-style-type: none"> The employer shall implement the measures necessary to protect the safety and health of young people on the basis of an assessment of the hazards to young people in connection with their work. <p>The assessment must be made before young people begin work and when there is any major change in working conditions and must pay particular attention to the following points:</p> <p>(e) the level of training and instruction given to young people. *</p>	There are no observed discrepancies.	<ul style="list-style-type: none"> Does the transposing legislation provide for mandatory training of young workers (according to the Directive, the level of training given must be taken into account in assessing any hazards although there is no explicit requirement to provide any such training)? N. Is more specific information on the scope of training provided in the legislation in relation to young workers? N. Other additional or more detailed requirements N.
Health surveillance Art. 6(2) and 9(3)	<p>Where the assessment shows that there is a risk to the safety, the physical or mental health or development of young people, an appropriate free assessment and monitoring of their health shall be provided at regular intervals without prejudice to Directive 89/391/EEC.</p> <p>The free health assessment and monitoring may form part of a national health system.</p>	There are no observed discrepancies.	<ul style="list-style-type: none"> Besides night work and cases where an assessment of the hazards to young people in connection with their work was shown that there is a risk to the safety, the physical or mental health or development of young people, does the transposing legislation provide for a free health assessment of young workers in other circumstances? N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> Prior to any assignment to night work and at regular intervals thereafter, adolescents shall be entitled to a free assessment of their health and capacities, unless the work they do during the period during which work is prohibited is of an exceptional nature. 		<ul style="list-style-type: none"> Are the arrangements for health surveillance records specified in the legislation? N. Are the conditions in which health surveillance is required more specifically described in the legislation? N. Is the periodicity of health surveillance provided in national law? N. Other additional or more detailed requirements N.
Consultation of workers	N/A	N/A	N/A
Limit values	N/A	N/A	N/A
Other issues identified	Prohibition of work by children Arts. 1(1) & 4; Work in cultural or similar activities Art. 5; Vulnerability of young people - prohibition of work. Art. 7; Working time Art. 8; Night work Art. 9; Rest periods Art. 10; Annual rest Art. 11; Breaks Art. 12	There are no observed discrepancies with any of these other Key Requirements.	No

* The level of training given must be taken into account in assessing any hazards although there is no explicit requirement to provide any such training.

1.3.2 Options

This sub-section considers the options provided by the directives to the Member States to exercise their legislative powers beyond what is strictly required by the Directives. In this case, Member States can ultimately set more stringent measures than those required by the Directive. The analysis here reviews whether these options have been used, contributing to the identification of more stringent measures.

Ireland has made use of the option considered in Annex I of Directive 2000/54/EC on biological agents.

Table 1- 26 Options

Directive	Y/N	Legal references and brief description
Directive 2000/54/EC on biological agents - Annex I	Y	The option is transposed in schedule 1 of the Safety, Health and Welfare at Work (Biological Agents) Regulations 2013 and referred to in the main text of the legislation of these Regulations, Articles 5(b)(vi) and 7(1)(f).
Directive 91/383/EEC on temporary workers - Art. 5(1)	N	-
Directive 91/383/EEC on temporary workers - Art. 5(3)	N	-
Directive 91/383/EEC on temporary workers - Art. 7(2) second indent	N	-

1.4 INTERACTIONS

This section aims at identifying synergies provided in the national legislation for the transposition of CPMs across Directives.

For each of the CPMs, the SHWW Act 2005 (transposing the Framework Directive) contains the general requirements. Where the individual Directives include a specific requirement on the CPMs, then this is reflected in the specific transposing legislation. Generally, although some transposing regulations (e.g. noise) include a cross-reference to the general requirement this is to avoid any semblance of conflict rather than presenting a coherent and cohesive approach across the legislation. With regard to the CPM of preventive and protective services, other regulations than the SHWW Act 2005 reflect requirements for competence of individuals or the suitability or appropriateness of the preventive or protective measures taken to manage risk.

The results of the analysis are presented in table 1-27 below.

Table 1- 27 Interactions between CPMs across OSH Directives

	<i>Risk assessment</i>	<i>Preventive and protective services</i>	<i>Information for workers</i>	<i>Training of workers</i>	<i>Health surveillance</i>	<i>Consultation of workers</i>
Directive 89/391/EEC (Framework Directive)	Section 19(1-5) SHWW Act 2005	Section 18(1-5) SHWW Act 2005	Section 9(1-5) SHWW Act 2005	Section 10(1-6) SHWW Act 2005	Section 22(1-2) SHWW Act 2005 Section 9(4)(ii) SHWW Act 2005	Section 26(1-6) SHWW Act 2005
Council Directive 89/654/EEC (workplace)	Part 2 Chapter 1 Section 2(3) SHWW General App (2007) - (cross reference to SHWW Act 2005)	/	/	/	/	/
Directive 2009/104/EC (work equipment)	Part 2 Chapter 2 Section 28(a-f) SHWW General App (2007)	Part 2 Chapter 2 Section 28(d-q) SHWW General App (2007)	Part 2 Chapter 2 Section 29(a-b) SHWW General App (2007)	/	/	/
Council Directive 89/656/EEC (PPE)	Part 2 Chapter 3 Section 63(2-3) SHWW General App (2007)	/	Part 2 Chapter 3 Section 67 SHWW General App (2007) – (cross reference to SHWW Act 2005)	Part 2 Chapter 3 Section 67 SHWW General App (2007) – (cross reference to SHWW Act 2005)	/	/
Council Directive 92/58/EEC (OSH signs)	Part 7 Chapter 1 Section 160(1)(c) SHWW General App (2007) – (cross reference to SHWW Act 2005)	Part 7 Chapter 1 Section 160(1)(a) SHWW General App (2007)	Part 7 Chapter 1 Section 161 SHWW General App (2007) – (cross reference to SHWW Act 2005)	Part 7 Chapter 1 Section 161 SHWW General App (2007) – (cross reference to SHWW Act 2005)	/	/
Directive 1999/92/EC (ATEX)	Part 8 Section 169(1) SHWW General App (2007)	Part 8 Section 169(2-3) & Section 171-2 SHWW General App (2007)	/	Part 8 Section 173 SHWW General App (2007)	/	/

	Risk assessment	Preventive and protective services	Information for workers	Training of workers	Health surveillance	Consultation of workers
Council Directive 90/269/EEC (manual handling of loads)	Part 2 Chapter 4 Section 69(b-c) SHWW General App (2007) – Schedule 3 SHWW General App (2007) – (risks defined)	Part 2 Chapter 4 Section 69(a) SHWW General App (2007) – (Implicit within description)	Part 2 Chapter 4 Section 69(d) SHWW General App (2007) – (cross reference to SHWW Act 2005)	/	Part 2 Chapter 4 Section 69(c)(iv) SHWW General App (2007)	/
Council Directive 90/270/EEC (display screen equipment)	Part 2 Chapter 5 Section 72(1)(a-b) SHWW General App (2007) – Schedule 4 SHWW General App (2007) – (risks defined)	Part 2 Chapter 5 Section 72(1)(c) SHWW General App (2007) – (implicit within description)	Part 2 Chapter 5 Section 72(1)(d) SHWW General App (2007) – (cross reference to SHWW Act 2005)	Part 2 Chapter 5 Section 72(1)(e) SHWW General App (2007) – (cross reference to SHWW Act 2005)	/	/
Directive 2002/44/EC (vibration)	Part 5 Chapter 2 Section 136 SHWW General App (2007)	Part 5 Chapter 2 Section 137-9 SHWW General App (2007)	Part 5 Chapter 2 Section 140 SHWW General App (2007) – (cross reference to SHWW Act 2005)	Part 5 Chapter 2 Section 140 SHWW General App (2007) – (cross reference to SHWW Act 2005)	Part 5 Chapter 2 Section 141 SHWW General App (2007) – (cross reference to SHWW Act 2005)	/
Directive 2003/10/EC (noise)	Part 5 Chapter 1 Section 124 SHWW General App (2007) – (cross reference to SHWW Act 2005)	Part 5 Chapter 1 Section 125-9 SHWW General App (2007)	Part 5 Chapter 1 Section 130 SHWW General App (2007) – (cross reference to SHWW Act 2005)	Part 5 Chapter 1 Section 130 SHWW General App (2007) – (cross reference to SHWW Act 2005)	Part 5 Chapter 1 Section 131 SHWW General App (2007) – (cross reference to SHWW Act 2005)	Part 5 Chapter 1 Section 130(c) SHWW General App (2007) – (cross reference to SHWW Act 2005)
Directive 2004/40/EC (electromagnetic fields)	N/A ²⁰	N/A	N/A	N/A	N/A	N/A

²⁰ N/A refers to “not applicable because the Directive has not been transposed in national legislation”. The acronym of N/A will be used consistently throughout the remainder of the tables.

	<i>Risk assessment</i>	<i>Preventive and protective services</i>	<i>Information for workers</i>	<i>Training of workers</i>	<i>Health surveillance</i>	<i>Consultation of workers</i>
Directive 2006/25/EC (artificial optical radiation)	Part 9 Section 179 SHWW General App amendment (2010) – (cross reference to SHWW Act 2005)	Part 9 Section 180 SHWW General App amendment (2010) Schedule 3 SHWW Act 2005)	Part 9 Section 181 SHWW General App amendment (2010) – (cross reference to SHWW Act 2005)	Part 9 Section 181 SHWW General App amendment (2010) – (cross reference to SHWW Act 2005)	Part 9 Section 182 SHWW General App amendment (2010) – (cross reference to SHWW Act 2005)	Part 9 Section 181(c) SHWW General App amendment (2010) – (cross reference to SHWW Act 2005)
Directive 2004/37/EC (carcinogens or mutagens)	Regulation 4(a-e) SHWW Carcinogens (2001)	Regulation 4(f-i) SHWW Carcinogens (2001)	Regulation 10(1) SHWW Carcinogens (2001) – (cross reference to SHWW Act 2005)	Regulation 10(2-5) SHWW Carcinogens (2001) – (cross reference to SHWW General App 2007)	Regulation 12 SHWW Carcinogens (2001)	Regulation 411 SHWW Carcinogens (2001) – (cross reference to SHWW General App 2007)
Council Directive 98/24/EC (chemical agents at work)	Regulation 4 SHWW Chemical Agents (2001)	Regulation 5-6 SHWW Chemical Agents (2001)	Regulation 9(1-2) SHWW Chemical Agents (2001)	Regulation 9(1-2) SHWW Chemical Agents (2001)	Regulation 10 SHWW Chemical Agents (2001)	Regulation 9(4) SHWW Chemical Agents (2001)
Directive 2009/148/EC (asbestos)	Regulation 8 SHWW Asbestos (2006) – (cross reference to SHWW Act 2005)	Regulation 13-14 SHWW Asbestos (2006)	Regulation 17(1) SHWW Asbestos (2006)	Regulation 17(2-7) SHWW Asbestos (2006) – (cross reference to SHWW Act 2005)	Regulation 20(7) SHWW Asbestos (2006)	/
Directive 2000/54/EC (biological agents)	Part 3 Regulation 7 SHWW Biological Agents (2013) – (cross reference to SHWW Act 2005)	Part 3 SHWW Biological Agents (2013) – (cross reference to SHWW Act 2005)	Part 3 Regulation 8 SHWW Biological Agents (2013)	Part 3 Regulation 8 SHWW Biological Agents (2013)	Part 3 Regulation 12 SHWW Biological Agents (2013) – (cross reference to SHWW Act 2005)	Part 3 Regulation 8 SHWW Biological Agents (2013)
Council Directive 92/57/EEC (temporary or mobile construction sites)	Regulation 23(2)(a) SHWW Construction (2013) – (cross	Regulation 26 SHWW Construction (2013) – (cross	/	/	/	Regulation 23(1)(a) & 28 SHWW Construction

	Risk assessment	Preventive and protective services	Information for workers	Training of workers	Health surveillance	Consultation of workers
	reference to SHWW Act 2005)	reference to SHWW Act 2005)				(2013) – (cross reference to SHWW Act 2005)
Council Directive 92/104/EEC (surface and underground mineral-extracting industries)	Regulation 15 SHWW Quarries (2008) – (implicit in description)	/	Regulation 14 SHWW Quarries (2008) – (implicit in description)	/	Regulation 63 SHWW Quarries (2008) – (cross reference to SHWW Act 2005)	Regulation 17 SHWW Quarries (2008) – (cross reference to SHWW Act 2005)
Council Directive 92/91/EEC (mineral-extracting industries through drilling)	Regulation 4(e) SHWW Extractive Industries (1997) - (cross reference to SHWW Act 2005)	Regulation 26(1) SHWW Offshore Installations (1991) - (cross reference to SHWW Act 2005)	Regulation 5 SHWW Extractive Industries (1997) - (cross reference to SHWW Act 2005)	Schedule 1(2) SHWW Extractive Industries (1997)	Regulation 26(2) SHWW Offshore Installations (1991); Regulation 6 SHWW Extractive Industries (1997) - (cross reference to SHWW Act 2005)	/
Council Directive 92/29/EEC (medical treatment on board vessels)	/	/	/	/	/	/
Council Directive 93/103/EC (work on board fishing vessels)	Regulation 4(a-b) SHWW Fishing Vessels (1999)	Schedule 1 SHWW Fishing Vessels (1999)	Regulation 5 SHWW Fishing Vessels (1999)	Regulation 6 SHWW Fishing Vessels (1999)	/	Regulation 7 SHWW Fishing Vessels (1999)
Council Directive 92/85/EEC (pregnant/breastfeeding workers)	Part 6 Chapter 2 Section 149(a-c) SHWW General App (2007) - (cross reference to SHWW Act 2005) Schedule 8 SHWW General App	Part 6 Chapter 2 Section 150 SHWW General App (2007)	Part 6 Chapter 2 Section 152 SHWW General App (2007) - (cross reference to SHWW Act 2005)	/	/	/

	Risk assessment	Preventive and protective services	Information for workers	Training of workers	Health surveillance	Consultation of workers
	(2007)					
Council Directive 91/383/EEC (temporary workers)	Part 2 Section 9(4)(a)(iv) SHWW Act 2005	Part 2 Section 8(4) SHWW Act 2005	Part 2 Section 9(4)(b)(ii) SHWW Act 2005	Part 2 Section 10 SHWW Act 2005	Part 2 Section 9(4)(a)(iii) SHWW Act 2005	Part 4 Section 26 SHWW Act 2005
Council Directive 94/33/EC (young people at work)	Part 6 Chapter 1 Section 144(a-c) SHWW General App (2007) - (cross reference to SHWW Act 2005) Schedule 7 SHWW General App (2007)	Part 6 Chapter 1 Section 144(d) SHWW General App (2007) - (cross reference to SHWW Act 2005)	Part 6 Chapter 1 Section 144(e) SHWW General App (2007) - (cross reference to SHWW Act 2005)	/	Part 6 Chapter 1 Section 146 SHWW General App (2007) - (cross reference to SHWW Act 2005)	/
Conclusions on interactions between Directives	The general requirement for a risk assessment is contained in the SHWW Act 2005 as indicated above (Framework Directive). Where other directives include a specific requirement for a risk assessment this is reflected in the transposing legislation. Although some transposing regulations (e.g. noise) include a cross-reference to	The general requirement for a competent person is contained in the SHWW Act 2005 as indicated above (Framework Directive). Other regulations reflect requirements for competence of individuals or the suitability or appropriateness of the preventive or protective measures taken to manage risk.	The general requirement for information for workers is contained in the SHWW Act 2005 as indicated above (Framework Directive). Other regulations reflect requirements for information for workers as transposed from the equivalent directive. As with the risk assessment requirement, although some individual	The general requirement for training for workers is contained in the SHWW Act 2005 as indicated above (Framework Directive). Other regulations reflect requirements for training as transposed from the equivalent directive. As with the risk assessment requirement, although some individual regulations include a cross-	The general requirement for health surveillance is contained in the SHWW Act 2005 as indicated above (Framework Directive). Other regulations reflect requirements for surveillance as transposed from the equivalent directive. As with the risk assessment requirement, although some individual regulations include a cross-	The general requirement for consultation is contained in the SHWW Act 2005 as indicated above (Framework Directive). Other regulations reflect requirements for consultation as transposed from the equivalent directive. As with the risk assessment requirement, although some individual regulations include a cross-

	<i>Risk assessment</i>	<i>Preventive and protective services</i>	<i>Information for workers</i>	<i>Training of workers</i>	<i>Health surveillance</i>	<i>Consultation of workers</i>
	the general requirement this is to avoid any semblance of conflict rather than presenting a coherent and cohesive approach across the legislation.		regulations include a cross-reference to the general requirement, this is to avoid any semblance of conflict rather than presenting a coherent and cohesive approach across the legislation.	reference to the general requirement, this is to avoid any semblance of conflict rather than presenting a coherent and cohesive approach across the legislation.	reference to the general requirement, this is to avoid any semblance of conflict rather than presenting a coherent and cohesive approach across the legislation.	reference to the general requirement, this is to avoid any semblance of conflict rather than presenting a coherent and cohesive approach across the legislation.

