

## EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

1. These Regulations, inter alia, revoke and replace -
  - (a) those provisions of the Safety, Health and Welfare at Work (General Application) Regulations 1993 (S.I. No. 44 of 1993) (other than Part X and the Twelfth Schedule relating to the notification of accidents and dangerous occurrences, which remain in place) that were not already revoked under the Safety, Health and Welfare at Work (General Application)(Amendment)(Revocation) Regulations 2005 (S.I. No. 392 of 2005) following their incorporation in the Safety, Health and Welfare at Work Act 2005 (No. 10 of 2005), and
  - (b) the Safety, Health and Welfare at Work (General Application) (Amendment) Regulations 2001 (S.I. No. 188 of 2001).
  
2. The Regulations also revoke and replace an additional 20 full sets and 4 part provisions of—
  - (a) Factories (Report of Examination of Hoists and Lifts) Regulations 1956 (S.I. No. 182 of 1956),
  - (b) Factories Act 1955 (Hoists and Lifts) (Exemption) Order 1957 (S.I. No. 80 of 1957),
  - (c) Factories Act 1955 (Lifts) (Exemption) Order 1960 (S.I. No. 129 of 1960),
  - (d) Regulations 22 to 35 and 37 and 38 and the Schedule to the Docks (Safety, Health and Welfare) Regulations 1960 (S.I. No. 279 of 1960),
  - (e) Factories Act, 1955 (Hoistways) (Exemption) Order 1962 (S.I. No. 211 of 1962),
  - (f) Quarries (Electricity) Regulations 1972 (S.I. No. 50 of 1972),
  - (g) Mines (Electricity) Regulations 1972 (S.I. No. 51 of 1972),
  - (h) Quarries (General) Regulations 1974 (S.I. No. 146 of 1974) to the extent of in Regulation 3, the definitions of “lifting appliance” and “safe working load”, Regulations 40 and 41, in the First Schedule “FORM No. 3” and “FORM No. 5” and the Second Schedule,
  - (i) Shipbuilding and Ship-Repairing (Safety, Health and Welfare) Regulations 1975 (S.I. No. 322 of 1975) to the extent of in Regulation 3(1), the definitions of “lifting equipment” and “lifting gear” and Regulations 32 to 48,
  - (j) Factories Act 1955 (Hoistways) (Exemption) Order 1976 (S.I. No. 236 of 1976),
  - (k) Factories Act 1955 (Hoists) (Exemption) Order 1977 (S.I. No. 13 of 1977),
  - (l) Mines (Electricity) (Amendment) Regulations 1979 (S.I. No. 125 of 1979),
  - (m) Quarries (Electricity) (Amendment) Regulations 1979 (S.I. No. 126 of 1979),
  - (n) Safety in Industry Acts 1955 and 1980 (Hoists and Hoistways) (Exemption) Order 1985 (S.I. No. 100 of 1985),
  - (o) Safety, Health and Welfare at Work (Signs) Regulations 1995 (S.I. No. 132 of 1995),
  - (p) Safety, Health and Welfare at Work (Miscellaneous Welfare Provisions) Regulations 1995 (S.I. No. 358 of 1995),
  - (q) Safety, Health and Welfare at Work (Children and Young Persons) Regulations 1998 (S.I. No. 504 of 1998),
  - (r) Safety, Health and Welfare at Work (Night Work and Shift Work) Regulations 2000 (S.I. No. 11 of 2000),
  - (s) Safety, Health and Welfare at Work (Pregnant Employees etc.) Regulations 2000 (S.I. No. 218 of 2000),

- (t) Regulations 80 to 123 of the Safety, Health and Welfare at Work (Construction) Regulations 2001 (S.I. No. 481 of 2001),
- (u) Safety, Health and Welfare at Work (Explosive Atmospheres) Regulations 2003 (S.I. No. 258 of 2003),
- (v) Safety, Health and Welfare at Work (Work at Height) Regulations 2006 (S.I. No. 318 of 2006),
- (w) Safety, Health and Welfare at Work (Control of Vibration at Work) Regulations 2006 (S.I. No. 370 of 2006), and
- (x) Safety, Health and Welfare at Work (Control of Noise at Work) Regulations 2006 (S.I. No. 371 of 2006), except Regulation 11(3) of those Regulations.

