



National Irish Safety Organisation

# UPDATE!

SUMMER  
'07



THE NISO HELPLINE

WORKABLE GUIDANCE

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*Vice-President George Brett*

## Welcoming the new General Application Regulations, NISO Vice-President, George Brett, paid tribute to Minister Tony Killeen for his leadership and stewardship in consolidating the many disparate regulations into the new format of the Regulations.

The timely arrival of the new General Application Regulations is an important development for the health and safety of the Irish workplace and is, I believe, in keeping with the goal of the European Commission's new strategy to simplify the legislative framework and to adapt to changes in the modern workplace.

NISO sees the consolidated format of the new Regulations as meeting the Commission's stated aim of reducing the administrative burden on companies, without compromising the achievement of the highest standards of workplace health and safety performance. This is a development that is to be welcomed.

Of course, while the new Regulations are very different from the 1993 Regulations (SI 44/93) which they replace, they still cover workplaces, work equipment, PPE, manual handling, display screens, electricity and first aid.

Other aspects of the new European five-year strategy on health and safety at work, launched in February of this year, have important implications for Irish workplace health and safety. NISO will be debating and promoting these issues over the coming year, both nationally and across our regional network.

Particular issues identified in the new EU strategy are the challenges of trying to apply

# NISO Welcomes Signing of New General Application Regulations into Law

health and safety legislation to the growing number of sub-contracting entities emerging across all business sectors.

Also identified as a challenge is the need for the development and implementation of national strategies in areas of health surveillance; the rehabilitation and the reintegration of employees who suffer permanent disability to differing degrees; workplace related-risks as they affect migrant, younger and older employees; and public policies which aim to prevent ill-health and prolong a healthy working life.

Turning to NISO national events, this issue of NISO Update brings news of the National Quiz held in Tullamore and the National First Aid Championships held in Dublin. Our thanks go to the Midlands and Eastern Regions respectively, for hosting these national events to such a high and professional standard.

The theme chosen for this year's NISO national conference is: 'Is your Business at Risk? – Protecting your People and your Assets'. The conference is being hosted by the Southern Region in Killarney on Thursday 11th and Friday 12th October 2007 and includes a full and engaging programme of seminars, talks and business sector presentations on today's topical health and safety issues. The conference will conclude on the Friday evening with a newly formatted Safety Awards ceremony. These are events not to be missed and I would strongly encourage you to book your place early, by pre-registering and availing of early bird discounts.

Progress with implementing NISO's own Strategic Plan continues apace. Important decisions were made at the June meeting of

the Executive Committee in approving new Information Technology and pilot branding strategies. These strategies will support the business needs of attracting large numbers of new members, in tandem with the focus of developing a broader range of value-adding services to the regional network.

Another key development being pursued by the Executive Committee as part of this year's strategic plan is the new HETAC level 6 Certificate in OSH. This new certificate programme is on target to be launched in the Autumn and interest is already growing within the NISO Regional network to participate in this new leading edge course. The new certificate will be run in tandem with the long-established Foundation Course programme. I would encourage members to pass on the news of this exciting development to their colleagues and business associates.

This is the second issue of NISO Update. I believe it is a valuable communication channel between the organisation and its members. Its purpose is twofold. Firstly, it is to inform members of the latest developments in occupational health and safety and to promote discussion and debate on important health and safety issues.

Secondly, its purpose is also to foster the widest sense of participation in the NISO health and safety community, at both regional and national levels, and to provide members with a feedback forum for their views and comments. I strongly encourage all members to send their views and comments to [info@niso.ie](mailto:info@niso.ie). An organisation that is open to such two-way dialogue is both healthy and progressive.

**Enjoy this issue and let us hear your views ■**



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## NISO welcomes strong OSH background of new HSA CEO

**Welcoming the appointment of Martin O'Halloran as Chief Executive of the Health & Safety Authority, NISO Chief Executive, Pierce Martin, says that NISO volunteers the length and breadth of the country are delighted with the appointment.**

Those active in the NISO network are keenly aware that the new HSA CEO, Martin O'Halloran, has spent a large part of his working life in health and safety and that he was one of the country's earliest safety professionals. As a result, they believe that he brings a wealth of experience and knowledge of health and safety to this important national leadership role. "We look to building on the

strong working ties we enjoy with the Authority under Martin O'Halloran's stewardship", concludes the NISO CEO.

Appointed at the beginning of May, he took up the post on June 1st. O'Halloran, who until his appointment was assistant chief executive corporate services at the Authority, brings a wealth of managerial experience to the chief executive's role, including a five and a half year stint as health and safety manager with Telecom Eireann (now Eircom).

A physics graduate, who also holds a master's in statistics, O'Halloran, after his stint as health and safety manager with Telecom Eireann, headed up the company's operations in the UK for over six years. Over the last three years at the HSA, he has had managerial responsibility for finance, human

resources, statistics/research, information/communications technology, and the strategic planning and evaluation functions in the Authority. He has acted as secretary to the Board. He was a member of the HSA Board from 1992 to 1994 ■

## General Application Regulations to be law in November

**The new General Application Regulations, which were signed into law during June, will come into force on November 1st.**

When the Safety, Health and Welfare at Work (General Application) Regulations 2007 come into force, they will replace the 1993 General Application Regulations, except in so far as the 1993 Regulations relate to the notification of accidents and dangerous occurrences. While the new General Application Regulations will re-enact many of the provisions of the 1993 Regulations, they will be more comprehensive.

As well as setting out the legal requirements for workplaces, the use of work equipment, PPE, manual handling of loads, display screen equipment, first aid and the reporting of accidents and dangerous occurrences, the new Regulations also bring a number of existing regulations within the scope of the main legislative enactment after the Safety, Health and Welfare at Work Act 2005.