2 MAPPING QUESTION 2: GAPS IN CONTENT OR TIME

This section aims at determining whether the Member State has applied or used derogations and transitional periods when provided for by the Directives. Provisions setting options are covered under MQ1, in section 1.3.

2.1 TRANSITIONAL PERIODS

Transitional periods: these are periods of time where a derogation applies with extended deadlines for the implementation of particular provisions of the Directives. It is noteworthy that most of the transitional periods are not applicable anymore as the dates by which provisions in question had to be implemented at latest have already passed. However, these periods should be taken into consideration to explain delays in implementation of certain Directives.

Such transitional periods can be found in eight Directives as listed below. For all these Directives, Ireland has set transitional periods with the exception of Directive 92/104/EC (surface and underground mineral extracting industries), Directive 92/91/EC (mineral-extracting industries through drilling), and Directive 2009/104/EC (work equipment).

Table 2- 1 Transitional Periods

<i>Directive</i>	<i>Transitional periods applied</i>	<i>Transitional period respected</i>	<i>Date of end of application of the transitional period</i>
Directive 90/270/EEC (display screen equipment)	Yes	Yes	31 December, 1996
Directive 92/91/EC (mineral-extracting industries through drilling)	No	-	21 November 1997 ²¹
Directive 92/104/EC (surface and underground mineral extracting industries)	No	-	21 November 1997 ²²
Directive 93/103/EC (work on board fishing vessels)	Yes	Yes	23 November 1995 (new); 23 November 2002 (existing) ²³
Directive 1999/92/EC (ATEX)	Yes, included in 2003 Regulations (now replaced)	Yes	30 June 2003
Directive 2002/44/EC (vibration)	Yes	Yes	6 July 2010 6 July 2014 (forestry)
Directive 2003/10/EC (noise)	Yes	Yes	15 February 2008 (music) 15 February 2011 (vessels)
Directive 2009/104/EC (work equipment)	No	-	-

²¹ No derogation provided for existing installations although legislation not in place until end of 5 year period of grace allowed in Directive. However, many of the provisions were already in place through existing legislation

²² No derogation provided for existing installations although legislation not in place until end of 5 year period of grace allowed in Directive. However, many of the provisions were already in place through existing legislation

²³ Although legislation is dated 1999 its provisions were applied retrospectively to the designation of 'new' vessels.

2.2 DEROGATIONS

Derogations: these are provisions, which explicitly permit Member States to derogate from certain requirements contained in the Directive. All derogations are accompanied by conditions which need to be fulfilled before and/or after derogation is permitted. The following table shows which derogations have been used and whether or not the conditions attached are adequately reflected in the transposing legislation.

Irish transposing legislation only reflects the derogations laid down in Directive 98/24/EC on chemical agents at work, Directive 2002/44/EC on vibration, and Directive 2003/10/EC on noise. As a rule, the conditions attached to these derogations have been transposed as well.

Table 2- 2 Derogations

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
Directive 89/656/EEC on personal protective equipment	Art.4.6, second indent	Member States' legislation may allow for contribution of workers towards the costs of some personal protective equipment.	N	Ireland has not made use of this derogation.	The derogation applies in circumstances where use of the equipment is not exclusive to the workplace	N	Ireland has not made use of this derogation.
Directive 92/57/EEC on temporary or mobile construction sites	Art. 3.2	Derogation from the obligation to draw up a health and safety plan	N	Ireland has not made use of this derogation.	The derogation to writing a health and safety plan does not cover work involving particular risks as listed in Annex II.	N	Ireland has not made use of this derogation.
					The derogation does not cover work for which prior notice is required pursuant to paragraph 3 of this Article.	N	Ireland has not made use of this derogation.
Directive 92/58/EEC on safety and/or health signs at work	Art. 6.2.	Derogation from the application of Annex VIII, section 2	N	Ireland has not made use of this derogation.	Alternative measures guaranteeing the same level of protection laid down.	N	Ireland has not made use of this derogation.
		Derogation from the application of Annex IX, section 3	N	Ireland has not made use of this derogation.	Alternative measures guaranteeing the same level of protection laid down	N	Ireland has not made use of this derogation.
Directive 92/85/EEC on breastfeeding workers	Art.11.4	Member States may make entitlement to benefits conditional	N	Ireland has not made use of this derogation.	The worker concerned shall fulfil the conditions of eligibility for such benefits laid down under national legislation.	N	Ireland has not made use of this derogation.
					These conditions may under no circumstances provide for periods of previous employment in excess of 12 months immediately prior to the	N	Ireland has not made use of this derogation.

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
					presumed date of confinement.		
Directive 94/33/EC on the protection of young people at work	Art.5.3	Derogation from the requirement to receive a prior authorisation for the employment of children for the purposes of performance of children in cultural and similar activities	N	Ireland has not made use of this derogation.	N/A in the case of children of at least 13 years of age, Member States may authorize, by legislative or regulatory provision, in accordance with conditions which they shall determine, the employment of children for the purposes of performance in cultural, artistic, sports or advertising activities.	N	Ireland has not made use of this derogation.
	Art. 7.3.	Derogation from the prohibition of employment of young people for works listed in Article 7.2 in the case of adolescents	N	Ireland has not made use of this derogation.	Derogations indispensable for their vocational training	N	Ireland has not made use of this derogation.
					Protection of their safety and health is ensured by the fact that the work is performed under the supervision of a competent person within the meaning of Article 7 of Directive 89/391/EEC	N	Ireland has not made use of this derogation.
					Protection afforded by Framework Directive is guaranteed	N	Ireland has not made use of this derogation.
	Art. 8.5	Derogations from limits on the working hours of children specified in Article 8.1.(a).	N	Ireland has not made use of this derogation.	Derogation is justified by way of exception	N	Ireland has not made use of this derogation.
					Or Derogation is used because objective grounds are provided	N	Ireland has not made use of this derogation.
					Member States shall, by legislative or regulatory provision, determine the conditions, limits and	N	Ireland has not made use of this derogation.

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
					procedure for implementing such derogations.		
	Art.9.2	Article 9 (2) a Member States may, by legislative or regulatory provision, authorize work by adolescents in specific areas of activity during the period in which night work is prohibited as referred to in paragraph 1 (b).	N	Ireland has not made use of this derogation.	Work by adolescents in specific areas of activity	N	Ireland has not made use of this derogation.
					Supervision of the adolescent by an adult where such supervision is necessary for the adolescent's protection.	N	Ireland has not made use of this derogation.
					Work shall continue to be prohibited between midnight and 4 a.m.	N	Ireland has not made use of this derogation.
	Art.9.2	Article 9 (2) b second indent Derogation from prohibition of night work for adolescents for: — work performed in the shipping or fisheries sectors; — work performed in the context of the armed forces or the police; — work performed in hospitals or similar establishments; — cultural, artistic, sports or advertising activities.	N	Ireland has not made use of this derogation.	Objective grounds for so doing	N	Ireland has not made use of this derogation.
					and provided that adolescents are allowed suitable compensatory rest time	N	Ireland has not made use of this derogation.
					and that the objectives set out in Article 1 are not called into question:	N	Ireland has not made use of this derogation.
	Art.10.3	Derogation from the minimum rest periods for interruption in the case of activities	N	Ireland has not made use of this derogation.			

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
		involving periods of work that are split up over the day or are of short duration.					
	Art. 10.4	Derogations from rest periods in respect of adolescents for (a) work performed in the shipping or fisheries sectors; (b) work performed in the context of the armed forces or the police; (c) work performed in hospitals or similar establishments; (d) work performed in agriculture; (e) work performed in the tourism industry or in the hotel, restaurant and café sector; (f) activities involving periods of work split up over the day.	N	Ireland has not made use of this derogation.	Objective grounds are provided and provided that they are granted appropriate compensatory rest time and that the objectives set out in Article 1 are not called into question	N	Ireland has not made use of this derogation.
	Art. 13	Member States may, by legislative or regulatory provision, authorize derogations from Article 8 (2), Article 9 (1) (b), Article 10 (1) (b) and, in the case of adolescents, Article 12, for work under force majeure	N	Ireland has not made use of this derogation.	Work is of a temporary nature and must be performed immediately	N	Ireland has not made use of this derogation.
					Adult workers are not available	N	Ireland has not made use of this derogation.
					Adolescents are allowed equivalent compensatory rest time within the following three weeks.	N	Ireland has not made use of this derogation.

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
Directive 98/24/EC on chemical agents at work	Art. 9.2 and 9.3	Derogations from prohibition of the use of certain chemical agents and activities involving chemical agents in the following circumstances: - for the sole purpose of scientific research and testing, including analysis, - for activities intended to eliminate chemical agents that are present in the form of by-products or waste products, - for the production of the chemical agents referred to in paragraph 1 for use as intermediates, and for such use.	Y	Derogation used as specified	Exposure of workers to chemical agents must be prevented, via single closed systems, from which the chemical agents may be removed only to the extent necessary to monitor the process or service the system.	Y	The use of single closed systems as provided for in the Directive is transposed in the national legislation.
					Member States may provide for systems of individual authorisations.	Y	Authorisation is provided via a certificate in writing.
					The competent authority shall request the employer to submit the information listed in Article 9.3.	Y	The information requirements are transposed in a literal manner in the transposing legislation.
Directive 2002/44/EC on vibration	Art. 10.1	Derogation from the obligation to comply with exposure limit values in the case of sea and air transport,	Y	Derogation used	In duly justified circumstances with respect to whole-body vibration where, given the state of the art and the specific characteristics of workplaces, it is not possible to comply with the exposure limit value despite the technical and/or organisation measures taken.	Y	The condition is reflected in the transposing legislation.
					The derogation must be accompanied by	Y	The Authority shall not grant any exemptions under this

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
					conditions which guarantee that the resulting risks are reduced to a minimum and that the workers concerned are subject to increased health surveillance, and must be reviewed every four years and withdrawn as soon as the justifying circumstances no longer obtain. (Art.10.3)		Regulation unless – (a) the Authority consults the employers and the employees concerned or their representatives, or both, (b) it applies conditions to any such exemption, taking into account the special circumstances, to ensure that the resulting risks are reduced to a minimum, and (c) appropriate health surveillance is available to the employees concerned.
	Art. 10.2	Derogation from the obligation to comply with exposure limit values in a case where the exposure of a worker to mechanical vibration is usually below the exposure action values but varies markedly from time to time and may occasionally exceed the exposure limit value	Y	Derogation used	The exposure value averaged over 40 hours must be less than the exposure limit value and	Y	As per Directive
					There must be evidence to show that the risks from the pattern of exposure to the work are lower than those from exposure at the exposure limit value	Y	As per Directive
					The derogation must be accompanied by conditions which guarantee that the resulting risks are reduced to a minimum and that the workers concerned are subject to increased health surveillance, and must be reviewed every four years and withdrawn as soon as the justifying circumstances no longer obtain. (Art.10.3)	Y	As per Directive
Directive 2003/10/EC on	Art.11.1 and	Derogations from the provisions of Articles 6	Y	Derogation used	Guarantee, taking into account the special	Y	As per Directive

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
noise	11.2	(1)(a) and (b) and 7.in exceptional situations where, because of the nature of the work, the full and proper use of individual hearing protectors would be likely to cause greater risk to health or safety than not using such protectors			circumstances, that the resulting risks are reduced to a minimum and that the workers concerned are subject to increased health surveillance.		
					Review every four years and withdrawn as soon as the justifying circumstances no longer obtain.	Y	As per Directive
Directive 2004/40/EC on electromagnetic fields	Art.4.6	The risk assessment may include a justification by the employer that the nature and extent of the risks related to electromagnetic fields make a further detailed risk assessment unnecessary.	N/A	Directive not transposed			

3 MAPPING QUESTION 3: LEVEL OF COMPLIANCE BY DIFFERENT STAKEHOLDERS

The question consists of two separate, but intertwined questions: the degree of compliance and approaches to compliance.

3.1 DEGREE OF COMPLIANCE

The question aims to ascertain the extent to which establishments in Member States comply with the key requirements of the 24 OSH Directives and to what extent differences exist between public/private sector; different sizes of establishments: micro/SMEs/large enterprises and different sectors of economic activity.

The results are summarized in tables 3.1 and 3.2. Table 3.1 outlines the range of compliance with the common processes and mechanisms (CPMs) **across all 24 OSH Directives**. Table 3.2 complements the previous table by addressing the level of compliance with the CPMs at the **level of individual Directives**.

As regards **key requirements** which do not constitute CPMs, a detailed overview is provided in Table 3.3.

The following indicators are used for estimating the degree of compliance:

- | | |
|-------------------------------------|-----------------------|
| (5) very high degree of compliance: | indicators above 80% |
| (4) high degree of compliance: | indicators 60-79% |
| (3) medium degree of compliance: | indicators 40-59% |
| (2) low degree of compliance: | indicators 20-39% |
| (1) very low degree of compliance: | indicators below 20%. |

The percentages are intended as approximate guides, not exact values.

In the case of Ireland, the only data available is the ESENER Survey, supplemented by the Report on Economic Impact of the Safety, Health and Welfare at Work Legislation (2006) with regard to estimating compliance with the risk assessment. The view that there is limited data available to assess compliance is echoed in the National Implementation Report (NIR) prepared by the Irish government in which an employer representative is quoted as saying: “Currently to assess the extent of the effectiveness of directives, the only indicators used relate to accident rate and fatalities. There is no measure of leading indicators nor consideration of implementation of OSH management systems and the overall impact of these.”²⁴ In general, it can be noted that compliance in the fisheries and agriculture sector is low and compliance increases with the size of the company. SMEs and micro-industries have difficulties due to their lack of resources and seek practical (paper based and online) tools for compliance such as simplified guidance, risk assessment templates etc.