Regulation 11(3) of the Safety, Health and Welfare at Work (Control of Noise at Work) Regulations 2006 (S.I. No. 371 of 2006) is revoked on 14 February, 2008.

The above revocations are supplemented by the Safety, Health and Welfare at Work Act 2005 (Repeals)(Commencement) Order 2007 (S.I. No. 300 of 2007) which, in accordance with sections 1(2) and 4(2) of the Safety, Health and Welfare at Work Act 2005 (No. 10 of 2005) activates the repeal of sections 33 to 35 and 115 and 116 of the Factories Act 1955 (No. 10 of 1955) and sections 28 and 29 of the Safety in Industry Act 1980 (No. 9 of 1980).

In replacing the above statutory provisions, these Regulations are presented in a more self-contained, easily accessible and user-friendly format, for example, through the restructuring of the layout of the Regulations and through reducing the overall number of Schedules by the incorporation of provisions formerly set out in Schedules in the main text of the current Regulations. However, the overall thrust and the vast majority of the substantive requirements and prohibitions of the Regulations being replaced are maintained in these Regulations.

3. The Regulations retranspose the following 14 EU Directives relating to occupational safety, health and welfare:
  - (a) Council Directive 89/654/EEC of 30 November 1989 concerning the minimum safety and health requirements for the workplace [Chapter 1 of Part 2 refers];
  - (b) Council Directive 89/655/EEC of 30 November 1989 concerning the minimum safety and health requirements for the use of work equipment by workers at work, as amended by Council Directive 95/63/EC of 5 December 1995, amending Directive 89/655/EEC [Chapter 2 of Part 2 and Schedule 1 refer];
  - (c) Council Directive 89/656/EEC of 30 November 1989 on the minimum health and safety requirements for use by workers of personal protective equipment [Chapter 3 of Part 2 and Schedule 2 refer];
  - (d) Council Directive 90/269/EEC of 29 May 1990 on the minimum health and safety requirements for the manual handling of loads where there is a risk particularly of back injury to workers [Chapter 4 of Part 2 and Schedule 3 refer];
  - (e) Council Directive 90/270/EEC of 29 May 1990 on the minimum safety and health requirements for work with display screen equipment [Chapter 5 of Part 2 and Schedule 4 refer];
  - (f) Directive 2001/45/EC of the European Parliament and of the Council of 27 June 2001 amending Council Directive 89/655/EEC relating to the use of work equipment when carrying out work at a height [Part 4 and Schedule 5 refer];
  - (g) Directive 2003/10/EC of the European Parliament and of the Council of 6 February 2003 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (noise) [Chapter 1 of Part 5 refers];

- (h) Directive 2002/44/EC of the European Parliament and of the Council of 25 June 2002 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (vibration) [Chapter 2 of Part 5 and Schedule 6 refer];
  - (i) the health and safety aspects of Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work [Chapter 1 of Part 6 and Schedule 7 refer];
  - (j) the occupational safety and health provisions of Council Directive 92/85/EEC of 19 October, 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding [Chapter 2 of Part 6 and Schedule 8 refer];
  - (k) in respect of night workers and shift workers, the safety and health protection provisions of Article 9 of Council Directive 93/104/EC of 23 November 1993 concerning certain aspects of the organisation of working time [Chapter 3 of Part 6 refers];
  - (l) Council Directive 92/58/EEC of 24 June 1992 on the minimum requirements for the provision of safety and/or health signs at work [Chapter 1 of Part 7 and Schedule 9 refer];
  - (m) Directive 1999/92/EC of the European Parliament and of the Council of 16 December 1999 on minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres [Part 8 and Schedule 10 refer].
4. These Regulations also modernise legal requirements concerning the safe use of electricity in the workplace [Part 3 refers] and the provision of first-aid facilities at work [Chapter 2 of Part 7 refers].
  5. Part 1 of the Regulations covers standard Interpretation and General provisions comprising citation and commencement, interpretation and revocations and savings.
  6. Part 2 of the Regulations relates to the Workplace and the use of Work Equipment at work.

Chapter 1 of Part 2 of the Regulations sets out requirements relating to places of work as regards various matters including structural stability, ventilation, temperature, lighting, floors, walls, ceilings and roofs, windows and sky lights, doors and gates, emergency routes and exits fire detection and fire fighting, movement of pedestrians and vehicles danger areas, loading bays and ramps, room dimensions and air space, general welfare requirements, sanitary and washing facilities.