These are the regulations concerning noise, vibration, the protection of young persons, the protection of pregnant employees, nightwork and shift work (under the Organisation of Working Time Act), safety signs and explosive atmospheres. The Regulations also set out the rules on lifting equipment (as part of the use of work equipment regulations) ■

## New NISO Gold Standard Benchmark wins insurers' approval

**At this year's NISO AGM in Buswell's Hotel, the new NISO 'Gold Standard Benchmark' in health and safety practice was warmly welcomed by the Irish Insurance Federation and the Minister for Labour Affairs, Tony Killeen TD.**

The National Irish Safety Organisation (NISO), as part of its prestigious Annual Safety Awards, is piloting the Gold Standard Benchmark in 2007, with full implementation targeted for 2008.

The development follows a recent recommendation by the Oireachtas Joint Committee on Enterprise and Small Business for such workplace benchmarks to be established in health and safety performance.

According to Pierce Martin, NISO Chief Executive, the goal of the newly structured Safety Awards is to raise the standard of health and safety management across Irish business. Martin added: "We see the new awards benchmark as a methodology through which business, regardless of size, can develop good health and safety practices. We want Irish companies, big and small, to be able to present this benchmark as proof positive of their management of health and safety risks in the workplace."

Commenting on the new Gold OSH Standard Benchmark, Pat Nally, representing the Irish Insurance Federation, stated "insurers welcome and applaud the work being done by NISO in general and this new initiative in particular. The assessment process is built around best practice in health and safety management. We are directly supporting and working closely with NISO during the pilot of this proposal and the validation of the assessment process." ■

## HSA issues ROPS safety alert

The Health and Safety Authority has issued an urgent warning to the construction industry on 'Roll Over Protection Systems' (ROPS).

It has, the alert states, come to the Authority's attention that ROPS have been supplied to the market that do not comply with the relevant standards.

A ROPS is designed to reduce the possibility of a seat-belted operator being crushed should the machine roll over. Failure to provide a Roll Over Protective System on earth moving machinery can lead to serious injury or death for the operator.

In the alert, the Authority states: "The Safety, Health and Welfare at Work Act 2005 and Safety, Health and Welfare at Work (Construction) Regulations 2005, require that all ROPS comply with Machinery Directive 98/37 and subsequent revisions. The Machinery Directive requires that all ROPS be designed, manufactured and tested to recognised standards. ROPS must comply with BS EN 474-6:2000, BS EN 13510:2000 and ISO 3471:1994."

Giving guidance on what to look for, the Authority states: "ROPS must be labelled in accordance with the above standards. The label should be of a permanent type and permanently attached to the structure. The label should hold the following detail:

- Name and address of ROPS manufacturer
- ROPS Identification number (if any)
- Machine Make/Model that ROPS is suited to
- Machine Mass that ROPS is designed for
- Other information, as deemed appropriate.

If a ROPS does not have this label and information attached, employers, their safety advisors and/or other responsible persons should contact their ROPS supplier immediately. Employers must satisfy themselves that the ROPS is compliant with the above standards ■

## High standards of answering achieved by NISO National Quiz teams

This year's National Quiz Finals, held in Tullamore, were noteworthy for the high standards of answering achieved by teams overall.

The exciting event also attracted large numbers of team supporters. Among them were several younger family supporters, a

development NISO encourages, by making the day a fun and family friendly event, while not detracting from the serious subject being examined in the championship.

ESB Great Island were the winners of the NISO/NISG All Ireland (Previous Entrants) Safety Quiz category, in an exciting final. Representing the South East Region, ESB Great Island qualified by taking first place in

the semi-finals, thereby qualifying for the finals, where they saw off strong competition from Abbott Laboratories Cootehill and Janssen Pharmaceutical Ltd.

Janssen Pharmaceutical took first place in the NISO/NISG All Ireland (Novice category) Safety Quiz category, seeing off strong competition from Helsinn Birex and Tyco Healthcare in a closely contested final ■

## NISO AGM hears membership growing

Companies who ignore their health and safety responsibilities are undercutting companies who take their responsibilities seriously, the Organisation's recent AGM was told by NISO president John O'Shaughnessy.

Saying that a number of companies had approached him about what he described as

an "unfair and reprehensible practice", O'Shaughnessy said he will be taking up "the matter with the relevant regulatory authorities who police such matters". The issue is, he said, one of "extreme urgency".

### GROWING MEMBERSHIP

Saying that NISO had made considerable progress in implementing its three-year strategic plan, O'Shaughnessy reviewed the new courses launched by the Organisation and said that the NISO Foundation Certificate course will be accredited by HETAC as a Level 6 award.

Delivering the honorary secretary's report, Jim Shaw reported an increase in

membership. At the end of 2006, NISO had 1,729 members. The Organisation is also in a strong financial position, having recorded a surplus of €4,261 last year, honorary treasurer Paul Kerrigan told the meeting. Income from subscriptions, courses, the conference and the awards scheme had all grown, he stated. At the end of 2006, members' funds stood at €881,000 ■



## Fake Safe Pass letters a serious concern for NISO

**Hitting out at the perpetrators of illegal forgeries of Safe Pass cards, NISO Chief Executive, Pierce Martin, stated the workers' lives were being put at serious risk on construction sites across Ireland.**

The most vulnerable group of workers susceptible to this scam are non-nationals,

who coincidentally are the most likely to be seriously injured in construction accidents, according to official statistics compiled by the Health & Safety Authority. He agrees with the view of the Construction Industry Federation that the situation has arisen because of long delays in processing the Safe Pass cards by the regulating agency, FAS.

These cards are required in law by those working on construction sites. "I believe that a target turnaround time of two weeks maximum should be enforced by the

regulating agency", says the NISO Chief Executive. "This would stamp out this illegal industry and save serious injury and potentially lives." ■



## Warning of dangers to young people in summer employment

**The National Irish Safety Organisation (NISO) has called on employers who take on young people for the summer to ensure that they are made aware of the health and safety risks associated with their workplace.**

NISO Chief Executive, Pierce Martin, has warned that many young people will be

exposed to all forms of dangers in their summer jobs and that there will inevitably be injuries or potential long-term health damage. Mr. Martin said: "Taking on a summer job should be a rewarding experience for those in school or college. It affords them the opportunity to learn about the world of work and perhaps explore career possibilities."