With the exception of the limited data cited above, no data sources have been identified relating to quantified estimates of compliance relating to the CPMs or KR of any individual directives. Thus data sources are limited to the percentage of employers inspected who had safety statements in the mines & quarries (78.3%); agriculture (28.9%) and construction (71.2%) sectors, with some additional data available for the construction sector on consultation and representation.

In summary, it is not possible to answer in detail the question on degree of compliance as this would mean closer scrutiny of the different sources of information, which are unfortunately not available or not existent.

²⁴ See Ireland National Implementation Report, Section 1 Clause 3.1

With regard to the ESENER data reported upon in the below table, it should be noted that ESENER data are based on a relatively small sample size (interviews were carried out in only 28,649 establishments in 31 European countries) and composition (enterprises up to 10 employers were not involved). Moreover, this information is based on managers' responses and the ESENER average response rate is around a third as only some 20 per cent answered in five out of the EU's six largest countries (Germany, Spain, Italy, Poland and the UK).²⁵ The post-test of the ESENER survey noted that "it is important to mention that companies participating in the survey are likely to be the organisations with high standards or good procedures in place and therefore represent a self-selected sample of 'good examples'."²⁶

²⁵ EU-OSHA, European Survey of Enterprises on New and Emerging Risks - Managing safety and health at work, 2010, p.95

²⁶ EU-OSHA, Qualitative post-test evaluation of ESENER: National overview report, 2013

Table 3- 1 Degree of compliance: Common processes and mechanisms (across Directives)

Common Processes and mechanisms (across Directives)	Criteria/indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
Risk assessment	<p>% of establishments which perform regular²⁷ risk assessment</p> <p>% of establishments that carry out risk management activities resulting from the risk assessment</p>	<p>66.6% of companies inspected had safety statements (2004)</p> <p>Irish law embodies the need for a safety statement to include the outcome from any risk assessments and the actions planned to manage those risks. The data given cites the HSA as its source.²⁸</p>	<p>No data are available as to the regularity with which these assessments were carried out. The safety statement can also be seen as a precursor to risk management activities.</p> <p>The view that there is limited data available to assess compliance is echoed in the National Implementation Report (NIR) prepared by the Irish government in which an employer representative is quoted as saying: "Currently to assess the extent of the effectiveness of directives, the only indicators used relate to accident rate and fatalities. There is no measure of leading indicators nor consideration of implementation of OSH management systems and the overall impact of these."</p>	<p>In a 2006 study (using 2004 data), compliance with the requirement for a safety statement varied from 28.9% (agriculture & fisheries) to 78.3% (M&Q).²⁹</p> <p>In a study of the effect of company size in the same report (2003 data), full compliance ranged from 51.3% (0-5 employees) to 70.9% (>50) with a mean of 60.3%. In contrast, almost no compliance ranged from 21.5 – 3.5% across the same size range, with a mean of 10.7%.³⁰</p> <p>Although documented under a specific Directive (Directive 2004/37/EC) the NIR includes the general comment that "In general, SMEs and micro-industries have difficulties due to their lack of resources and seek practical (paper based and online) tools for compliance such as simplified</p>

²⁷ Is the risk assessment reviewed regularly and in any event when any changes occur in the conditions which may affect workers exposure?

²⁸ Report on Economic Impact of the Safety, Health and Welfare at Work Legislation. Final Report Prepared by Indecon (2006)

²⁹ Report on Economic Impact of the Safety, Health and Welfare at Work Legislation. Final Report Prepared by Indecon (2006)

³⁰ Report on Economic Impact of the Safety, Health and Welfare at Work Legislation. Final Report Prepared by Indecon (2006)

Common Processes and mechanisms (across Directives)	Criteria/indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale																														
		According to ESENER1 data: 92.99% of workplaces are regularly checked for health and safety as part of RA	The ESENER1 survey suggests that most of the workplaces (92.99%) are regularly checked for health and safety as part of their risk assessment or similar measure. ³²	guidance, risk assessment templates etc." ³¹ The ESENER survey ³³ shows the following differences according to enterprise size and sectors: <table border="1" data-bbox="1697 550 2060 726"> <thead> <tr> <th>Company Size</th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>10 to 19 workers</td> <td>86.6%</td> <td>13.4%</td> </tr> <tr> <td>20 to 49 workers</td> <td>97.84%</td> <td>2.16%</td> </tr> <tr> <td>50 to 249 workers</td> <td>97.7 %</td> <td>2.3%</td> </tr> <tr> <td>250 to 499 workers</td> <td>100 %</td> <td></td> </tr> <tr> <td>500 ≥ workers</td> <td>99.36%</td> <td>0.64%</td> </tr> </tbody> </table> <table border="1" data-bbox="1697 726 2060 845"> <thead> <tr> <th>Sector Type</th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>Production</td> <td>98.55 %</td> <td>1.45 %</td> </tr> <tr> <td>Private</td> <td>91.19 %</td> <td>8.81 %</td> </tr> <tr> <td>Public</td> <td>95.58 %</td> <td>4.42 %</td> </tr> </tbody> </table> <p>Analysis by size showed a slight fall-off amongst the smallest organisations surveyed (10-19 workers) at 86.59% with larger companies achieving 97-100%. Analysed by sector the production sector was most likely to report a risk assessment (98.55%) with a slight fall to the public services sector (95.58%) and a further fall to the private services</p>	Company Size	Yes	No	10 to 19 workers	86.6%	13.4%	20 to 49 workers	97.84%	2.16%	50 to 249 workers	97.7 %	2.3%	250 to 499 workers	100 %		500 ≥ workers	99.36%	0.64%	Sector Type	Yes	No	Production	98.55 %	1.45 %	Private	91.19 %	8.81 %	Public	95.58 %	4.42 %
Company Size	Yes	No																																
10 to 19 workers	86.6%	13.4%																																
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³¹ Ireland National Implementation Report Section 2, Council Directive 2004/37/EC.

³² ESENER1, question MM161

³³ ESENER1, question MM161

Common Processes and mechanisms (across Directives)	Criteria/indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
				sector (91.19%). In the NIR an employers' representative is quoted as saying "In general among firms, risk assessments are complied with. For many small businesses where the complications and confusion arise is with the specific risk assessment requirements of individual directives, as these regulations often require information beyond general assessments or the information may be required in a different format." ³⁴
Ensuring protective and preventive services	% of establishments having ensured protective and preventive services	According to ESENER1 data: 14.18 – 71.88%	ESENER1 2009 asks about different forms of service ³⁵ . No consolidated data are available so overlap between forms is not known. Occupational Health Physician, 42.31%; Safety specialist, 70.41%; Psychologist 14.18%; Ergonomist, 36.93%; Health & Safety Consultant, 71.88%.	Data based on company size showed a general trend for greater usage in larger companies. However, there were a number of exceptions with the largest companies (>500 workers) where the percentage fell slightly compared to the 250-499 workers category. In addition, the smallest group (10-19 workers) were slightly more likely to use the services of a psychologist than their slightly

³⁴ National Implementation Report, Part A, Section I, p.6

³⁵ ESENER1, questions MM150

Common Processes and mechanisms (across Directives)	Criteria/indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
				larger counterparts. For sectors there was a mixed pattern, with no one sector emerging as the most likely to use most services. Thus the public sector was least likely to use a safety specialist or an ergonomist, but most likely to use an occupational health practitioner or psychologist.
Information for workers	% of establishment which provide information to workers		No data available	
Training of workers	% of establishment which provide training to workers			In a small-scale survey in the construction sector, 97% of workers indicated that they had received at least the basic 'Safe Pass' (compulsory) training. ³⁶
Making available health surveillance	% of establishments which provide health surveillance to workers	According to ESENER1 data: health of workers is monitored in 30.4% of the workplaces	The ESENER1 survey ³⁷ suggests that only a small percentage of the workplaces (30.4%) are monitored through regular medical examinations. Note. Not all health surveillance involves a medical examination. Surveillance can take many forms including, for example a self-administered questionnaire.	Small companies were least likely to use regular medical examinations. The production sector was most likely to use medical examinations (presumably reflecting the need due to potential exposures to agents warranting such

³⁶ Irish and Non-Irish National Construction Workers: Is there really a difference? - http://www.employment-studies.co.uk/pdflibrary/hsa1208_employers.pdf

³⁷ ESENER1 survey, question MM154

Common Processes and mechanisms (across Directives)	Criteria/indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale																														
				examinations). The ESENER survey ³⁸ shows the following differences according to enterprise size and sectors: <table border="1"> <thead> <tr> <th>Company Size</th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>10 to 19 workers</td> <td>26.1%</td> <td>73.9%</td> </tr> <tr> <td>20 to 49 workers</td> <td>28.8%</td> <td>71.2%</td> </tr> <tr> <td>50 to 249 workers</td> <td>38.9%</td> <td>61.1%</td> </tr> <tr> <td>250 to 499 workers</td> <td>56.2%</td> <td>43.8%</td> </tr> <tr> <td>500 ≥ workers</td> <td>53.25%</td> <td>46.75%</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th>Sector Type</th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>Production</td> <td>35.18%</td> <td>64.82%</td> </tr> <tr> <td>Private</td> <td>30.09%</td> <td>69.91%</td> </tr> <tr> <td>Public</td> <td>24.92%</td> <td>75.08%</td> </tr> </tbody> </table>	Company Size	Yes	No	10 to 19 workers	26.1%	73.9%	20 to 49 workers	28.8%	71.2%	50 to 249 workers	38.9%	61.1%	250 to 499 workers	56.2%	43.8%	500 ≥ workers	53.25%	46.75%	Sector Type	Yes	No	Production	35.18%	64.82%	Private	30.09%	69.91%	Public	24.92%	75.08%
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Consultation of workers	% of establishments with appointed worker rep % of establishments which consult workers on risk assessment % of establishments which consult workers on measures	In the construction sector, 44.3% of employers inspected had safety consultation and 12.4% had a safety representative. According to ESENER1 data ⁴⁰ : 27.28% - 79.36% have some form of representation/consultation	Data from 2001 derived from workplace inspections in the construction sector. ³⁹ ESENER1 asked separately about different forms of consultation. ⁴¹ Companies were least likely to have a Trades Union Representative (27.28%) and most likely to have a health and safety representative (79.36%). The categories are not mutually exclusive.	The data showed an increasing trend for all questions with company size with the slight exception of Trades Union representation where there was a slight fall in moving to the largest (>500																														

³⁸ ESENER1, question MM154

³⁹ Fatal accidents in the Irish construction industry 1991-2001: A survey of contributory factors. Marie Dalton, Health and Safety Authority

⁴⁰ ESENER1, questions MM351-355-358.

⁴¹ Ibid.

Common Processes and mechanisms (across Directives)	Criteria/indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
				workers) segment. Overall, the production sector was more likely to have each of the forms of consultation/representation with the public and private sectors in bottom place depending on the category.

Note: A report prepared by Eurofound (EIRO)⁴² identified the issue of information and consultation structures as being of most pressing concern for the social partners in Ireland (and the UK) as the two current EU Member States with no statutory or centrally-agreed system of works council-type bodies. However, this report predated the implementation of Directive 2002/14/EC (establishing a general framework for informing and consulting employees in the European Community) which was expected to result in radical changes.

Results from stakeholder interviews

Due to the little and outdated data on compliance in Ireland some comments regarding compliance were recorded during the interviews.

One of the interviewed stakeholders commented that enforcement practices by local Government have had a positive effect on compliance in the larger companies. Unfortunately, however, he displayed concern over the lower levels of compliance in the smaller businesses, which he believes is resulting in a higher accident rate. He attributes lower compliance in the smaller businesses to weaker enforcement actions taken by the local Government against smaller businesses. He also went on to explain that the results of their compliance audits usually do throw up similar issues of non-compliance with risk assessment and consultation. Not so much that they aren't being done, but that they aren't sufficient. In effect, they just about meet the legal standard, but do not add any value to reduction of risk. In addition, even large employers lose sight of just how many assessments are required by individual statute, while the burden is on small businesses, it isn't the case that it isn't a burden for large employers. The larger the operation, the more chemicals, machines, manual handling, DSE, etc. have to be assessed and it is easy for an employer to miss one or several and be in technical breach.

⁴² EIRO Thematic Features. Works councils: Workplace representation and participation structures. 2005. <http://www.eurofound.europa.eu/publications/htmlfiles/ef04143.htm>

A separate stakeholder offered the following perspective. Historically a significant amount of our resources are focused on the high risk activities (sectors with highest number of accidents and fatalities) which primarily are Agriculture and Construction. These sectors have the highest levels of enforcement with more Notices served on construction sites than on farms. This is because of the nature of the work e.g. it is easy to serve a Prohibition Notice when you see construction workers repairing a roof with no edge protection. In the main for farm inspections we have a high level of engagement with sole traders/self-employed (small enterprises run by farmer) where no other workers are at risk. In the construction sector inspectors are engaging with several contractors on one site. The main/principal contractor manages the project and often enforcement would be taken against the main contractor who has control/co-ordination of occupational health and safety responsibilities under the Construction Regulations. High end enforcement (prohibition notices/improvement notices) would generally be served mostly on working at heights issues (construction) and machinery guarding /slurry pit fencing (agriculture) along with improvement notices (both sectors) for the absence of a safety statement/specific risk assessments and the absence of a safety management programme.

Across all sectors a significant number of written directions (Report of inspections) are issued which would direct duty holders to take certain measures where low risk non-compliance issues were observed. These Reports would cover:

- Carrying out work activity risk assessments
- Ensuring internal and/or external preventive and protective services are in place
- Health and Safety Information for workers
- Training of workers
- Availability of Health surveillance
- Safety consultation of workers.

The figures for 2013 would indicate that following approximately 12,000 inspections/investigations a 7% of visits resulted in enforcement action being taken i.e. serving either Improvement or Prohibition Notices. 50% of visits would have a Report of Inspection letter issued. The breakdown of these actions under each OSH directive is not available.

However there would be a subjective/general opinion that micro enterprises/SMEs find it more difficult to comply with OSH directives given their size/budget constraints and the difficult economic conditions that prevail, they struggle with as opposed to the larger organisations/enterprises. While one might be of the opinion that public sector organisations (access to funding) would find it more easily to comply than private sector it may not always be the case however accessing supporting evidence of this is also not readily available.

Table 3- 2 Degree of compliance: Common processes and mechanisms (individual Directives)

Common Processes and mechanisms (individual Directives)	Criteria/indicator to guide the assessment	Directive nr.	Assessment of the degree of compliance	The rationale upon which the assessment has been made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
Risk assessment	% of establishments which perform regular ⁴³ risk assessment	Council Directive 90/269/EEC			In the NIR, a worker representative is reported as commenting on the quality of risk assessments, stating: "in all my experience, I have not come across any company who has carried out a written manual handling job related risk assessment, other than the general references in safety statements to what constitutes poor manual handling techniques" ⁴⁴
Ensuring protective and preventive services	% of establishments having ensured protective and preventive services	No data available			
Information for workers	% of establishment which provide information to workers	No data available			
Training of workers	% of establishment which provide training to workers	No data available			
Making available health surveillance	% of establishments which provide health surveillance to workers	No data available			
Consultation of workers	% of establishments with appointed worker rep % of establishments which consult workers on risk assessment	No data available			

⁴³ Is the risk assessment reviewed regularly and in any event when any changes occur in the conditions which may affect workers exposure?

⁴⁴ Ireland National Implementation Report, Part A, Section II, Council Directive 90/269/EEC, p.27.