For the purposes of Chapter 1 of Part 2 of the Regulations “place of work” means a place of work intended to house work stations, excluding (a) means of transport used outside the undertaking or a place of work inside a means of transport, (b) construction sites, (c) extractive industries, (d) fishing boats and (e) fields, woods and land forming part of an agricultural or forestry undertaking but situated away from the undertaking's buildings.

Chapter 2 of Part 2 and Schedule 1 to the Regulations set out requirements relating to the use of Work Equipment at work as regards various matters including employers’ duties regarding the use of work equipment by their employees, information and instruction, inspection of work equipment, maintenance control devices, guards and protection devices, connection to energy sources, contact with wheels or tracks of mobile work equipment, drive systems of mobile work equipment, combustion engines of mobile work equipment, fork-lift trucks, safety of self-propelled work equipment, traffic rules for mobile work equipment, work equipment for lifting loads, cranes, work equipment for lifting goods or persons, hoists and lifts, lifting accessories, signalling and operation of lifting equipment, periodic examination and testing of lifting equipment, reports by competent persons, records and registers of lifting equipment, safe working loads for excavators, telehandlers and loaders, requirements for scotch and guy derrick cranes and construction, testing, examination and safe working load of lifting accessories. In addition to retransposing Council Directive 89/655/EEC and Council Directive 95/63/EC, Chapter 2 of Part 2 of the Regulations also modernises and replaces various provisions of the “relevant statutory provisions” relating to the use

of work equipment at work by standardising requirements and removing anomalies or inconsistencies relating to the use of the same work equipment at different places of work.

Chapter 3 of Part 2 and Schedule 2 to the Regulations set out requirements relating to the provision and use of Personal Protective Equipment (PPE) as regards various matters including the provision and use of PPE, assessment of PPE, conditions of use and compatibility of PPE, personal use of PPE, maintenance and replacement of PPE and information, training and instruction.

Chapter 4 of Part 2 and Schedule 3 to the Regulations set out requirements relating to the Manual Handling of Loads as regards the duties of employers to take appropriate organisational measures or means to avoid the need for the manual handling of loads or, where the need for the manual handling of loads cannot be avoided, to take appropriate measures or use appropriate means to reduce the risk to employees involved in the manual handling of loads.

Chapter 5 of Part 2 and Schedule 4 to the Regulations set out requirements relating to the provision and use of Display Screen Equipment (DSE) as regards the duties of employers concerning the analysis of the workstation, planning of work, minimum requirements for DSE, information and training and provision of eye tests and corrective appliances.

7. Part 3 of the Regulations relating to Electricity sets out a range of requirements including suitability of electrical equipment and installations, adverse or hazardous environments, identification and marking, protection against electric shock, portable equipment, connections and cables, overcurrent protection, auxiliary equipment and battery supply, switching and isolation for work on equipment made dead, precautions for work on electrical equipment, working space, access and lighting, competent persons, testing and inspection, earth leakage protection for higher voltage, switch rooms, fencing of outdoor equipment and overhead lines and underground cables.
8. Part 4 and Schedule 5 to the Regulations relating to Work at Height set out a range of requirements as regards various matters including organisation, planning and risk assessment of work at height, checking of places of work at height, weather conditions, avoidance of risks from work at height, protection of places of work at height, selection of work equipment for work at height, condition of surfaces for supporting structures, stability of supporting structure, guard-rails, toe-boards, barriers etc., stability of working platforms, safety on working platforms, loading of working platform and supporting structures, additional requirements for scaffolding, collective safeguards for arresting falls, personal fall protection systems, work positioning systems, rope access or positioning technique, fall arrest systems, work restraint systems, ladders, fragile surfaces, falling objects, danger areas and inspection of work equipment.
9. Part 5 of the Regulations relates to exposure to Physical Agents at work.

Chapter 1 of Part 5 of the Regulations sets out requirements relating to the Control of Noise at Work including exposure limit values and exposure action values, determination and assessment of risks above a lower exposure action value, provisions aimed at avoiding or reducing exposure, application of upper exposure action values, prevention of exposure above noise level of 85dB(A), application of exposure limit value, personal protection, employee information, training and consultation, health surveillance, records and effects and exemptions.