"But every job has the potential to do harm, both physical and mental, to the young person and they must be made aware of any hazards they may encounter. This can

include using chemicals, potential falls or slips, excessive hours and the use of dangerous equipment. Appropriate instruction at the beginning of the job can reduce the chances of serious problems later."

Last year, the start of the summer was marred by the tragic death of a young man in Sligo, who had just commenced a summer job on a construction site. NISO hopes such a tragedy will not be repeated this year ■

## Janssen are first aid champions

**Janssen Pharmaceutical are the National Workplace First Aid Champions, after winning the inaugural competition organised by the National Irish Safety Organisation (NISO).**

Intel Ireland were the overall runners-up. The individual winner, the best national first aider in the workplace, is Charlie Ward of Wyeth Medica. The competition, which was organised by the NISO Eastern Region on

behalf of the National Organisation, involved three events:

- an accident involving a library bus, resulting in three casualties
- a diagnostic test, in which participants were given 3½ minutes in which to diagnose what was wrong with four accident casualties
- and a fire training exercise, involving two casualties.

The winners were awarded the Bill Cleary Perpetual Trophy, which was sponsored by Emergency Training Services. Speaking to NISO Update, Emergency Training Services

managing director, James McConnell, explained that Bill Cleary is a legend in first aid circles for the time he gives voluntary organisations. He is, McConnell says, the doyen amongst first aid instructors.

Commenting on NISO's objective in organising the competition, McConnell of NISO said: "A good knowledge of first aid in the workplace can help minimise potentially serious injury and could even mean saving a colleague's life. We're delighted that so many companies took part in this competition and the high standard of the competitors proves the importance of good first aid practice." ■

# Local authorities seeking OSH 'competency questionnaires'

**Local authority health and safety competency questionnaires are a new issue facing contractors in the construction sector, health and safety consultant, Fergal McKevitt, managing director of Safety First and a member of the NISO trainers' panel, reports.**

Design teams and building contractors with many years of experience are currently being asked to fill out pre-tender questionnaires by local authorities and other bodies, even though they have been working with these customers for many years.

These questionnaires are designed to allow an objective assessment of a company's competence to fulfil roles such as project supervisor for design process (PSDP) or project supervisor construction stage (PSCS), as specified by the Safety, Health and Welfare at Work (Construction) Regulations 2006.

The objective of these Regulations is to ensure construction health and safety risks are avoided, mitigated or managed. Having said that, this should not lead to bureaucratic form-filling or bulging arch lever files full of health and safety documentation, which often hide health and safety issues rather than address them.

The main changes in the new Construction Regulations are designed to create and encourage a culture where people - clients, designers and contractors - think about and question the real health and safety issues associated with each particular project.

Implementation of these Regulations is still in its infancy and there is a transition period of 18 months for new duties to kick in, where projects were already up and running. There were two earlier sets of Construction Regulations in 1995 and in 2001, which focused primarily on

contractor duties, while these 2006 Regulations focus on designer duties.

In many cases these forms/questionnaires are being handed out to people who are not equipped with the necessary knowledge of health and safety legislation to fill them in (for many of these people the extent of their training in the area of health and safety is a one-day safety awareness programme – i.e. Safe Pass).

Many people, when given the questionnaires to complete, should not attempt to fill them in without seeking the advice of a qualified health and safety practitioner. In the absence of expert advice, they may inadvertently accept roles, duties and responsibilities which they do not fully understand or are not competent to fulfil.

## COMPETENCY QUESTIONNAIRE: GUIDANCE ON COMPLETION

The construction competency questionnaire and associated

guidance has been developed by local authorities to adequately fulfil their client duties under the regulations, in the appointment of competent PSDP and PSCS for all projects.

It is intended that this questionnaire will be completed by designers/contractors at pre-qualification stage for entry onto a select list of tenders for a specific timeframe, or at the Tender Stage of specific projects. The questionnaire has been specifically designed to allow an objective assessment of a company's competence to fulfil PSDP/PSCS duties.







## THE QUESTIONNAIRE

The questionnaire is divided into six separate sections. Each section is assigned an overall potential mark and a pass mark. Marks are awarded or deducted, based on the answers given, and supplementary documentation provided in relation to each question.

### 1. Experience and Resources

There are six questions within this section, and no marks will be awarded under questions 2-6 unless a positive answer can be given:

1. **Provide separate details of similar projects undertaken within the last 36 months.** Although this section is not scored, the question is devised to ensure that the tenderer has similar project experience. The information given in answer to this question may be utilised to obtain references from previous employers.

2. **Is your organisation or any of its employees a member of any relevant professional safety organisation?** It is advantageous that an organisation, or at least one of its employees, would be affiliated to one of the professional safety organizations listed below (or other subject to approval):

- Institution of Occupational Safety and Health (IOSH)
- National Irish Safety Organisation (NISO)
- Northern Irish Safety Group (NISG)
- Royal Society for the Prevention of Accidents (RoSPA)
- Association of Project Safety (APS)
- Irish Ergonomics Society (IES).

Where an organisation, or one of its employees, is a member of one or more of the above, evidence of current membership should be submitted as supplementary documentation. Other information considered appropriate (for example where an employee sits on a regional or national committee of a particular group) would also be considered relevant and would be given additional marks within the scoring system.

3. **Is your organisation a member of any other professional body?** It is a requirement that an organisation, or at least one of its employees, would be affiliated to a professional body within those listed below (or other subject to approval):

- Engineers Ireland (IEI)
- Institution of Civil Engineers (ICE)
- Royal Institute of Architects of Ireland (RIAI)
- Royal Institute of British Architects (RIBA)
- Association of Consulting Engineers (ACE)
- Association of Consulting Engineers of Ireland (ACEI)
- Construction Industry Federation (CIF).

As with the safety organisations, evidence of current membership should be submitted, along with other relevant information.