Common Processes and mechanisms (individual Directives)	Criteria/indicator to guide the assessment	Directive nr.	Assessment of the degree of compliance	The rationale upon which the assessment has been made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
	% of establishments which consult workers on measures				

Table 3- 3 Degree of compliance: Key requirements

Directive	Key requirement (Directive specific)	Estimate of degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale for those differences
Council Directive 90/269/EEC (MH)	Risk management measures			In the NIR, a worker representative is reported as commenting on the quality of risk management measures, stating: "In our experience, mainly through discussions with safety representatives attending education and training courses, there is very little attempt being made to address manual handling issues by using mechanical aids/means. Instead the solution appears to be manual handling training, as the only response to manual handling problems, and even that is usually unrepresentative of the actual work being performed." ⁴⁵
Council Directive 90/270/EEC (DSE)	General compliance			In the NIR an employers' representative suggested that there was more of a problem over compliance with the requirements of this Directive amongst larger rather than smaller businesses. ⁴⁶
Council Directive	Risk assessment and			The NIR states that: "Some SMEs have had difficulty understanding the elements of risk

⁴⁵ Ireland National Implementation Report, Part A, Section II, Council Directive 90/269/EEC (Manual Handling), p.27.

⁴⁶ Ireland National Implementation Report, Part A, Section II, Council Directive 90/270/EEC (Display Screen Equipment).

Directive	Key requirement (Directive specific)	Estimate of degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale for those differences
98/24/EC (Chemical Agents)	management measures			assessment and the prioritising of measures to eliminate or reduce risk. The HSA is publishing further guidance for SMEs in this area." ⁴⁷

⁴⁷ Ireland National Implementation Report, Part A, Section II Council Directive 98/24/EC (Chemical Agents), p.55.

3.2 APPROACHES TO COMPLIANCE

The second question complements the first sub-question in that aims to answer the question of to what extent can potential differences in the degrees of compliance observed as between private undertakings and public sector bodies, various sizes of companies, etc. be attributed to different approaches to compliance.

In Ireland, there is a systematic approach to compliance set in legislation, through the inclusion of a ‘safety statement’, which takes into account the whole process of risk identification and control. In particular, every employer must have a written safety statement based on the hazards identified and the risk assessment and setting out how the safety, health and welfare of the employees will be secured and managed. Inspections are merely focused at high risk sectors and hazards and are based on analyses of statistics for accidents and ill-health. Finally, stakeholders (employees and their representatives) are involved in the forming of the compliance approach and its further development through the tri-partite board of the HSA, although much of the workforce is outside the tripartite structure due to the increase in micro-enterprises and self-employment.

Table 3- 4 Approaches to compliance

Question	Answer	Observed differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity
What approach has been adopted? Is it systematic?	Legislation in Ireland adopts a systematic approach to risk management in that the required safety statement should be: “based on the identification of the hazards and the risk assessment carried out under section 19, specifying the manner in which the safety, health and welfare at work of his or her employees shall be secured and managed.” ⁴⁸ As described below, this embodies consideration of the whole process of risk identification and control.	As cited above, data suggests a progressive reduction in complete compliance with increasing size and a concomitant decrease in almost complete non-compliance. The criteria for rating compliance are not known. However, at least with reference to one Directive (90/270/EEC) the NIR offers a dissenting voice in that an employers’ representative comments that there was more of a problem over compliance amongst larger rather than smaller businesses. ⁴⁹ Concerns are also expressed in the same report about observed discrepancies in practical interpretation of the requirements between Ireland and some other (unspecified) MSs, resulting in procedures considered acceptable elsewhere being regarded as insufficient

⁴⁸ Safety, Health and Welfare at Work Act 2005, Section 20. <http://www.irishstatutebook.ie/2005/en/act/pub/0010/index.html>

⁴⁹ Ireland National Implementation Report, Part A, Section II, Council Directive 90/269/EEC (DSE).

Question	Answer	Observed differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity in Ireland.
<p>What are the key characteristics of the approach?</p>	<p>A risk management approach which involves:</p> <ul style="list-style-type: none"> • hazard identification and risks assessment; • identification of the protective and preventive measures taken and the resources provided; • plans and procedures to be followed and the measures to be taken in the event of an emergency or serious and imminent danger; • description of the duties of employees; • names of responsible persons • arrangements regarding the appointment of safety representatives and consultation with, and participation by, employees and safety representatives, 	<p>There are no differences in the legislative approach although the actual approach adopted might differ between establishments of different sizes. Data showing differing degrees of compliance in (3) different sectors (agriculture, construction, M&Qs) suggests differing attitudes which are likely to be reflected in the approach adopted.⁵⁰</p>
<p>What are the criteria upon which priorities for compliance measures are set?</p>	<p>Apart from analyses of statistics for accidents and ill-health, assessment of the health and safety performance of individual employers is primarily through a focused inspection programme targeted at high risk sectors and hazards. Each year, workplaces are selected for inspection using a risk-based system which takes account of the key known safety and health risks, the level of risk in the sector, rates of injury and ill health, rates of complaint and previous levels of compliance.⁵¹ However, the same NIR includes a comment from an employers' representative which criticises over reliance on accident rates and fatalities with no quantitative measure of leading indicators nor consideration of implementation of OSH management systems and the overall impact of these.</p>	
<p>Are stakeholders (employees and their representatives) involved in the forming of the compliance approach and its further development?</p>	<p>On the issue of the involvement of workers (and other stakeholders) the NIR for Ireland states: "The HSA, which is the statutory body charged with enforcing and promoting occupational safety and health, is run by a tri-partite board comprising of employer, trade union and government appointees. This institutionalises and enshrines consultation in the occupational safety and health field in Ireland at the</p>	<p>The NIR does however acknowledge that: "with an increase in micro-enterprises and self-employment much of the workforce is outside the tripartite structure"⁵³</p>

⁵⁰ Report on Economic Impact of the Safety, Health and Welfare at Work Legislation. Final Report Prepared by Indecon (2006)

⁵¹ Ireland National Implementation Report, Part A, Section I, Clause 3.

Question	Answer	Observed differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity
	national level and operates successfully insofar as it can influence events." ⁵²	

⁵³ Ireland National Implementation Report, Part A, Section I, Clause 2.5.

⁵² Ireland National Implementation Report, Part A, Section I, Clause 2.5.

4 MAPPING QUESTION 4: ACCOMPANYING ACTIONS THAT SUPPORT THE RESPECT OF THE RULE

The following types of accompanying documents/actions relating to OSH legislation are covered:

- Guidance documents (through decisions and other soft measures, guidelines);
- Awareness-raising campaigns;
- Support tools (possibly IT based); and
- Financial incentives i.e. tax benefits or possibility to offer reduction of insurance premium to reward organisations for going beyond the legal requirements
- Education and training actions.

Please note that accompanying measures targeted specifically at SME and micro-enterprises are also covered under Section 7.

In Ireland, there are many accompanying actions, in particular guidance documents and toolkits from the HSA, which strive to support companies in implementing OSH requirements in an efficient manner. Among those, some are considered by stakeholders as particularly useful, with special attention given to the BeSMART tool, which is increasingly used by small businesses. The available accompanying actions are updated regularly to reflect concomitant updates in legislation. The OSH stakeholders have not identified any gaps and have even pointed out that there is further material available as well addressing, e.g., psychosocial risks. SMEs are especially taken into account through dedicated webpages and materials.

4.1 EXISTING ACCOMPANYING ACTIONS

This sub-section identifies the relevant accompanying documents/actions as described above.

As noted in their implementation report:

“The HSA delivers the strategy and programme of work using multiple integrated approaches including:

- Prevention through inspection;
- Targeted promotion focusing on issues contributing to good workplace health;
- Intelligence gathering to focus on priority workplace issues;
- Building employer competence in meeting responsibilities and to engender enthusiasm among workers in occupational health issues
- The championing of occupational health in the curriculum at primary, secondary and third level education in Ireland;
- Deploying an educational strategy to motivate and equip existing and future workers;
- Developing strategic partnerships.”⁵⁴

Within this framework, the following documents have been identified as issued within the time period 2007-2012.⁵⁵ This constitutes a non-exhaustive list of all the material freely available from the HSA.

Of the main employers’ organisations, Irish Business and Employers’ Confederation (Ibec) produces a

⁵⁴ Ireland National Implementation Report, Part A, Section I, Clause 2.

⁵⁵ Earlier material is not included other than to avoid implications of no action. More recent material is included only where no earlier actions are identified.

small number of paid-for publications. Irish Small and Medium Enterprises Association (ISME) material is only available to members. These and other material available from commercial providers, such as ‘off the shelf’ safety statements, are not included as they are not freely available.

The main union congress (Irish Congress of Trade Unions (ICTU)) provides a small number of items, mainly consisting of ‘campaign’ material rather than providing direct guidance. This material is also not included here.

Guidance for Directors and Senior Managers on their Responsibilities for Workplace Safety and Health (2007) “This guidance is aimed at executive and non-executive directors of all types of workplace in both the private and public sectors, at officers of undertakings, at board chairmen and board members, at senior managers and at any other managers who are responsible for directing workers while at work and work activities. It will help these office-holders to protect their employees, customers and those members of the public who may be affected by what they do in the workplace by ensuring that the safety and health risks arising from work activities are properly managed.”
http://www.hsa.ie/eng/Publications_and_Forms/Publications/Safety_and_Health_Management/Directors_responsibilities.pdf

Workplace Contact Unit (WCU) “The WCU is a helpdesk resource for employers, employees and members of the public. The WCU is the primary point of contact for our customers for a range of topics including:

- Reporting workplace fatalities and serious incidents;
 - Complaints relating to workplaces;
 - Obtaining health and safety information;
 - Notifying the Authority of accidents or incidents through IR1 and IR3 forms;
 - Notifying the Authority of construction work through AF2 forms;
 - Ordering health and safety publications.”
- http://www.hsa.ie/eng/Workplace_Contact_Unit/

Web pages dedicated to needs of small businesses.

http://www.hsa.ie/eng/Small_Business/ “The legal duty and moral responsibility to provide a safe and healthy workplace applies as much to small businesses as it does to large employers. In the following sections you will find practical information and guidance in relation to small businesses.”

BeSMART.ie : Free Online Risk Assessment and Safety Statement Tool for Small Business -
[http://www.hsa.ie/eng/Small_Business/BeSMART - Risk Assessment Safety Statement Tool/](http://www.hsa.ie/eng/Small_Business/BeSMART_-_Risk_Assessment_Safety_Statement_Tool/) “A free, easy to use, online tool to assist you, as a small businesses owner/manager, in generating your own risk assessments and safety statement, in consultation with your employees, as required under health and safety law.”

Workplace Health Toolkit to Assist Small Businesses. Section 1 Introduction “As an employer, you want to protect your employees’ health at work and avoid the human and business costs associated with workplace ill health. These goals can be achieved by following the guidance in this Toolkit.”
[http://www.hsa.ie/eng/Publications_and_Forms/Publications/Safety_and_Health_Management/Section %201%20Introduction.pdf](http://www.hsa.ie/eng/Publications_and_Forms/Publications/Safety_and_Health_Management/Section%201%20Introduction.pdf)

Workplace Health Toolkit to Assist Small Businesses. Section 2 Risk Assessment “This section seeks to give practical guidance to employers on risk assessment requirements as set out in the Safety, Health and Welfare at Work Act 2005.”
[http://www.hsa.ie/eng/Publications_and_Forms/Publications/Safety_and_Health_Management/Section %202%20Risk%20Assessment.pdf](http://www.hsa.ie/eng/Publications_and_Forms/Publications/Safety_and_Health_Management/Section%202%20Risk%20Assessment.pdf)

Workplace Health Toolkit to Assist Small Businesses. Section 16 Risk Assessment Templates

“The three risk assessment worksheets in this section are practical tools to help you undertake risk assessments more effectively.”

http://www.hsa.ie/eng/Publications_and_Forms/Publications/Safety_and_Health_Management/Section%2016%20Risk%20Assessment%20Templates.pdf

Safety Management Pack for Contractors Employing 20 or less Employees. (SMP 20) “The aim of the pack is to assist small contractors in establishing and maintaining an effective safety management system. The pack gives details of statutory health and safety duties and provides guidance and tools to enable compliance with these duties.”

http://www.hsa.ie/eng/Your_Industry/Construction/Construction_Safety_Partnership/SMP_20/

Simple Safety Series “Simple Safety is a series of practical tools designed to help you improve your workplace health and safety and reduce accidents. It is designed with your needs as a small business owner/manager in mind, particularly if you are a retail or food and drink business with up to ten staff.”

http://www.hsa.ie/eng/Topics/Simple_Safety/

County Roscommon SME Workplace Health Project “The recommendations from the survey of workplace support needs (Section 2) included:

- A pilot programme should be developed in County Roscommon providing support to individual companies in the area of workplace health
- Specific projects and resources aimed at micro-sized companies should be developed
- Links should be made with local intermediary and support organizations in County Roscommon to assist in accessing workplaces and providing local support
- A series of practical seminars should be provided in County Roscommon on aspects of workplace health promotion and occupational health and safety

In response a number of supports were developed for SMEs in County Roscommon”

<http://www.eurofound.europa.eu/ewco/2006/09/IE0609019I.htm>

Guide to the Safety, Health and Welfare at Work (General Application) Regulations 2007. Chapter 1 of Part 2: Workplace. “This Guide is aimed at safety and health practitioners, employers, managers, employees, safety representatives and others to give general guidance on Chapter 1 of Part 2 (Regulations 4 to 26) of the Safety, Health and Welfare at Work (General Application) Regulations 2007 (S.I. No. 299 of 2007) relating to the workplace.”

http://www.hsa.ie/eng/Publications_and_Forms/Publications/General_Application_Regulations/gen_a_pps_workplace.pdf

Guide to the Safety, Health and Welfare at Work (General Application) Regulations 2007 Chapter 2 of Part 2: Use of Work Equipment. “This Guide is aimed at safety and health practitioners, employers, managers, employees, safety representatives and others to give guidance on Chapter 2 of Part 2 and the related Schedule 1 to the Safety, Health and Welfare at Work (General Application) Regulations 2007 (S.I. No. 299 of 2007) as amended by the Safety, Health and Welfare at Work (General Application) (Amendment) Regulations 2007 (S.I. No. 732 of 2007) relating to the use of work equipment. The objective of the guide is to give general guidance aimed at the prevention of occupational accidents or ill health.”

http://www.hsa.ie/eng/Publications_and_Forms/Publications/General_Application_Regulations/Gen_Apps_Work_Equipment.pdf

Guide to the Safety, Health and Welfare at Work (General Application) Regulations 2007 Part 4: Work at Height. “This Guide is aimed at safety and health practitioners, employers, managers, employees, safety representatives and others to give guidance on Part 4 (Regulations 94 to 119) of the Safety, Health and Welfare at Work (General Application) Regulations 2007 (S.I. No. 299 of 2007) as amended by the Safety, Health and Welfare at Work (General Application) (Amendment) Regulations 2007 (S.I. No. 732 of 2007) relating to work at height. The objective of the Guide is to give general guidance aimed at the prevention of occupational accidents or ill health.”

http://www.hsa.ie/eng/Publications_and_Forms/Publications/Retail/Gen_Apps_Work_at_Height.pdf