Chapter 2 of Part 5 and Schedule 6 to the Regulations set out requirements relating to the Control of Vibration at Work including exposure limit values and action values, determination and assessment of risks, provisions aimed at avoiding or reducing exposure, application of exposure action values, application of exposure limit value, employee information and training, health surveillance, records and effects and exemptions.

10. Part 6 of the Regulations relates to Sensitive Risk Groups.

Chapter 1 of Part 6 and Schedule 7 to the Regulations set out requirements relating to the Protection of Children and Young Persons including risk assessment, circumstances prohibiting employment of a child or young person and health surveillance. The purpose of these provisions is to retranspose the health and safety aspects of Council Directive 94/33/EC on the protection of young people at work. The other requirements of this Directive have been implemented by the Protection of Young Persons (Employment) Act 1996.

Chapter 2 of Part 6 and Schedule 8 to the Regulations set out requirements relating to the Protection of Pregnant, Post Natal and Breastfeeding Employees including risk assessment, protective or preventive measures, night work and information. The purpose of these provisions is to transpose the occupational safety and health provisions of Council Directive 92/85/EEC of 19th October, 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding.

Chapter 3 of Part 6 of the Regulations sets out requirements relating to Night Work and Shift Work including general duties of employers with respect to night workers and shift workers, night work risk assessment and health assessment and transfer to day work. The purpose of these provisions is to give effect, in respect of night workers and shift workers, to the safety and health protection provisions of Article 9 of Directive 93/104/EC of 23 November, 1993 concerning certain aspects of the organisation of working time. Inter alia, they require employers, who employ night workers, to carry out, for the purposes of the maximum hours of night working permitted under sections 16(2)(a) and 16(2)(b) of the Organisation of Working Time Act 1997 (No. 20 of 1997) (i.e. the Act by which the main provisions of the Directive have been implemented in Ireland), an assessment of the safety and health risks attaching to the work of night workers whom they employ with a view to determining whether that work involves special hazards or a heavy physical or mental strain. They also require employers, whose night workers become ill or exhibit symptoms of ill-health as a result of performing night work, to reassign such workers to day work suited to them whenever possible.

11. Part 7 of the Regulations relates to Safety Signs and First Aid.

Chapter 1 of Part 7 and Schedule 9 to the Regulations set out requirements relating to the provision of Safety Signs at Places of Work including provision of safety signs, information and instruction for employees, prohibition of unauthorised information on signs, signboards, illuminated signs, acoustic signs and hand signals. These provisions apply to all places of work and they relate to signs referring to a specific object, activity or situation which provide information or instructions about safety and health at work.

Chapter 2 of Part 7 of the Regulations sets out requirements relating to First-aid at places of work including provision of first-aid equipment, occupational first-aiders and first-aid rooms.

12. Part 8 and Schedule 10 to the Regulations relate to Explosive Atmospheres at Places of Work and set out various requirements including in relation to assessment of explosion risk, classification of places where explosive atmospheres may occur, prevention against explosion, safety of plant, equipment and protective systems, training, instructions, permits to work, protection of employees from explosion and coordination at workplaces. These provisions of the Regulations transpose Directive 1999/92/EC of the European Parliament and of the Council of 16 December 1999 on minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres. Directive 1999/92/EC defines “explosive atmosphere” as “a mixture 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”.

Employers are required to classify places at the workplace where explosive atmospheres may occur into hazardous or non-hazardous places. They must classify those places classified as hazardous into zones and apply the specified preventive measures. These measures include the selection of

equipment and protective systems according to the categories set out in Part 8 and Schedule 10 to the Regulations. Such equipment and protective systems are defined in Directive 94/9/EC (which was transposed in Ireland through the European Communities (Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres) Regulations 1999 (S.I. No. 83 of 1999 )) as follows:

- (a) 'Equipment' means machines, apparatus, fixed or mobile devices, control components and instrumentation thereof and detection or prevention systems which, separately or jointly, are intended for the generation, transfer, storage, measurement, control and conversion of energy for the processing of material and which are capable of causing an explosion through their own potential sources of ignition.
- (b) 'Protective systems' means design units which are intended to halt incipient explosions immediately and/or to limit the effective range of explosion flames and explosion pressures. Protective systems may be integrated into equipment or separately placed on the market for use as autonomous systems.

13. Subject to the particular periods referred to in Regulations 9, 122 and 134, these Safety, Health and Welfare at Work (General Application) Regulations 2007 come into operation on 1 November 2007.