4. **Does your organisation have a dedicated and suitably qualified staff member who deals specifically with health and safety matters?** This is a critical question. This staff member need not perform a full-time function, but where such a staff member exists, the individual should be named, and the job title given. In many cases, this person is likely to be a managing director who has been given responsibility for health and safety matters throughout the organisation. A CV and evidence of relevant qualifications and experience – be it health and safety or otherwise - should be submitted as supplementary information. The score allocated will depend on the level of qualification and experience demonstrated. Likely qualifications could include:

- Masters Degree in Occupational Health and Safety
- Degree in Occupational Health and Safety
- Diploma in Safety, Health and Welfare at Work
- NEBOSH Diploma (various levels)
- Certificate in Safety, Health and Welfare at Work
- IOSH-accredited Managing Safety in Construction (or similar)

- MaPS
- Engineering/Architectural Qualifications
- Others (Subject to approval)

5. **Does your organisation utilise the services of an external health and safety practitioner/consultancy to advise on specific matters?** If this is the case, a company profile and/or CV for the individual(s) should be submitted as supplementary information.

6. **Do you undertake competence assessments of all your designers/contractors/sub-contractors prior to appointment?** Local authorities require competence assessments to be carried out in respect of all sub-contractors proposed for a project. Details of how this assessment is carried out should be submitted as supplementary documentation.

### 2. Safety Statement

There are 2 questions within this section:

1. **Does your organisation have an up to date safety statement?** Tenderers must provide a copy of an up to date safety statement for the organisation as supplementary information, or no marks will be awarded. Marks will be awarded for relevant content of the safety statement, such as: signed and dated by Director; Responsible Persons named; Duties assigned; Hazard Identification; Risk Assessment; Control Measures; Emergency Plans.

2. **Is the safety statement brought to the attention of all employees?** Information should be provided on how this is done. Marks will be awarded for innovation.

### 3. Organisation

There is one question within this section:

1. **Please provide information on the company's organisational structure, identifying and naming key personnel who will be involved in the day to day running of the project.** With this information, local authorities assess the level and breadth of experience in the

project team. Supplementary information should include: names and job titles; details of relevant qualifications/experience; other relevant information. It is important that those members of the organisation who will be directly involved in the project are so identified - so that local authorities can adequately assess the level of resources the PSDP or PSCS intends to allocate to the project.

#### 4. Construction Regulations

There are 13 questions within this section. Question 1 is to be completed by all tenderers:

1. ***Are you willing to act as PSDP and/or PSCS of the identified works as directed by the client?***

*Questions 2-6 should only be completed by potential PSDP:*

2. ***Please provide details of the individual(s) within your organisation who is/are 'competent' to assess the work of designers engaged on a project, giving evidence of competency where appropriate.*** At least one individual should be named on the questionnaire in the space provided and their job title given. Evidence to demonstrate the competency of the named individual(s) to assess the work of designers should be provided as supplementary documentation. Such information may include: CV; details of qualifications; information on experience/knowledge; evidence of training. Where an individual is not named, or where insufficient supplementary information is provided, no marks will be awarded.

3. ***Please supply information to demonstrate how your organisation intends to ensure compliance with regulation 11 of the Safety, Health and Welfare at Work (Construction) Regulations 2006 – "Duties of the PSDP, co-ordination and co-operation."*** Information supplied may include forms and templates used for hazard identification and risk assessment purposes, or other information. Failure to supply relevant information and documentation will result in no marks being awarded for this section.

4. ***Is it your intention to appoint a H&S Co-ordinator for the project?*** If this is the case, the person or organisation should be named. A short company profile or individual's CV should also be submitted.
5. ***Please supply an example of a Preliminary H&S plan prepared by your organisation for a project similar in nature to the tendered works, as per regulation 12 of the Safety Health and Welfare at Work (Construction) Regulations 2006.*** The content of the Preliminary H&S plan should follow the guidance issued by the Health and Safety Authority. Failure to provide supplementary information will result in no marks being awarded for this section.
6. ***Please provide information (pro-forma sheets etc.) as to how the PSDP will issue directions and ensure directions are followed as per regulation 14 of the Safety, Health and Welfare at Work (Construction) Regulations 2006.*** Sample letters, pro-forma sheets etc relating to regulation 14 should be submitted as supplementary information in this case.

*Questions 7-15 should only be completed by potential PSCS:*

7. ***Please name the individual(s) within your organisation who is/are competent to assess the work of contractors engaged on a project, giving evidence of competency where appropriate.*** At least one individual should be named on the questionnaire in the space provided and their job title given, with evidence of competency provided as supplementary documentation. Such information may include: CV; details of qualifications; information on experience/knowledge; evidence of training. Where an individual is not named, or where insufficient supplementary information is provided, no marks will be awarded.
8. ***Please supply an example of a construction stage H&S Plan prepared by your organisation for a project similar in nature to the tendered***

*works.* A copy of such a plan must be submitted. Failure to do so will result in no marks being awarded.

9. ***Please supply information to demonstrate how your organisation intends to co-ordinate the activities of other persons engaged in work related to the construction of a project and how it intends to co-operate with the PSDP and other contractors engaged in the project.***

Such information may include:

- Procedures for assessment and review of H&S on site
- Emergency arrangements and procedures
- Provision of information to contractors
- Arrangements for the provision, use and maintenance of plant and equipment.

10. ***Is it your intention to appoint an H&S coordinator for the project?*** If this is the case, the person or organisation should be named. A short company profile or individual's CV should also be submitted.
11. ***Please supply information to demonstrate how your organisation intends to ensure compliance with regulation 19 of the Safety, Health and Welfare at Work (Construction) Regulations 2006 – "Duties of PSCS, safety awareness and skills certification"*** Evidence of a system for checking Safe Pass and CSCS cards should be submitted, along with information on how that system will be monitored on site.
12. ***Please supply information to demonstrate how your organisation intends to ensure compliance with regulation 20 of the Safety, Health and Welfare at Work (Construction) Regulations 2006 – "Powers of PSCS to issue directions"*** Supplementary information should be submitted by way of pro-forma letters, for example, showing how written directions are issued, and the process for notifying the HSA, where necessary.