Guide to the Safety, Health and Welfare at Work (General Application) Regulations 2007 Chapter 3 of Part 2: Personal Protective Equipment. “This Guide is aimed at safety and health practitioners, employers, managers, employees, safety representatives and others to give guidance on Chapter 3 of Part 2 and the related Schedule 2 to the Safety, Health and Welfare at Work (General Application) Regulations 2007 (S.I. No. 299 of 2007) relating to the provision and use of personal protective equipment (PPE) at work. The objective of the Guide is to give general guidance aimed at the prevention of occupational accidents or ill health.”

http://www.hsa.ie/eng/Publications_and_Forms/Publications/Retail/Gen_Apps_PPE.pdf

Guide to the Safety, Health and Welfare at Work (General Application) Regulations 2007 Chapter 1 of Part 7: Safety Signs at Places of Work. (Amended May 2010) “This Guide is aimed at safety and health practitioners, employers, managers, employees, safety representatives and others to give guidance on Chapter 1 of Part 7 (Regulations 158 to 162) and the related Schedule 9 to the Safety, Health and Welfare at Work (General Application) Regulations 2007 (S.I. No. 299 of 2007) as amended by the Safety, Health and Welfare at Work (General Application) (Amendment) Regulations 2007 (S.I. No. 732 of 2007) relating to safety signs at places of work. The objective of the Guide is to give general guidance aimed at the prevention of occupational accidents or ill health.”

http://www.hsa.ie/eng/Publications_and_Forms/Publications/General_Application_Regulations/Safety_Signs_at_a_Place_of_Work_2010.pdf

Guide to the Safety, Health and Welfare at Work (General Application) Regulations 2007 Part 8: Explosive Atmospheres at Places of Work. “This Guide is aimed at safety and health practitioners, employers, managers, employees, safety representatives and others to give guidance on Part 8 and the related Schedule 10 to the Safety, Health and Welfare at Work (General Application) Regulations 2007 (S.I. No. 299 of 2007) relating to explosive atmospheres at places of work. The objective of the Guide is to give general guidance aimed at the prevention of occupational accidents or ill health.”

http://www.hsa.ie/eng/Publications_and_Forms/Publications/Retail/Gen_Apps_Explosive_Atmospheres.pdf

Guide to the Safety, Health and Welfare at Work (General Application) Regulations 2007 Chapter 4 of Part 2: Manual Handling of Loads. “This Guide is aimed at safety and health practitioners, employers, managers, employees, safety representatives and others to give guidance on Chapter 4 of Part 2 (Regulations 68 and 69) and the related Schedule 3 to the Safety, Health and Welfare at Work (General Application) Regulations 2007 (S.I. No. 299 of 2007) relating to the manual handling of loads. The objective of the Guide is to give general guidance aimed at the prevention of occupational accidents or ill health.”

http://www.hsa.ie/eng/Publications_and_Forms/Publications/Retail/Gen_Apps_Manual_Handling.pdf

Workplace Health Toolkit to Assist Small Businesses. Section 3 Manual Handling “This section seeks to give practical guidance to employers on complying with the Manual Handling of Loads Regulations, which form part of the Safety, Health and Welfare at Work (General Applications) Regulations 2007.”

http://www.hsa.ie/eng/Publications_and_Forms/Publications/Safety_and_Health_Management/Section%203%20Manual%20Handling.pdf

Guidance on the Management of Manual Handling in Healthcare. (2011) “Provides practical information on managing the risk of injury from manual handling activities in the healthcare sector. The objective of providing such information is to ensure that manual handling work activities are reviewed, that hazards are identified, risks assessed and protective measures put in place to eliminate or reduce the risk of injury. The guide focuses on the hospital and ward environment but its principles can be applied to other work environments in healthcare.”

http://www.hsa.ie/eng/Publications_and_Forms/Publications/Healthcare_Sector/Manual_Handling_Health_Care.pdf

Caring with Minimal Lifting (2007) “This guideline is intended to assist those involved with, and responsible for, patient handling in the health care sector.”

http://www.hsa.ie/eng/Publications_and_Forms/Publications/Occupational_Health/Caring_with_Minimal_Lifting.pdf

Guidance on the Manual Handling Training System – 2010 Revision. “This guide presents key information and facts on each element of the new Manual Handling Training system.”

http://www.hsa.ie/eng/Publications_and_Forms/Publications/Occupational_Health/Manual%20Handling%20Revision%202.pdf

Guide on Manual Handling Risk Assessment in the Retail Sector (2010) “Provides practical information to the retail sector on useful interventions that can be made in addressing the risk of injury caused by manual handling.”

http://www.hsa.ie/eng/Publications_and_Forms/Publications/Occupational_Health/Manual%20Handling%20Retail%20Sector.pdf

Guide on Manual Handling Risk Assessment in the Hospitality Sector (2010) “This short, practical guide offers guidance on useful interventions that can be put in place to address the issue of injury due to manual handling in the hospitality sector.”

http://www.hsa.ie/eng/Workplace_Health/Manual_Handling/Manual_Handling_Frequently_Asked_Questions/Manual_Handling.html

Guide to the Safety, Health and Welfare at Work (General Application) Regulations 2007 Chapter 5 of Part 2: Display Screen Equipment. “This Guide is aimed at safety and health practitioners, employers, managers, employees, safety representatives and others to give guidance on Chapter 5 of Part 2 (Regulations 70 to 73) and the related Schedule 4 to the Safety, Health and Welfare at Work (General Application) Regulations 2007 (S.I. No. 299 of 2007) relating to display screen equipment. The objective of the Guide is to give general guidance aimed at the prevention of occupational accidents or ill health.”

http://www.hsa.ie/eng/Publications_and_Forms/Publications/General_Application_Regulations/Display_Screen.pdf

Workplace Health Toolkit to Assist Small Businesses. Section 4: Display Screen Equipment “This section seeks to give practical advice to employers on complying with the Display Screen Equipment Regulations, which form part of the Safety, Health and Welfare at Work (General Application) Regulations 2007.”

http://www.hsa.ie/eng/Publications_and_Forms/Publications/Safety_and_Health_Management/Section%204%20Display%20Screen%20Equipment.pdf

Guide on the Prevention of Upper Limb Disorders (ULDs) in the Financial Services Sector. (2011) “The purpose of this guide is to provide practical advice to those who work in the financial services sector on appropriate measures for managing risks to those employees who work at computer workstations, particularly the risk of developing an upper limb disorder.”

http://www.hsa.ie/eng/Publications_and_Forms/Publications/Healthcare_Sector/Guide_on_Upper_Limb_Disorders_in_Financial_Services.pdf

Guide to the Safety, Health and Welfare at Work (General Application) Regulations 2007 Chapter 2 of Part 5: Control of Vibration at Work. “This Guide is aimed at safety and health practitioners, employers, managers, employees, safety representatives and others to give guidance on Chapter 2 of Part 5 and Schedule 6 to the Safety, Health and Welfare at Work (General Application) Regulations 2007 (S.I. No. 299 of 2007) as amended by the Safety, Health and Welfare at Work

(General Application) (Amendment) Regulations 2007 (S.I. No. 732 of 2007) relating to the control of vibration at work. The objective of the Guide is to give practical guidance aimed at the prevention of occupational accidents or ill health.”

http://www.hsa.ie/eng/Publications_and_Forms/Publications/Retail/Gen_Apps_Vibration_At_Work.pdf

Guide to the Safety, Health and Welfare at Work (General Application) Regulations 2007 Chapter 1 of Part 5: Control of Noise at Work. “This Guide is aimed at safety and health practitioners, employers, managers, employees, safety representatives and others to give guidance on Chapter 1 of Part 5 of the Safety, Health and Welfare at Work (General Application) Regulations 2007 (S.I. No. 299 of 2007) as amended from 12 November 2007 by the Safety, Health and Welfare at Work (General Application) (Amendment) Regulations 2007 (S.I. No. 732 of 2007) relating to the control of noise at work.”

http://www.hsa.ie/eng/Publications_and_Forms/Publications/Retail/Gen_Apps_Control_of_Noise.pdf

Workplace Health Toolkit to Assist Small Businesses. Section 5: Noise at work “This section seeks to give practical guidance to employers on complying with the Control of Noise at Work Regulations, which form part of the Safety, Health and Welfare at Work (General Application) Regulations 2007 and the Guidelines on Hearing Checks and Audiometry under those regulations.”

http://www.hsa.ie/eng/Publications_and_Forms/Publications/Safety_and_Health_Management/Section%205%20Noise%20at%20Work.pdf

Noise in the Music and Entertainment Sectors Information Sheet (2010) Information on “lots of simple and straightforward ways to protect against hearing damage, without compromising on the quality of the venue or the music.”

http://www.hsa.ie/eng/Publications_and_Forms/Publications/Information_Sheets/Noise_in_Entertainment_2012.pdf

Guidance for Employers on the Control of Artificial Optical Radiation at Work Regulations 2010. “The objective of the Guide is to give practical assistance for the prevention of occupational accidents or ill health associated with sources of artificial optical radiation. It aims to lead users through a logical path for assessing the risk from exposure of workers to artificial optical radiation.”

http://www.hsa.ie/eng/Publications_and_Forms/Publications/Physical_Agents/Artificial_Optical_Radiation_.pdf

Three web pages on carcinogens:

http://www.hsa.ie/eng/Your_Industry/Chemicals/Carcinogens/

http://www.hsa.ie/eng/Your_Industry/Chemicals/Carcinogens/Carcinogens_Legislation_and_Guidance

http://www.hsa.ie/eng/Your_Industry/Chemicals/Carcinogens/Carcinogens_Classification/

Code of Practice for the Safety, Health and Welfare at Work (Chemical Agents) Regulations 2001 (2011) “This Code of Practice provides practical guidance as to the observance of Regulations 4(1)(e), 4(5)(d), 6(1)(c), (d) and (e) and 9 (1) (b) of the Safety, Health and Welfare at Work (Chemical Agents) Regulations 2001, in relation to occupational exposure limit values (OELVs) for a number of chemical agents as listed in Schedule 1 to the Code, having regard to the provisions of the Safety, Health and Welfare at Work Act 2005.”

http://www.hsa.ie/eng/Publications_and_Forms/Publications/Chemical_and_Hazardous_Substances/Code_of_Practice_Chemical_Agent_Regulations_2011.pdf

Workplace Health Toolkit to Assist Small Businesses. Section 7: Chemicals “This section seeks to provide useful information to enable employers to manage chemical hazards in the workplace and comply with the Chemical Agents Regulations 2001 and other relevant chemical regulations.” NB Includes Asbestos.

http://www.hsa.ie/eng/Publications_and_Forms/Publications/Safety_and_Health_Management/Section%207%20Chemicals.pdf

Safety with Asbestos Information Sheet (2007) “This information sheet provides a general overview of asbestos, its health effects and the legislation applicable to asbestos. It is targeted at employers, employees and safety representatives and will be of particular interest to workers who may encounter asbestos containing materials (ACMs) during their work activities.” (Replaced 2013)

http://www.hsa.ie/eng/Publications_and_Forms/Publications/Chemical_and_Hazardous_Substances/Asbestos_Information_Sheet1.pdf

Code of Practice for the Safety, Health and Welfare at Work (Biological Agents) Regulations 2013. “This Code of Practice contains the approved list of biological agents, their classification, minimum containment measures and dispensation from minimum containment measures, where appropriate.”

http://www.hsa.ie/eng/Publications_and_Forms/Publications/Codes_of_Practice/Code_of_Practice_Biological_Agents_SI_572.pdf

Summary of Key Duties under the Procurement, Design and Site Management Requirements of the Safety Health and Welfare at Work (Construction) Regulations, 2006. “This leaflet sets out the key duties of clients, designers, project supervisors and contractors under the Design and Management sections of the Construction Regulations.” (Replaced 2013.)

http://www.hsa.ie/eng/Publications_and_Forms/Publications/Construction/Summary_of_Key_Duties_under_the_Procurement,_Design_and_Site_Management_Requirements.pdf

Understanding Construction Risk Assessment. A basic guide (2009). Includes examples of dangerous situations on site and how similar situations can be managed to protect the health and safety of employees.

http://www.hsa.ie/eng/Publications_and_Forms/Publications/Construction/Understanding_Construction_Risk_Assessment.pdf

Code of Practice For Avoiding Danger From Underground Services 2010 “Provides practical guidance to assist in complying with safety, health and welfare legislation requiring that adequate precautions are taken in any excavation, shaft, earthwork, underground works or tunnel to avoid risk to persons at work arising from possible underground dangers.”

http://www.hsa.ie/eng/Publications_and_Forms/Publications/Construction/CoP_Avoiding_Danger_from_Underground_Services.pdf

Code of practice for safety in roofwork (2011) “It gives practical guidance to roofing companies, clients, designers, project supervisors (design and construction stages), safety representatives, safety consultants, advisors and anyone carrying out roofwork on the requirements and prohibitions set out in the Safety, Health and Welfare at Work Act 2005, the Safety, Health and Welfare at Work (Construction) Regulations 2006 and the Safety, Health and Welfare at Work (General Application) Regulations 2007.”

http://www.hsa.ie/eng/Publications_and_Forms/Publications/Construction/Code_of_Practice_for_Safety_in_Roofwork.pdf

Construction Safety Code of Practice For Contractors with Three or Less Employees “This code of practice is designed to reduce accidents and fatalities in the construction sector and assist small contractors comply with safety and health legislation.”

http://www.hsa.ie/eng/Publications_and_Forms/Publications/Construction/Construction_Safety_Code_of_Practice_For_Contractors_with_Three_or_Less_Employees.html

Safe Quarry: Guidelines to the Safety, Health and Welfare at Work (Quarries) Regulations 2008 “This guidance documents the text of the regulations and schedules followed by brief non-exhaustive

guidance.”

http://www.hsa.ie/eng/Publications_and_Forms/Publications/Mines_and_Quarries/Safe_Quarry_Regs_2008.pdf

No recent material on Mines

List of regulations on offshore work (implementation of drilling directive)

http://www.hsa.ie/eng/Legislation/Acts/Safety_Health_and_Welfare_Offshore_Installations/

Bord Iascaigh Mhara Fishing Safety Application (2002) “This CD-ROM has been developed to assist fishing vessel owners and skippers to draft their own Safety Policy, Risk Assessment and Safety Statement. This software application was developed by BIM and SEAFISH and part funded by the European Agency for Safety and Health Work.”

http://www.hsa.ie/eng/Publications_and_Forms/Publications/Fishing/Bord_Iascaigh_Mhara_Fishing_Safety_Application.html

Web page – brief guide to Maritime legislation

http://www.hsa.ie/eng/Your_Industry/Fishing/Maritime_Legislation/

Guide to the Safety, Health and Welfare at Work (General Application) Regulations 2007 Chapter 2 of Part 6: Protection of Pregnant, Post Natal and Breastfeeding Employees. “This Guide is aimed at safety and health practitioners, employers, managers, employees, safety representatives and others to give guidance on Chapter 2 of Part 6 and the related Schedule 8 to the Safety, Health and Welfare at Work (General Application) Regulations 2007 (S.I. No. 299 of 2007) relating to pregnant, post natal and breastfeeding employees. The objective of the Guide is to give general guidance aimed at the prevention of occupational accidents or ill health.”

http://www.hsa.ie/eng/Publications_and_Forms/Publications/Retail/Gen_Apps_Pregnant_Post_Natal.pdf