13. Please identify whether this project, in your opinion, requires notification to the HSA in accordance with Regulation 22 of the Safety, Health and Welfare at Work (Construction) Regulations 2006. This requires only a yes/no answer
14. Please identify whether this project will require the appointment of a site safety representative in accordance with Regulation 23 of the Safety, Health and Welfare at Work (Construction) Regulations 2006. Where a site safety rep is required, please submit information on how this person shall be nominated/elected etc.
15. Please identify whether the project will require the appointment of a Safety Officer in accordance with Regulation 26 of the Safety, Health and Welfare at Work (Construction) Regulations 2006. Where the answer to this question is yes, please submit details (short CV etc.)

*Question 16 is only to be completed where the tenderer has answered No to question 1 within this section.*

16. Please supply information to demonstrate how your organisation intends to ensure compliance with Regulations 24 – 29 of the Safety, Health and Welfare at Work (Construction) Regulations 2006. Regulations 24-29 refer to contractors' duties, and the format of the response should refer to and follow the duties listed in these Regulations. Failure to provide supplementary information will result in no marks being awarded.

## 5. Performance Record

There are 5 questions within this section.

1. Has your organisation or any of its employees received an award for safety performance within the last 3 years? If the answer is yes, please provide details of the awarding body and certificates in relation to same. Points will be added for each award received.

- 2-5. These questions ask if your organisation received any improvement notices, prohibition notices, or prohibition orders from the Health and Safety Authority (ROI) or Health and Safety Executive (UK/NI) in the last 3 years, or if it has been prosecuted for any breaches of health and safety legislation during this period. If the answer is yes, the organisation should provide additional information as regards the notice(s) and may wish to demonstrate how safety management has been altered in respect of any such notice/order/prosecution, and this will be taken into account when scoring.

*(It should be noted that the information given in this section may be checked with the HSA/HSE and internal records)*

## 6. Tax and Insurance

There are 8 questions within this section and the organization must be able to supply documentary evidence to back up a positive answer to any of these questions.

1. Please confirm that the organisation holds a current and valid C2 or tax clearance certificate or, in the case of a non-resident tenderer, a statement from the Revenue Commissioners that they are satisfied as to suitability on tax grounds to be awarded a contract. The organisation must have one of the documents mentioned and if so requested, will be required to produce the original current C2, or other such documentation in relation to suitability.
2. Please confirm that the organisation carries current minimum employers' liability insurance of €12,700,000.
3. Please confirm that any county council, town council or borough council are indemnified as principal on the employers' liability policy. This is a critical question.
4. Please confirm that the organisation carries current minimum public liability insurance of €6,350,000.

5. Please confirm that your public liability policy covers your role as PSDS/PSCS.
6. Please confirm that both public liability and employers' liability policies carry a maximum excess of €6,300.
7. Please confirm that - county council, town council or borough council will be a joint insurer on the public liability and all risks policies.
8. Please confirm that all insurance policies are executable in this jurisdiction.

## ASSESSMENT

Where the required information is not submitted in relation to any question, the designer/contractor may fail to satisfy local authorities that they are competent to perform the duties of PSDP/PSCS or contractor, and this may preclude them from further consideration for the select list or tender process. Local authorities reserve the right to request further information or clarification in respect of any submission, prior to any decision.

Marks will be assigned to each section based on answers and supplementary information provided. It is therefore very important that all questions are answered fully and that appropriate and relevant supplementary information is submitted. The marking schedule is documented separately, and staff of local authorities assigning scores to completed questionnaires will be required to comply with the marking schedule.

## SUB-CONTRACTORS

Where a contractor/designer intends to sub-contract all or part of the intended works, it is a requirement that the contractor/designer MUST identify the contractor to be used as part of the tender and MUST obtain the written consent of local authorities to use said sub-contractor prior to commencement.

Prior to consent being given, the competence of the sub-contractor shall also be assessed in the same manner as the main contractor/designer. Local authorities will require the same assessment criteria be applied as with contractors/designers ■

# REACH Regulation – Preparing the Supply Chain

**Dr Sharon McGuinness, Assistant Chief Executive, Health and Safety Authority, writes about the REACH Regulation, which came into force on 1 June.**

The REACH (Registration, Evaluation, Authorisation and Restriction of Chemicals) Regulation introduced new responsibilities and obligations on all companies in the supply chain, when it became law across Europe on June 1.

As a result, companies that manufacture, import, place on the market or use individual chemical substances, mixtures of two or more substances or articles made from or containing chemicals need to prepare for this new regulation.

Many companies, particularly those considered as downstream users, may find they now have duties and obligations under chemicals legislation for the first time. Others will find that the reversal of the burden of proof from regulator to industry for individual substances will also make a difference in how they manufacture, import or use chemicals.

But REACH entered into force in Europe on June 1, but it will take another year before the main elements are introduced, in order to allow the establishment of the new European Chemicals Agency in Helsinki.

However, companies should not sit back and wait until June 1, 2008 before acting. As Competent Authority for REACH, the Health and Safety Authority (HSA) is urging all companies, especially those in the small-to-medium enterprise sector, to start preparing for REACH now.

This paper focuses on two areas of particular importance to SME companies – information in the supply chain and the downstream user obligations.

## WHY SHOULD SMES AND DOWNSTREAM USERS GET INFORMED?

REACH is much wider in scope than existing chemical legislation, as it deals with chemicals either on their own, in a preparation or mixture or in articles (finished items such as clothes, PC, pens etc). It also is aiming to bring the rules on chemicals that have been on the market for many years in line with newly developed substances.

As a result of both of these elements, REACH will impact a greater number of companies than ever before. No longer is it just the big chemical manufacturer that will need to comply – in the future any business that manufactures or imports chemicals or produces or imports finished articles or uses chemicals will have specific obligations under REACH.

These obligations range from registration of a chemical, if a company is a manufacturer or importer, to the obligations of downstream users to simply follow and comply with the safety advice and risk management measures of the supplier - and ultimately pass this data on to customers.

## What are the key aspects of REACH?

- All substances manufactured or imported over 1 tonne per manufacturer/importer per year will have to be registered.
- "Existing" substances are to be registered on a phased basis and within certain quantity thresholds.

- Some chemicals will be evaluated.
- The uses of substances of very high concern may need to be authorised.
- Manufacture or use of high risk substances may be restricted.
- Greater responsibility for actors throughout the supply chain.
- Reversal of burden of proof from authorities to industry.
- European Chemicals Agency, which is to be located in Helsinki, will manage the regulation, in co-operation with Member State Competent Authorities.

## Do I have to be ready to comply with REACH from June 1, 2007?

REACH entered into force on June 1 and some elements are immediately effective, such as the information in the supply chain (provision of a Safety Data Sheet).

However, full compliance with the majority of the



requirements of the regulation will not be required until June 1, 2008.

The reason for this one-year delay is that REACH cannot be fully operational until the new European Central Agency is up and running. This new Agency, which is based in Helsinki, will be the main administrative body for the Regulation – for instance, companies will submit a registration to the Agency directly and not to their own Member State Competent Authority (in Ireland, the Health and Safety Authority), as is presently the case for new substance notification.

In addition to this year before REACH is fully operational, the introduction of many of the requirements is also staggered. The key deadlines are:

- June 1 2007 – In force
- June 1 2008 – European Central Agency operational
- June 1 2008 – “New” substance registration
- June – Nov 2008: Pre-registration for phase-in substances
- June 1 2009 – Restrictions in force
- June 1 2009 – 1st Priority list for authorisation
- Nov 2010 – 1st registration deadline for “phase-in substances that are:
  - considered as carcinogens, mutagens or reproductive toxins (Categories 1 and 2) over 1 tonne per manufacturer or importer per year;
  - greater than 1,000 tonnes per manufacturer or importer per year;
  - considered classified as very toxic to aquatic organisms, which may cause long-term adverse effects in the aquatic environment (R50-53) and greater than 100 tonnes per year per manufacturer/importer
- June 2013 – 2nd registration deadline for phase-in substances that are greater than 100 tonnes per manufacturer/importer per year
- June 2018 – 3rd registration deadline for phase-in substances that are greater than 1 tonne per manufacturer/importer per year

As can be seen, the majority of the activity on REACH is concentrated in the first 11 years, as the system moves to bring “existing” and

“new” substances to the same level of information and review.

## IMPORTANCE OF PRE-REGISTRATION

All companies who are potential registrants are advised to pre-register their substances in the six-month period from June 1, 2008, to November 30, 2008, as this will allow them to avail of the 3, 5, 6 and 11 year registration deadlines outlined above. Failure to register will mean a company could have to register as of December 1, 2008, in order to comply with the No Data, No Market principle of REACH.

Pre-registration will be a simple process, requiring manufacturers, importers and also downstream users to submit the following information: (a) name of the substance; (b) company contact details and (c) envisaged deadline and anticipated tonnage band.

By January 1 2009, the Agency will publish on their website the list of substances that have been pre-registered, which will allow companies identify potential parties to the Substance Information Exchange Forum (SIEF) for a particular substance. A SIEF is the forum envisaged for joint submission of same substance registrations among companies.

A benefit introduced in REACH for the downstream user is that if he or she uses a substance that does not appear on this list on January 1, 2009, he may notify the Agency of his interest in the substance, as well as his contact details and details of his current supplier. The Agency will then publish on its website the name of the substance and on request can provide the downstream user's contact details to a potential registrant. In this way, the risk that a substance used by a downstream user could be removed from the market is minimised.

The regulation further allows any company who manufactures or imports a phase-in substance for the first time in the context of production of an article - or import for the first time an article containing a phase-in substance - and who has missed the six-month pre-registration period to submit the relevant data within six months of first manufacturing or importing or using or at least 12 months before the relevant deadline.

## INFORMATION IN THE SUPPLY CHAIN

The main instrument for communicating down the supply chain remains the Safety Data Sheet or SDS. From June 1, 2007, REACH introduces some formatting changes to the 16-section layout. For example, current sections 2 and 3 are switched and an email address is required for the contact person. An additional new requirement is to prepare a safety data sheet where the substance is persistent, bioaccumulative and toxic (PBT) or very persistent and very bioaccumulative (vPvB) or if the substance is included in the candidate list for Authorisation for reasons other than being a PBT, vPvB or classified as dangerous.

REACH requires suppliers of a substance to also communicate certain information down the supply chain for substances not classified as dangerous.

There is also a duty to communicate up the supply chain to the next person or distributor if new information on hazardous properties comes to light or where the recommended risk management measures may be called into question. In such instances, the distributor is required to pass the information to the next actor and so on until the detail gets back to the registrant (e.g., manufacturer or importer).

In the case of articles, a supplier of an article is required to provide to the recipient information on any substances in the article that are considered as Substances of Very High Concern (SVHC) to allow safe use of the article. SVHC include substances that are considered as causing cancer or that are persistent, toxic and/or bioaccumulative in the environment. At a minimum, the information provided would be the name of the substance. A similar requirement is in place for the consumer who can request this information from the article supplier.

Employers are required to grant access to the SDS for example to workers and their representatives in relation to any substance or preparation they may be using in the course of their work. Any information generated for the purposes of the Regulation must be kept for a period of 10 years.



## OBLIGATIONS AND REQUIREMENTS FOR THE DOWNSTREAM USER

In simple terms REACH defines downstream users as users of chemical substances that are neither manufactured nor imported by the company itself. A distributor or consumer is not considered a downstream user.

Many companies or individuals will find themselves in this category for the majority of substances they use. For other larger companies, they may be a downstream user for particular substances, a manufacturer and/or importer for other substances. Hence the importance of identifying your role for each substance you use!

A simple question to help determine your obligations is: "Do you receive a Safety Data Sheet (SDS)?"

- If NOT – then you will have limited obligations under REACH
- If YES and you have made your use known in writing to your supplier – you must apply the appropriate risk management measures identified in the SDS that is provided by your supplier
- If YES and you have chosen to do your own Chemical Safety Assessment (for reasons of confidentiality for example) – you must apply the risk management measures identified in your own CSR. In certain cases, the downstream user may need to report to the Agency.