Workplace Health Toolkit to Assist Small Businesses. Section 6: Pregnancy at Work “This section seeks to give practical advice to employers on complying with the Pregnancy at Work Regulations, which form part of the Safety, Health and Welfare at Work (General Application) Regulations 2007.”

http://www.hsa.ie/eng/Publications_and_Forms/Publications/Safety_and_Health_Management/Section%206%20Pregnancy%20at%20Work.pdf

Temporary workers covered by earlier guidance on The Safety, Health and Welfare at Work Act, 2005.

http://www.hsa.ie/eng/Publications_and_Forms/Publications/Safety_and_Health_Management/Guide_to_SHWWA_2005.pdf

Guide to the Safety, Health and Welfare at Work (General Application) Regulations 2007 Chapter 1 of Part 6: Protection of Children and Young Persons. “This Guide is aimed at safety and health practitioners, employers, managers, employees, safety representatives and others to give guidance on Chapter 1 of Part 6 (Regulations 143 to 146) and the related Schedule 7 to the Safety, Health and Welfare at Work (General Application) Regulations 2007 (S.I. No. 299 of 2007) as amended by the Safety, Health and Welfare at Work (General Application) (Amendment) Regulations 2007 (S.I. No. 732 of 2007) relating to children and young persons. The objective of the Guide is to give general guidance aimed at the prevention of occupational accidents or ill health.”

http://www.hsa.ie/eng/Publications_and_Forms/Publications/Retail/Gen_Apps_Children_Young_Persons.pdf

Protecting Young People (Student work sheet) Basic summary of legislative provisions relating to young people. Includes a case study work sheet. –

http://www.hsa.ie/eng/Publications_and_Forms/Publications/Education/Protecting%20Young%20People%20PDF.pdf

Young People and Workplace Accidents. (Student work sheet) Basic summary of risks relating to accidents at work (including manual handling). Includes a case study work sheet.

http://www.hsa.ie/eng/Education/Teacher_Support_and_Resources/Spirit_of_Enterprise/Spirit_of_Enterprise.pdf

Spotting Health and Safety Hazards (Student work sheet) Basic summary on spotting health and safety hazards including the use of safety signs. Includes a case study work sheet.

http://www.hsa.ie/eng/Publications_and_Forms/Publications/Education/Spotting_Health_and_Safety_Hazards.pdf

Safety in the World of Work (Student work sheet) Basic summary introducing health and safety at work and safety statements. Includes a case study work sheet.

http://www.hsa.ie/eng/Publications_and_Forms/Publications/Education/Safety_in_the_World_of_Work.pdf

National Centre for Men’s Health, Institute of Technology, Carlow, *Staying Fit for farming – a health booklet for farmers, 6 September 2013.* This booklet is aimed at farmers to encourage them to look after themselves. It looks at different situations and illnesses and sets out how the symptoms can be spotted early. It explains what farmers should look out for, what they can do and where they can turn to make contact if they do feel that they are physically or emotionally unwell.

<http://www.teagasc.ie/publications/2013/2874/StayingFitForFarming.pdf>

For each identified document/action, Table 4-1 indicates:

- The name of the action
- The type of accompanying action: guidance (G)/awareness-raising programme (AR)/support tool (IT) financial incentive (FI)/ education and training actions (ET);
- The entity who initiated it: authorities (A)/social partners (SP);
- The target groups of the action: specific sectors, specific groups, SMEs.

Table 4- 1 Accompanying Actions

Name	Type	Initiated by (and date)	Target groups
Directive 89/391/EEC (Framework Directive)			
Guidance for Directors	Guidance	HSA (2007)	Directors & Senior Managers
http://www.hsa.ie/eng/Small_Business/	Website	HSA (ongoing)	Small business owners & Managers
BeSMART.ie	Risk assessment tool	HSA (ongoing)	Small business owners & Managers
Workplace Health Toolkit to Assist Small Businesses. Section 1 Introduction	Toolkit	HSA (undated)	Small business owners & Managers
Workplace Health Toolkit to Assist Small Businesses. Section 2 Risk Assessment	Toolkit	HSA (undated)	Small business owners & Managers
Workplace Health Toolkit to Assist Small Businesses. Section 16 Risk Assessment Templates	Toolkit	HSA (undated)	Small business owners & Managers

Name	Type	Initiated by (and date)	Target groups
Safety Management Pack for Contractors Employing 20 or less Employees. (SMP 20)	e-learning module	HSA (ongoing)	Small business owners & Managers
Simple Safety Series	Toolkit	HSA (ongoing)	Micro business owners & Managers
County Roscommon SME Workplace Health Project	Project: needs survey, resource development and pilot support services	HSE-West, Roscommon County Enterprise Board, HSA (2006)	Small to medium sized enterprises
Council Directive 89/654/EEC (workplace)			
Guide to the workplace	Guidance	HSA (2007)	Safety and health practitioners, employers, managers, employees, safety representatives and others
WCU	Advice and reporting helpline	HSA (ongoing)	Employers, employees and members of the public
Directive 2009/104/EC (work equipment)			
Guide to work equipment	Guidance	HSA (2007)	Safety and health practitioners, employers, managers, employees, safety representatives and others
Guide to work at height	Guidance	HSA (2007)	Safety and health practitioners, employers, managers, employees, safety representatives and others
Council Directive 89/656/EEC (PPE)			
Guide to PPE	Guidance	HSA (2007)	Safety and health practitioners, employers, managers, employees, safety representatives and others
Council Directive 92/58/EEC (OSH signs)			
Guide to safety signs	Guidance	HSA (2007 & reissued amended 2010)	Safety and health practitioners, employers, managers, employees, safety representatives and others
Directive 1999/92/EC (ATEX)			
Guide to explosive atmospheres	Guidance	HSA (2007)	Safety and health practitioners, employers, managers,

Name	Type	Initiated by (and date)	Target groups
			employees, safety representatives and others
Council Directive 90/269/EEC (manual handling of loads)			
Guide to manual handling	Guidance	HSA (2007)	Safety and health practitioners, employers, managers, employees, safety representatives and others
Guide to Manual Handling Training System	Guidance	HSA (2010)	Training providers and purchasers
Workplace Health Toolkit to Assist Small Businesses. Section 3 Manual Handling	Toolkit	HSA (undated)	Small business owners & Managers
Guide on risk assessment in the retail sector	Guidance	HSA (2010)	Employers and others
Guide on risk assessment in the hospitality sector	Guidance	HSA (2010)	Employers and others
Guide on patient handling	Guidance	HSA (2007)	Employers and others
Guide on manual handling in healthcare sector	Guidance	HSA (2011)	Employers and others
Council Directive 90/270/EEC (display screen equipment)			
Guide to DSE	Guidance	HSA (2007)	Safety and health practitioners, employers, managers, employees, safety representatives and others
Workplace Health Toolkit to Assist Small Businesses. Section 4: Display Screen Equipment	Toolkit	HSA (undated)	Small business owners & Managers
Guide on ULDs	Guidance	HSA (2011)	Employers in the financial sector
Directive 2002/44/EC (vibration)			
Guide to vibration at work	Guidance	HSA (2007)	Safety and health practitioners, employers, managers, employees, safety representatives and others
Directive 2003/10/EC (noise)			
Guide to noise at work	Guidance	HSA (2007)	Safety and health practitioners, employers, managers, employees, safety representatives and others
Workplace Health Toolkit to Assist Small Businesses. Section 5: Noise at work	Toolkit	HSA (undated)	Small business owners & Managers
Noise in the entertainment sector	Information sheet	HSA (2010)	Employers and employees
Directive 2004/40/EC (electromagnetic fields)			

Name	Type	Initiated by (and date)	Target groups
Not implemented			
Directive 2006/25/EC (artificial optical radiation)			
Guidance on AOR	Guidance	HSA (2010)	Employers, and in particular small and medium-sized enterprises.
Directive 2004/37/EC (carcinogens or mutagens)			
Web pages	Information	HSA current	Open access
Council Directive 98/24/EC (chemical agents at work)			
CoP for Chemical Agents	Code of Practice	HSA (2011)	Employers, safety and health practitioners and others
Workplace Health Toolkit to Assist Small Businesses. Section7: Chemicals	Toolkit	HSA (undated)	Small business owners & Managers
Directive 2009/148/EC (asbestos)			
Safety with asbestos	Information sheet	HSA (2007)	employers, employees and safety representatives
Directive 2000/54/EC (biological agents)			
CoP for Biological Agents	Code of Practice	HSA (2013)	Employers, safety and health practitioners and others
Council Directive 92/57/EEC (temporary or mobile construction sites)			
Summary of Key Duties	Summary	HSA (2006)	Clients, designers, project supervisors and contractors
CoP for roofwork	Code of Practice	HSA (2011)	Roofing companies, clients, designers, project supervisors (design and construction stages), safety representatives, safety consultants, advisors and anyone carrying out roofwork
CoP for Avoiding Danger from Underground Services	Code of Practice	HSA (2010)	Utility/service providers, clients, designers, planners, project supervisors (both design process and construction stage), contractors, safety representatives and any personnel who are involved in work where there is a risk from underground services.
Basic guide	Guidance	HSA (2009)	Not specified

Name	Type	Initiated by (and date)	Target groups
Construction Safety Code of Practice For Contractors with Three or Less Employees	Code of Practice	HSA (2008)	Contractors with Three or Less Employees
Council Directive 92/104/EEC (surface and underground mineral-extracting industries)			
Guidelines for Quarries	Guidelines	HSA (2008)	Operators and others
No recent material on Mines			
Council Directive 92/91/EEC (mineral-extracting industries through drilling)			
Web page	List of regulations	Current	Open access
Council Directive 92/29/EEC (medical treatment on board vessels)			
Web page	List of legislation	Current	Open access
Council Directive 93/103/EC (work on board fishing vessels)			
CD-ROM guide	Guide to draft Safety Policy, Risk Assessment and Safety Statement	HSA (2002)	Fishing vessel owners and skippers
Council Directive 92/85/EEC (pregnant/breastfeeding workers)			
Guide to pregnant etc workers	Guidance	HSA (2007)	Safety and health practitioners, employers, managers, employees, safety representatives and others
Workplace Health Toolkit to Assist Small Businesses. Section 6: Pregnancy at Work	Toolkit	HSA (undated)	Small business owners & Managers
Council Directive 91/383/EEC (temporary workers)			
No recent material on temporary workers			
Council Directive 94/33/EC (young people at work)			
Guide to children and young persons	Guidance	HSA (2007)	Safety and health practitioners, employers, managers, employees, safety representatives and others
Protecting Young People	Student work sheet	HSA (2010)	Students
Young People and Workplace Accidents.	Student work sheet	HSA (2009)	Students
Spotting Health and Safety Hazards	Student work sheet	HSA (2008)	Students
Safety in the World of Work	Student work sheet	HSA (2006)	Students
Staying Fit for farming	Information & Guidance	National Centre for Men's Health (2013)	Farmers

4.2 USE OF ACCOMPANYING ACTIONS

This sub-section assess to what extent the accompanying actions are actually used by establishments to pursue the objective of protecting health and safety of workers.

According to the HSA Annual Report for 2012, 4% of the safety statements assessed during inspections had been prepared using the BeSMART tool provided by the Authority to assist small businesses in developing and implementing a workplace health and safety management system.

According to the HSA Annual Report for 2013, 719 inspections on small businesses where the use of the BeSMART tool was targeted. 13% already had a BeSMART generated safety report, and the rest were introduced to it. The total users of BeSMART is 17,813, 7,045 of which were new members in 2013.

4.3 GAPS

This sub-section aims at determining whether there are any information needs that are not met.

As the information in sub-section 4.1 illustrates, there is an extensive range of guidance and information available free of charge, mainly through the HSA. Much of this has been updated in recent years reflecting concomitant updates in legislation. There are no obvious significant gaps in the issues covered.

In addition to material orientated towards the national legislation implementing the provisions of the 24 OSH Directives there is further material provided in respect of other safety or health issues not directly tied to specific directives/legislation but aimed at addressing key health and safety problems identified. As well as addressing physical hazards this also covers psychosocial issues such as bullying and harassment.

Additional material (see section 7) addresses the needs of SMEs in particular and dedicated web pages (http://www.hsa.ie/eng/Small_Business/) provide ready access to a range of material considered suitable for this sub-group.

5 MAPPING QUESTION 5: ENFORCEMENT

The following section provides information on enforcement of the 24 directives. It describes the structure in place for enforcement.

In Ireland, the Health and Safety Authority (HSA) is the national statutory body with responsibility for enforcing occupational safety and health law (in the private and public sector), promoting and encouraging accident prevention, and providing information and advice to all companies, organisations and individuals. In addition, the Irish Maritime Administration (IMA) has the responsibility to enforce the Irish legislation with regard to maritime safety.

Inspectors of the HSA carry out reactive and pro-active inspections of workplaces. Reactive inspections may arise following an accident, incident or complaint. Pro-active inspections may be routine or targeted. Most inspections are targeted at the high risk sectors such as construction, agriculture, forestry, manufacturing, mines, quarries, transport of dangerous goods by road, or the chemical sectors. These sectors are set out in our Annual Work Programme and each inspector picks the premises to be inspected based on their local knowledge. Inspectors will collect information from inspections and record the results electronically on the Authority's GeoSmart Information Storage System. There is hence abundant statistical information available on the inspections performed, although the frequency of inspections is not known.

Structure for enforcement

The table below provides a list of the bodies in charge of enforcement in the Member State, by Directive if applicable.

Table 5- 1 Enforcement authorities

Name	Type of authority
Directive 89/391/EEC (Framework Directive)	
Health & Safety Authority (HSA)	Enforcement is carried out by Inspectors employed by the HSA which reports to the Minister for Jobs, Enterprise and Innovation. Where statutory contraventions are observed they can apply a series of measures ranging from a Report of Inspection Letter to prosecution. If a person is aggrieved by an Improvement Notice, Contravention Notice, Prohibition Notice, or Information Notice then they have a right to appeal to the District Court. Prosecutions are held at the District Court or in the Circuit Court depending on the severity of the breach. For more detail see: http://www.hsa.ie/eng/enforcement/Inspections/Actions_Which_Can_Be_Taken_By_Inspectors/
Council Directive 89/654/EEC (workplace)	
Health & Safety Authority (HSA)	See Framework Directive
Directive 2009/104/EC (work equipment)	
Health & Safety Authority (HSA)	See Framework Directive
Council Directive 89/656/EEC (PPE)	
Health & Safety Authority (HSA)	See Framework Directive
Council Directive 92/58/EEC (OSH signs)	
Health & Safety Authority (HSA)	See Framework Directive
Directive 1999/92/EC (ATEX)	
Health & Safety Authority (HSA)	See Framework Directive

Name	Type of authority
Council Directive 90/269/EEC (manual handling of loads)	
Health & Safety Authority (HSA)	See Framework Directive
Council Directive 90/270/EEC (display screen equipment)	
Health & Safety Authority (HSA)	See Framework Directive
Directive 2002/44/EC (vibration)	
Health & Safety Authority (HSA)	See Framework Directive
Directive 2003/10/EC (noise)	
Health & Safety Authority (HSA)	See Framework Directive
Directive 2004/40/EC (electromagnetic fields)	
N/A	N/A
Directive 2006/25/EC (artificial optical radiation)	
Health & Safety Authority (HSA)	See Framework Directive
Directive 2004/37/EC (carcinogens or mutagens)	
Health & Safety Authority (HSA)	See Framework Directive
Council Directive 98/24/EC (chemical agents at work)	
Health & Safety Authority (HSA)	See Framework Directive
Directive 2009/148/EC (asbestos)	
Health & Safety Authority (HSA)	See Framework Directive
Directive 2000/54/EC (biological agents)	
Health & Safety Authority (HSA)	See Framework Directive
Council Directive 92/57/EEC (temporary or mobile construction sites)	
Health & Safety Authority (HSA)	See Framework Directive
Council Directive 92/104/EEC (surface and underground mineral-extracting industries)	
Health & Safety Authority (HSA)	See Framework Directive
Council Directive 92/91/EEC (mineral-extracting industries through drilling)	
Health & Safety Authority (HSA)	See Framework Directive
Council Directive 92/29/EEC (medical treatment on board vessels)	
Health & Safety Authority (HSA)	See Framework Directive
Irish Maritime Administration (IMA)	Maritime health and safety enforcement comes under the Irish Maritime Administration, which is part of the Department of Transport, Tourism & Sport. Within the Directorate, the Marine Survey Office deals with the inspection, survey, certification and licensing of vessels and vessels' radio equipment; the examination and certification of seafarers' competencies; enforcement of standards by way of audits on organisations and facilities and prosecutions for breaches of regulations.
Council Directive 93/103/EC (work on board fishing vessels)	
Health & Safety Authority (HSA)	See Framework Directive
Irish Maritime Administration (IMA)	See Framework Directive
Council Directive 92/85/EEC (pregnant/breastfeeding workers)	
Health & Safety Authority (HSA)	See Framework Directive
Council Directive 91/383/EEC (temporary workers)	
Health & Safety Authority (HSA)	See Framework Directive

Name	Type of authority
Authority (HSA)	
Council Directive 94/33/EC (young people at work)	
Health & Safety Authority (HSA)	See Framework Directive

In addition, information is provided on any interactions between the enforcement bodies listed above.

The Irish Maritime Administration (IMA) and the Health and Safety Authority enforce the Irish legislation with regard to safety and health on board fishing vessels. In general the HSA enforces occupational health and safety legislation whilst the IMA enforces maritime safety legislation.

Inspections

Statistical Information

The table below provides information on the statistical data available in relation to inspections in order to gain an understanding of the level of enforcement activities in the Member State.

Table 5- 2 Inspections statistical data⁵⁶

	Number of labour inspectors	Number of workers per labour inspector	Number of inspections per 100.000 workers	Frequency of inspections	Comments
2007	77	29087	609	Not given	See notes below
2008	91	23849	738	Not given	See notes below
2009	89	24215	856	Not given	See notes below
2010	89	23594	796	Not given	See notes below
2011	100	21098	727	Not given	See notes below
2012	93	22541	660	Not given	See notes below

Table 5-2 a Inspections, statistical data by sector (2012)⁵⁷

Economic Sector	Investigations	Inspections	Total
A – Agriculture, forestry and fishing	72	3,269	3,341
B – Mining and quarrying	44	257	301
C – Manufacturing	267	1,244	1,511
D – Electricity, gas, steam and air-conditioning supply	8	58	66
E – Water supply, sewerage, waste management, remediation	64	290	354
F – Construction	402	3,530	3,932
G – Wholesale/retail trade, repair of motor vehicles/motorcycles	210	1,348	1,558
H – Transportation and storage	97	840	937
O – Public administration & defence, compulsory social security	55	191	246
P – Education	29	129	158
Q – Human health and social work activities	76	389	465
Combined Sectors: I-Accommodation J-Information and Communication; K-Financial and Insurance; M-Professional, Scientific and Technical; N-Administrative and Support Service; Arts and Entertainment; and Extra territorial activities.	214	752	966
Total	1,538	12,297	13,835

⁵⁶ Ireland National Implementation Report, Part A, Section I, Clause 1.

⁵⁷ http://www.hsa.ie/eng/Publications_and_Forms/Publications/Corporate/annual_report_12.pdf

Table 5-2 b Inspections, statistical data by sector (2011)⁵⁸

Economic Sector	Investigations	Inspections	Total
A – Agriculture, forestry and fishing	92	3130	3222
B – Mining and quarrying	25	262	287
C – Manufacturing	243	1206	1449
D – Electricity, gas, steam and air-conditioning supply	0	48	48
E – Water supply, sewerage, waste management, remediation	44	284	328
F – Construction	564	3845	4409
G – Wholesale/retail trade, repair of motor vehicles/motorcycles	194	1861	2055
H – Transportation and storage	86	1237	1323
J – Information and Communication	3	75	78
M – professional, Scientific and Technical Activities	22	150	172
N – Administrative and support service activities	53	142	195
O – Public administration & defence, compulsory social security	34	206	240
P – Education	30	249	279
Q – Human health and social work activities	53	389	442
R – Arts, entertainment and recreation	25	163	188
S – Other service activities	113	512	625
Total	1,538	12,297	13,835

Table 5-2 c Inspections, statistical data by sector (2010)⁵⁹

Economic Sector	Investigations	Inspections	Total
A – Agriculture, forestry and fishing	76	1,678	1,754
B – Mining and quarrying	40	433	473
C – Manufacturing	208	1,727	1,935
D – Electricity, gas, steam and air-conditioning supply	8	68	76
E – Water supply, sewerage, waste management, remediation	33	244	277
F – Construction	478	5,227	5,705
G – Wholesale/retail trade, repair of motor vehicles/motorcycles	170	2,367	2,537
H – Transportation and storage	91	1,083	1,174
I – Accommodation and food service activities	40	464	504
K – Financial and insurance activities	7	275	282
N – Administrative and support service activities	31	154	185
O – Public administration & defence, compulsory social security	36	189	225
P – Education	26	360	386
Q – Human health and social work activities	64	424	488
R – Arts, entertainment and recreation	16	119	135
S – Other service activities	57	521	578
Total	1,381	15,333	16,714

Strategies for inspection

In Ireland, the HSA adopts a targeted approach to inspection and enforcement as summarised on their website.⁶⁰ “Some work places are pre-selected for inspection from our data base, based on risk and their previous history with the Authority e.g. has a particular employer any outstanding enforcement actions due for compliance with, has this company reported a serious accident recently or was a

⁵⁸ http://www.hsa.ie/eng/Publications_and_Forms/Publications/Corporate/Annual_Report_2011.pdf

⁵⁹ http://www.hsa.ie/eng/Publications_and_Forms/Publications/Corporate/Annual_Report_2010.pdf

⁶⁰ <http://www.hsa.ie/eng/Topics/enforcement/Inspections/>

complaint made to the Authority about them. However most inspections are targeted at the high risk sectors such as construction, agriculture, forestry, manufacturing, mines, quarries, transport of dangerous goods by road, or the chemical sectors. These sectors are set out in our Annual Work Programme and each inspector picks the premises to be inspected based on their local knowledge. Other inspections can be part of a campaign e.g. on manual handling, on slips, trips or falls or on compliance with the REACH Regulation. Approximately 5% of all visits are due to accident and/or complaint investigations.”

This targeting of inspections means that the influence and impact of the inspections is believed to be greater than would be achieved through inspecting a random sample of all businesses. A specialist group of inspectors exist for inspection of the Agriculture sector.

The box below provides a short description of the strategic approach for enforcement. Further information is available from the HSA website.⁶¹

Strategic approach for enforcement

- Following the formal introductions the inspection will firstly review relevant safety and health documentation including the Safety Statement and/or the safety and health plan as appropriate.
- A workplace inspection follows a sampling approach, covering the key risks as identified in the Safety Statement and other safety and health documentation. The Inspector needs to establish the adequacy of the control measures in place for these risks.
- Awareness and implementation of senior managers’ responsibilities is judged by Inspectors based on compliance with the advice given in the Authority publications and guidance.
- The Inspectors’ questioning will be tailored to suit the size and complexity of the organisation and the prevailing workplace circumstances.

The main outcomes from inspections are recorded on a database (GeoSmart Information Storage System). Table 5-3 shows a screenshot showing the main entries. According to the HSA website: “Inspectors require answers to specific sectorial questions if the employer is involved in a particular work sector such as construction, quarrying, manufacturing etc. and record their assessment on the Authority’s GeoSmart System. Inspectors can also select to enter information concerning topics identified at the workplace such as exposure to physical agents (noise, dust, vibration), or specific issues such as manual handling, bullying or workplace vehicle safety.”

Table 5- 3 GeoSmart Information Storage System

Was Safety Statement / Safety and Health Plan / CoP (3 or less) available?	Yes <input type="radio"/> No <input type="radio"/> N/A <input type="radio"/>	
What level of action was required in relation to the Safety Statement / Safety and Health Plan / CoP?	1 <input type="radio"/> 2 <input type="radio"/> 3 <input type="radio"/> 4 <input type="radio"/> 5 <input type="radio"/> N/A <input type="radio"/>	1 = no action required 2 = verbal advice 3 = written advice 4 = improvement notice / direction 5 = prohibition notice
Was safety representative appointed?	Yes <input type="radio"/> No <input type="radio"/> N/A <input type="radio"/>	
Use of safety consultation systems	1 <input type="radio"/> 2 <input type="radio"/> 3 <input type="radio"/> 4 <input type="radio"/> 5 <input type="radio"/> N/A <input type="radio"/>	1 = no action required 2 = verbal advice 3 = written advice 4 = improvement notice / direction 5 = prohibition notice
System for notification of reportable incidents to the HSA	1 <input type="radio"/> 2 <input type="radio"/> 3 <input type="radio"/> 4 <input type="radio"/> 5 <input type="radio"/> N/A <input type="radio"/>	1 = no action required 2 = verbal advice 3 = written advice 4 = improvement notice / direction 5 = prohibition notice
Implementation of control measures outlined in safety statement	1 <input type="radio"/> 2 <input type="radio"/> 3 <input type="radio"/> 4 <input type="radio"/> 5 <input type="radio"/> N/A <input type="radio"/>	1 = no action required 2 = verbal advice 3 = written advice 4 = improvement notice / direction 5 = prohibition notice
Director/manager level awareness of their duties under SHWW Act 2005	1 <input type="radio"/> 2 <input type="radio"/> 3 <input type="radio"/> 4 <input type="radio"/> 5 <input type="radio"/> N/A <input type="radio"/>	1 = no action required 2 = verbal advice 3 = written advice 4 = improvement notice / direction 5 = prohibition notice

The strategic approach outlined above includes a description of how priorities are set for inspections in relation to the different topics covered by the OSH Directives.

⁶¹ http://www.hsa.ie/eng/Topics/enforcement/Inspections/HSA_Inspections/

Data for 2012 shows:

- 71% of places of work inspected had a safety statement prepared and available at the workplace. Of these, 73% had been prepared by the employer themselves.
- The level of awareness among senior management of their duties under health and safety legislation continued to be high at 87%.
- 92% of workplaces had systems for safety consultation with their employees (where relevant).
- 9% of employers indicated that there had been a reportable accident in the previous 12 months and 56% of the employers indicated that they had reported the incident to the Authority.

Table 5- 4 Data on enforcement strategy

<i>Priorities set in terms of</i>			
size of companies targeted	sectors	groups or workers	other criteria
	High risk sectors main priority		<ul style="list-style-type: none"> • Previous record of employer • Responses to complaints lodged about the employer • Accident investigations • Specific campaigns (e.g. REACH, manual handling, etc)
<i>Priorities set on the basis of</i>			
risk assessment	result of inspections	others	
		<ul style="list-style-type: none"> • Health and safety risks 	

Sanctions

The table below presents the type and level of sanctions provided by law for infringements as defined in the national legislation for each of the Directives covered in the study for both criminal and administrative sanctions. Only the maximum sanctions are provided.

In Ireland, sanctions are provided for under the main Safety Health and Welfare at Work Act 2005. Other legislation is prepared as Regulations under that Act and breaches are therefore regarded as breaches of the Act and sanctions do not distinguish between different Directives.

The HSA allows its inspectors to take actions where statutory contraventions are observed, e.g. where there is a risk of serious potential injury or poor management of dangerous chemicals. The inspector may take any of the following actions:⁶²

- give a Report of Inspection Letter
- issue an Improvement Direction in relation to activities to which the inspector considers may involve risk to safety or health of persons
- serve an Improvement Notice on a duty-holder stating the inspector's opinion that the duty holder has contravened a provision of an Act or Regulation, and requiring that the contravention be addressed within a certain time period of not less than 14 days
- serve a Prohibition Notice where an inspector is of the opinion that an activity is likely to involve a risk of serious personal injury to any person
- issue an Information Notice requiring a person to present to the Authority any information specified by the notice
- take summary proceedings in the District Court in relation to an offence under any of the relevant statutory provisions or under the relevant chemical statutory provisions
- prepare a report on an investigation so that the Director of Public Prosecutions can initiate proceedings on indictment for hearing in the Circuit Court.

⁶² http://www.hsa.ie/eng/Topics/enforcement/Inspections/Actions_Which_Can_Be_Taken_By_Inspectors/

Table 5- 5 Result table – type and level of sanctions

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
Directive 89/391/EEC (Framework Directive)		
Breaches of statutory provisions of the 2005 Act or Regulations⁶³	On summary conviction to a fine not exceeding €3,000 or imprisonment for a term not exceeding 6 months or both.	
	On conviction on indictment to a fine not exceeding €3,000,000 or imprisonment for a term not exceeding 2 years or both.	
		Improvement notices (Requirement to make improvements to the workplace within a certain time)
		Prohibition notices (A requirement to cease the operation in question until improvements have been made)
NB: The 2005 Act provides for the specification in Regulations of “On-the spot” fines. As yet, although provision has been made within the Act, no such fines are provided for in OSH legislation.		Up to €1,000 for certain offences
Council Directive 89/654/EEC (workplace)		
Offences and sanctions as per the Framework Directive (see above)		
Directive 2009/104/EC (work equipment)		
Offences and sanctions as per the Framework Directive (see above)		
Council Directive 89/656/EEC (PPE)		
Offences and sanctions as per the Framework Directive (see above)		
Council Directive 92/58/EEC (OSH signs)		
Offences and sanctions as per the Framework Directive (see above)		
Directive 1999/92/EC (ATEX)		
Offences and sanctions as per the Framework Directive (see above)		
Council Directive 90/269/EEC (manual handling of loads)		
Offences and sanctions as per the Framework Directive (see above)		
Council Directive 90/270/EEC (display screen equipment)		
Offences and sanctions as per the Framework Directive (see above)		
Directive 2002/44/EC (vibration)		
Offences and sanctions as per the Framework Directive (see above)		
Directive 2003/10/EC (noise)		
Offences and sanctions as per the Framework Directive (see above)		
Directive 2004/40/EC (electromagnetic fields)		
N/A		
Directive 2006/25/EC (artificial optical radiation)		
Offences and sanctions as per the Framework Directive (see above)		
Directive 2004/37/EC (carcinogens or mutagens)		
Offences and sanctions as per the Framework Directive (see above)		
Council Directive 98/24/EC (chemical agents at work)		

⁶³ The severity of the breach adjudged to have occurred will affect whether the case is heard in the Magistrates Court (summary offence) or a higher court (Indictment) which has implications for the severity of the fine/sentence which can be levied.