As a downstream user, REACH also gives you certain rights. Namely, the right to:

- a) make your use known to your supplier but in so doing, sufficient information would have to be provided to allow the supplier prepare the correct exposure scenario for inclusion in the SDS;
- b) prepare your own chemical safety assessment to keep the use of the substance confidential and c) contribute to a SIEF.

## HOW CAN SMES PREPARE FOR THE REGULATION?

Companies need to start preparing for REACH now. The following are a list of steps to take and questions to ask as an aid to your preparation:

- Develop an inventory of all your substances, whether they are on their own or in a preparation.
- Determine the current and future tonnage levels of each substance per year
- Establish CAS<sup>1</sup>, EINECS<sup>2</sup> and ELINICS<sup>3</sup> number (if appropriate)
- Identify the hazard classification and any related hazard data you may have on each substance
- Determine your status for each substance on the database - are you the manufacturer, the importer, the downstream user, the distributor, etc?
- Identify and list your suppliers and/or customers, as well as their location.
- Do you need to pre-register any of your substances?
- Examine how you use chemicals supplied by a manufacturer or importer.
- Identify an appropriate contact person for REACH in your organisation and make them the focus for communications with suppliers and customers.
- Communicate with your suppliers/distributors and your downstream users.
- Contact your trade association or business support organizations to see what support they will be offering to their members on REACH. For instance, IBEC (Irish Business and Employers Confederation) is providing a REACH support service for all businesses.
- If you have questions, contact the Health and Safety Authority REACH helpdesk or website:
- Lo call 1890 289 389 or email [reachright@hsa.ie](mailto:reachright@hsa.ie)
- Website - [www.reachright.ie](http://www.reachright.ie)

## WHAT IS THE HEALTH AND SAFETY AUTHORITY'S ROLE IN RELATION TO REACH?

The Authority is the designated Competent Authority for REACH since 2005. Since then, the Authority has been actively readying itself for the changes that REACH will bring, not only to its own activities, but also those of Irish business (we are actually ahead in Europe in many areas).

One of the main objectives for the Authority's implementation strategy is to support business in understanding, preparing and complying with REACH. Our campaign of support is called "REACHRIGHT" as we want particularly the SME sector to have the necessary information available to comply with REACH in the correct manner.

We have established a REACH helpdesk so that businesses, particularly those in the SME sector, can phone or email for information, advice or support. The details for this service are: **LoCall 1980 289 389** and email [reachright@hsa.ie](mailto:reachright@hsa.ie).

In addition, our website, which contains a series of frequently asked questions and links to other useful sites is available on [www.reachright.ie](http://www.reachright.ie). The Authority's REACH brochure can be downloaded at this location.

Finally, throughout 2007, we are running regional briefings and seminars for business to not only make them aware of REACH, but also explain the steps they will need to take to comply.

On May 29th we launched our REACH seminar series in Dublin and this will be followed by a number of regional events commencing in Cork on 26th September and in October, the following locations and dates - Sligo (2nd); Athlone (4th); Limerick (11th); Dundalk (16th); Waterford (18th) and Dublin on the 24th. Further details and bookings will be made available on the website, [www.hsa.ie](http://www.hsa.ie) ■

1 CAS number is the Chemicals Abstracts Service number for a chemical

2 EINECS is the European Inventory of Existing Commercial Chemical Substances and is a list of all chemical substances on the EU market up to 1981.

3 ELINICS is the European List of Notified Chemical Substances and is a list of substances which have been notified in the EU in accordance with Directive 67/548/EEC

# Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work



**NISO's health and safety executive Mary Darlington examines the new *Code of Practice on the Prevention and Resolution of Bullying at Work* and considers the implications for employers and employees.**

This new code replaces the older *Code of Practice on the Prevention of Workplace Bullying*, which was adopted in March 2002.

Why was there a need for a new Code of Practice (COP)? It was felt that even with the 2002 COP, the incidence of bullying has essentially remained the same (it affected 7% of workers when measured in 2001 and when measured by ESRI in two recent national surveys, it still affected 7.9% of workers (or 1 in every 12).

This amounts to approximately 159,000 employees who confirmed that they had been bullied during the last 6 months. The surveys also indicated that only half of all organisations reported that they have heard of the Codes of Practice and are aware of their requirements.

## LEGAL STATUS OF THIS COP

Section 61 of Safety, Health & Welfare at Work Act 2005 refers to the use of COPs in criminal proceedings. While failure to follow any COP is not an offence in its own right, the relevant COP is admissible in evidence in criminal proceedings and employers will be asked why they did not implement it.

## WHAT DOES THIS COP CONTAIN?

It covers a range of areas, including:

1. Introduction
2. Status and scope of Code

3. Bullying at work
4. How to prepare a Bullying Prevention Policy
5. Other preventative measures
6. Resolving bullying at work
7. If internal procedures do not resolve a bullying complaint
8. Role of Health & Safety Authority

It also lists at the back, in Appendices 1 and 2, relevant extracts from the 2005 Act and relevant organisations and publications. The Code is quite clear that it does not deal with harassment and declares that harassment comes under equality legislation, which concerns itself with harassment of individuals or groups under any of the nine grounds contained within the legislation.

## KEY ISSUES

The Code correctly makes key points about the following:

1. Normal reasonable and essential discipline, arising from good management, is not considered bullying.
2. Bullies sometimes have personal characteristics which include: poor communications skills, difficulty in working with others, difficulty in delegating responsibility, poor organisational skills or low self-esteem.
3. It quite rightly points out that employees have rights and duties with regard to health and safety at work. This balances the right of all to be treated with dignity with the duty of all to behave in a way that respects others.
4. The need for bullying to be identified as a hazard and contained within all safety statements is made clear.
5. It advocates the need for all organisations to have a bullying prevention policy in place and provides practical assistance in preparing such a policy.