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
Offences and sanctions as per the Framework Directive (see above)		
Directive 2009/148/EC (asbestos)		
Offences and sanctions as per the Framework Directive (see above)		
Directive 2000/54/EC (biological agents)		
Offences and sanctions as per the Framework Directive (see above)		
Council Directive 92/57/EEC (temporary or mobile construction sites)		
Offences and sanctions as per the Framework Directive (see above)		
Council Directive 92/104/EEC (surface and underground mineral-extracting industries)		
Offences and sanctions as per the Framework Directive (see above)		
Council Directive 92/91/EEC (mineral-extracting industries through drilling)		
Offences and sanctions as per the Framework Directive (see above)		
Council Directive 92/29/EEC (medical treatment on board vessels)		
Offences and sanctions as per the Framework Directive (see above)		
Council Directive 93/103/EC (work on board fishing vessels)		
Offences and sanctions as per the Framework Directive (see above)		
Council Directive 92/85/EEC (pregnant/breastfeeding workers)		
Offences and sanctions as per the Framework Directive (see above)		
Council Directive 91/383/EEC (temporary workers)		
Offences and sanctions as per the Framework Directive (see above)		
Council Directive 94/33/EC (young people at work)		
Offences and sanctions as per the Framework Directive (see above)		

Enforcement actions

Table 5- 6 Number of infringements and court cases

Total number of infringements which resulted in legal action	In the period 2007 – 2012 a total of 156 infringements resulted in legal action ⁶⁴
Other data on the number of court cases specific to OSH issues in the period 2007-2012	See text below

In the period in question, the majority of prosecutions arose through breaches of sections of the Safety Health and Welfare at Work Act 2005 although the Safety Health and Welfare at Work (General Applications) Regulations 2007 and the Safety Health and Welfare at Work (Construction) Regulations 2006 also featured strongly.

In addition to these prosecutions, during 2012, 508 Improvement Notices were issued which required the employer to remedy a contravention to a statutory provision⁶⁵. A total of 356 Prohibition Notices were issued which stopped activity that involved or was likely to involve a risk of serious personal injury to any person. In addition the safety standards observed at six places of work were assessed as so poor as to require an agreed closure.

⁶⁴ National Implementation Report, Part A, Section I, part 1 – Introduction: General data and information

⁶⁵ HSA annual report 2012 – Appendix A: Table A.3

6 MAPPING QUESTION 6: SPECIFIC GROUPS OF WORKERS

The table 6-1 below provides an overview of the documents, including legislation, strategies, guidelines, roadmaps or plans, as well as other documents addressing the question of vulnerable groups. Dedicated material is not available for all groups. However, that does not necessarily mean that no provision is made for their health and safety needs. For example, new workers are singled out for specific comment and advice in respect of diverse issues such as lone workers, and the Safe Pass certification system in the construction industry as well as in guidelines on Risk Assessments and Safety Statements.

Table 6- 1 Tools addressing risk factors for all vulnerable groups

Document	Target group (if any)	Pregnancy; Breastfeeding	Menstrual disorders; Menopause	Reduced physical capabilities	Additional non-work activities	Part-time jobs; Precarious contract	Natural deterioration of physical and mental capacities	Longer recovery time	Longer exposure to occupational hazards	Increased risk of developing long-term or chronic illnesses or disabilities	Different risks faced by disabled workers	Combined risks of occupational risk factors	Less awareness of the risks amongst new workers	Lack of awareness of long-latency occupational diseases	Work arrangements	Language barriers	Fear of authorities	Lack of OSH training	Lack of familiarity with the working environment
Workplace Health Toolkit to Assist Small Businesses. Section 6 Pregnancy at Work ⁶⁶ (HSA)		X																	
Employees with Disabilities ⁶⁷ (HSA)											X								
Rights and Entitlements for Young People ⁶⁸ (Citizensinformation.ie)													X	X				X	X

⁶⁶ http://www.hsa.ie/eng/Publications_and_Forms/Publications/Safety_and_Health_Management/Section_6_Pregnancy_at_Work.pdf

⁶⁷ http://www.hsa.ie/eng/employees_with_disabilities.pdf

Document	Target group (if any)	Pregnancy; Breastfeeding	Menstrual disorders; Menopause	Reduced physical capabilities	Additional non-work activities	Part-time jobs; Precarious contract	Natural deterioration of physical and mental capacities	Longer recovery time	Longer exposure to occupational hazards	Increased risk of developing long-term or chronic illnesses or disabilities	Different risks faced by disabled workers	Combined risks of occupational risk factors	Less awareness of the risks amongst new workers	Lack of awareness of long-latency occupational diseases	Work arrangements	Language barriers	Fear of authorities	Lack of OSH training	Lack of familiarity with the working environment
Protecting young people at work ⁶⁹ (HSA)													X	X				X	X
Young People and Workplace Accidents. ⁷⁰ Student work sheet (HSA)													X	X				X	X
Spotting Health and Safety Hazards. ⁷¹ Student work sheet (HSA)													X	X				X	X
Safety in the World of Work. ⁷² Student work sheet (HSA)													X	X				X	X

⁶⁸ http://www.citizensinformationboard.ie/publications/providers/downloads/rights_entitlements_young_people_2010.pdf

⁶⁹ http://www.hsa.ie/eng/Publications_and_Forms/Publications/Education/Protecting%20Young%20People%20PDF.pdf

⁷⁰ http://www.hsa.ie/eng/Education/Teacher_Support_and_Resources/Spirit_of_Enterprise/Spirit_of_Enterprise.pdf

⁷¹ http://www.hsa.ie/eng/Publications_and_Forms/Publications/Education/Spotting_Health_and_Safety_Hazards.pdf

⁷² http://www.hsa.ie/eng/Publications_and_Forms/Publications/Education/Safety_in_the_World_of_Work.pdf

7 MAPPING QUESTION 7: SMEs AND MICRO-ENTERPRISES

This question focuses on the identification of measures adopted by Member States in order to assist SMEs and micro-enterprises in the implementation of OSH requirements. Measures provided by other actors, such as social partners, are not included. The concept of ‘measures’ is considered as covering national legislation and soft measures, i.e. incentives. Other measures such as guidance are included in Section 4.

Three elements should be checked for each Directive:

- Exemptions: are there thresholds of number of workers to be exempted from certain key requirements? If so, what are the thresholds? To what requirements does it apply?
- Lighter regime: are certain norms/ regulatory standards provided by law differentiated for SMEs?
- Incentives: have financial measures/tax reductions been adopted to support SMEs?

The results are summarised in Table 7-1 and then detailed in Table 7-2. It should be taken into account that the SME measures laid down in the national legislation transposing the Framework Directive are equally applicable to all of the transpositions of the other OSH individual Directives.

In Ireland, the Safety, Health and Welfare at Work Act 2005 sets out the main provisions for securing and improving the safety, health and welfare of people at work. The law applies to all places of work regardless of how many workers are employed and includes the self-employed.⁷³ While small business owners/self-employed and managers face many unique challenges, one of the challenges they face in common with their larger counterparts is the obligation to provide a safe and healthy place of work. The legal duty and moral responsibility to provide a safe and healthy workplace applies as much to small businesses as it does to large employers.⁷⁴ Ireland has hence not introduced any exemptions, financial incentives, or a lighter regime for SMEs and micro-enterprises. The HSA nevertheless provides a series of practical information and guidance notes in relation to small businesses. Also the BeSMART tool has been developed especially for SMEs and micro-enterprises.

Table 7- 1 Overview of measures targeting SMEs and micro-enterprises

	Exemptions	Lighter regime	Incentives
Directive 89/391/EEC (FW)	-	✓	-
Directive 2009/104/EC (work equipment)	-	-	-
Council Directive 89/656/EEC (PPE)	-	-	-
Council Directive 92/58/EEC (OSH signs)	-	-	-
Directive 1999/92/EC (ATEX)	-	-	-
Council Directive 90/269/EEC (manual handling of loads)	-	-	-
Council Directive 90/270/EEC (display screen equipment)	-	-	-
Directive 2002/44/EC (vibration)	-	-	-
Directive 2003/10/EC (noise)	-	-	-
Directive 2004/40/EC (electromagnetic fields)	-	-	-

⁷³ http://www.hsa.ie/eng/Small_Business/Legislation/

⁷⁴ http://www.hsa.ie/eng/Small_Business/

	Exemptions	Lighter regime	Incentives
	N/A	N/A	N/A
Directive 2006/25/EC (artificial optical radiation)			
	-	-	-
Council Directive 98/24/EC (chemical agents)			
	-	-	-
Directive 2004/37/EC (carcinogens or mutagens)			
	-	-	-
Directive 2009/148/EC (asbestos)			
	-	-	-
Directive 2000/54/EC (biological agents)			
	-	-	-
Council Directive 92/57/EEC (temporary or mobile construction sites)			
	-	-	-
Council Directive 92/104/EEC (surface and underground mineral-extracting industries)			
	-	-	-
Council Directive 92/91/EEC (mineral-extracting industries through drilling)			
	-	-	-
Council Directive 92/29/EEC (medical treatment on board vessels)			
	-	-	-
Council Directive 93/103/EC (work on board fishing vessels)			
	-	-	-
Council Directive 92/85/EEC (pregnant/breastfeeding workers)			
	-	-	-
Council Directive 91/383/EEC (temporary workers)			
	-	-	-
Council Directive 94/33/EC (young people at work)			
	-	-	-

Table 7- 2 Description of measures targeting SMEs and micro-enterprises

	Exemptions	Lighter regime	Incentives
Directive 89/391/EEC (FW)			
	-	In relation to the preparation of safety statements it shall be sufficient by an employer employing 3 or less workers to observe the terms of a code of practice, if any, relating to safety statements which applies to the class of employment covering the type of work activity carried on by the employer.	-
Directive 89/654/EEC (workplace)			
	-	-	-
Directive 2009/104/EC (work equipment)			
	-	-	-
Council Directive 89/656/EEC (PPE)			
	-	-	-
Council Directive 92/58/EEC (OSH signs)			
	-	-	-
Directive 1999/92/EC (ATEX)			
	-	-	-
Council Directive 90/269/EEC (manual handling of loads)			
	-	-	-
Council Directive 90/270/EEC (display screen equipment)			
	-	-	-
Directive 2002/44/EC (vibration)			
	-	-	-

	Exemptions	Lighter regime	Incentives
Directive 2003/10/EC (noise)	-	-	-
Directive 2004/40/EC (electromagnetic fields)	N/A	N/A	N/A
Directive 2006/25/EC (artificial optical radiation)	-	-	-
Council Directive 98/24/EC (chemical agents)	-	-	-
Directive 2004/37/EC (carcinogens or mutagens)	-	-	-
Directive 2009/148/EC (asbestos)	-	-	-
Directive 2000/54/EC (biological agents)	-	-	-
Council Directive 92/57/EEC (temporary or mobile construction sites)	-	-	-
Council Directive 92/104/EEC (surface and underground mineral-extracting industries)	-	-	-
Council Directive 92/91/EEC (mineral-extracting industries through drilling)	-	-	-
Council Directive 92/29/EEC (medical treatment on board vessels)	-	-	-
Council Directive 93/103/EC (work on board fishing vessels)	-	-	-
Council Directive 92/85/EEC (pregnant/breastfeeding workers)	-	-	-
Council Directive 91/383/EEC (temporary workers)	-	-	-
Council Directive 94/33/EC (young people at work)	-	-	-

According to NIR 2013, “The HSA has set up a helpdesk resource, the Workplace Contact Unit, for employers, workers and members of the public. It is the primary point of contact for customers for a range of topics including:

- Reporting workplace fatalities and serious incidents;
- Complaints relating to workplaces;
- Obtaining health and safety information;
- Notifying the Authority of accidents or incidents;
- Notifying the Authority of construction work; and
- Ordering health and safety publications.

More recently an initiative called 'Taking Care of Business' was developed to support and assist small business to deal with health and safety in their workplaces. The development included a new online risk assessment tool, BeSMART.ie (Business electronic Safety Management and Risk Assessment Tool), for businesses and a suite of materials to help small business owners and managers prepare risk assessments and a safety statement for their workplace.

The HSA’s “Taking Care of Business” initiative was developed and expanded in conjunction with the Better Regulation programme of Department of Jobs, Enterprise and Innovation to create a national campaign led by HSA and currently involving a number of “one stop shop” seminars in which over twenty (20) State agencies are now collaboratively engaged in disseminating information to SMEs and Micro Enterprises as a support to current or future entrepreneurs.

In construction, a Safety Management Pack for Contractors Employing 20 or less workers (SMP 20) was also developed and launched. The aim of the pack is to assist small contractors in establishing and maintaining an effective safety management system.

The HSA has produced a wide variety of publications covering a diverse range of topics aimed specifically at SMEs. These include guidance documents, codes of practice and various leaflets. The HSA has also developed and launched e-learning programmes and published a number of toolkits. A special tool kit, aimed at small businesses, addressed their needs in applying the General Application Regulations of 2007. The Simple Safety series of workplace injury prevention resources is available in eleven languages as well as Irish and English. The series includes downloadable data and briefing sheets on general safety, safety in the food and drink industry and safety in retailing. Other examples are the Safe Company booklet and associated video, Farm Safety and Safety in Small Shops.

The aim of these publications is to give the users sufficient information regarding occupational safety and health to enable them to apply appropriate preventive measures. Publications such as guidelines on safety statements enable employers operating in small businesses where the risks to safety and health are relatively straight forward, such as small shops etc., to carry out their own risk assessments, prepare a safety statement and work out how to manage the safety and health of their workers and themselves to comply with the legislation and to avoid accidents or illness. To supplement the literature and associated videos, the HSA organised a series of seminars aimed specifically at helping SMEs to assess risks in their own enterprises. Publications can be accessed on the HSA's website at www.hsa.ie.⁷⁵

⁷⁵ National Implementation Report, Part A, Section I, p.8.

ANNEX I- BIBLIOGRAPHY

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ANNEX II – INTERVIEWS

How many interviews...	... in total		... with national authorities		... with labour inspectorates		... with workers' representatives		... with employers' representatives		... with research institutes, academia, OSH professional bodies, etc.	
	Contacted	Completed	Contacted	Completed	Contacted	Completed	Contacted	Completed	Contacted	Completed	Contacted	Completed
IE	23	14	2 ⁷⁶	1	1 ⁷⁷	1	2 ⁷⁸	0	6	4	12 ⁷⁹	8

This table details all the interviews that were completed with Irish stakeholders, and includes as well the number of stakeholders contacted for these interviews. A further distinction is made on the basis of the category of stakeholders.

⁷⁶ The HSA are the primary national authority responsible for transposing the EU OSH Directives, therefore we were advised that they were the only government authority to interview.

⁷⁷ The HSA Inspectorate is the only labour inspectorate in Ireland responsible for enforcing the EU OSH Directives.

⁷⁸ The worker's representatives in Ireland are all connected to those in the UK; therefore failure to receive any responses from the Irish worker's representatives is attributed to the same issue of non-cooperation identified in the UK, as described in the UK CSR Annex II.

⁷⁹ The approach adopted in Ireland reflected the approach adopted for the UK interviews. Ireland is strongly represented by professional bodies which serve as a repository for expertise on many occupational health and safety issues. Initially approaches were made to several of these bodies (IOSH Ireland, OSHI, ISOM, NISO), however, none of these bodies were either willing to respond to our emails or willing to connect us to any national experts. The HSA assisted us by offering several written interview responses from their internal subject matter experts. Additionally, several subject matter experts were contacted directly with only limited success. This approach was adopted with considerable success in the UK and it was hoped to be able to repeat this in Ireland. However, due to poor responses from these bodies, the number of interviews conducted is limited.