6. It correctly highlights the need for training for management, supervisors and all employees, so that they all understand the company's approach to the issue and their individual roles and responsibilities.
7. It outlines both an informal and formal approach to resolving bullying complaints and includes an appeals process.
8. The role of Health & Safety Authority is clarified as one of:
  - promoting and ensuring compliance with the Code
  - monitoring and dealing with complaints made to it
  - using its enforcement powers where necessary

Overall, the new Code of Practice provides a useful "road map" through this sensitive subject. For small employers who may not have thought about the topic of bullying, it provides them with very usable tools to help them get a handle on what to do. For large employers, who may already have anti-bullying policies in place, it provides them with an opportunity to benchmark their procedures and practices against the Code.

While ESRI surveys found that 7.9% of workers have experienced bullying in Ireland, anecdotal evidence within industry would suggest that the real figures are very much higher than that.

In some sectors, a real "epidemic" exists, where proven bullies are seen to get the job done, to get the required results and sadly many are then rewarded for such behaviours by their organisations. Until this kind of bullying culture is addressed, many Irish workers will continue to be bullied every day at work.

This Code will assist those organisations who genuinely wish to change their cultures. Those who do not will ignore it and I fear that only enforcement action by the HSA may bring about change ■



## Jim Jeffers says NISO is about learning and sharing

**Jim Jeffers, who chairs the National Irish Safety Organisation Mid-West Region committee, encapsulates the reasons why NISO exists, when he says the organisation is about sharing and learning.**

Jeffers's philosophy is that a person who will not share health and safety information "should not be in health and safety". In his words, "health and safety crosses all barriers". He has been involved in safety since the early 1990s and recalls the help he got when he started out. Now, as chair of the NISO Mid-West Region and previously as a committee member, he is, he says, "hopefully" giving something back.

Having worked in Australia, the Middle East and Africa, and then with ESB Generating and NET in Cork – Jeffers came into safety management at Aughinish Alumina, where he has been safety, occupational health, training and security co-ordinator since 1993. He recalls how he was brought into NISO by Mike Tobin, the safety representative at Aughinish Alumina and by the Health & Safety Authority's inspector in the area at the time, Dan Healy.

### NISO: SHARING AND LEARNING

As Jeffers talks about the National Irish Safety Organisation in the Mid-West and the activities it undertakes – organising the NISO Foundation Course in the region, holding seminars, organising the NISO Health and Safety Quiz – a picture of breaking barriers emerges.

It is at these courses, which over the years have provided health and safety education to thousands of employers and workers in the

Mid-West Region - and at the seminars held by NISO - that those involved in safety meet, learn and exchange information. Through these contacts they meet like-minded people and exchange information on issues. These contacts are reinforced as teams from different workplaces meet year after year when they take part in the NISO Quiz.

When Jeffers lists the variety of courses and seminars organised by NISO in the Mid-West - including seminars on construction, electrical safety, the Pregnant Employees Regulations, safe work in confined spaces and manual handling - the role NISO has played over the years in educating employers and workers throughout the country about health and safety issues become apparent.

The talks at these seminars and the presentations at the courses are often given by NISO members, says Jeffers, who recounts a list of names well-known in safety circles.

### COMPANY SUPPORT

Another aspect of how NISO operates at regional level emerges as Jeffers mentions the support it gets from the company he works for. Aughinish Alumina – now part of the global Russian organisation, United Company Rusal, which is the world's largest producer of aluminium and alumina and employs more than 100,000 at 17 locations across five continents – regularly makes facilities available to NISO to hold courses and seminars. The company also sponsors the NISO Mid-West region. The sponsorship, to which Aughinish Alumina is committed for 10 years, is now in its seventh year.

This sort of support from Aughinish Alumina and other employers, who provide facilities, expertise and sometimes financial aid, is a way in which companies and people like Jeffers, one of the country's most experienced safety professionals, can "give something back", as he puts it.

### THE SPOKES IN THE WHEEL

Throughout the country, NISO's eight regions, like the Mid-West Region, run seminars and courses, organise the Foundation Course and hold regional quizzes leading to the National Quiz finals.

Speaking about the national picture, Jeffers, who sits on NISO's national executive committee, likens the Organisation to a wheel. The regions are "the spokes", which provide the strength of the organisation. The eight regions work at organising activities, which feed back into the national organisation.

Mentioning many events that are now national institutions – the Safety Awards, the Quiz, Safety Week, the Good Neighbour Scheme, the Foundation Certificate – Jeffers recalls that the Quiz was first run in the Mid-West Region in 1974, before becoming a national event in 1976.

The NISO Foundation Course was first developed and run in the Mid-West Region over 20 years ago, under the chairmanship of Pat Storan, before it was developed as a national NISO activity. The Safety Awards scheme was started in the Southern Region.

When asked to sum up what NISO is about, Jeffers says the organisation at regional level is an organisation of volunteers devoting time and effort to a cause they believe in: "making sure people do not get killed, injured or ill at work". At national level, the volunteers' efforts are supported by the professional staff at central office.

Asked why a business in a region should join NISO, Jeffers says, "NISO is a not-for-profit voluntary organisation, resourced by dedicated professional volunteers, who wish to contribute to the enhancement of health and safety in the workplace at shop floor level. NISO, through its regional structures, has developed networking systems which can offer services and advice to organisations at a local level." ■





## Answers to Question

Since the NISO INFORMATION SERVICE was launched last summer, NISO's health and safety executive, Mary Darlington, has answered hundreds of queries from members. In the HELPLINE column, Mary will report on some of the most commonly asked questions. Readers with questions can contact the HELPLINE by emailing Mary at [mdarlington@niso.ie](mailto:mdarlington@niso.ie).

### Question

Is every company legally required to have Fire Wardens and to provide fire fighting training?

### Answer

Yes and no is the answer. Within the 2005 SHWW Act there are a number of sections with duties that are of relevance here:

#### *Section 8 – General Duties of Employer includes:*

- Ensure design, provision and maintenance of safe access and egress
- Prepare and revise plans for emergencies or serious and imminent dangers (these would include fire, evacuation, chemical spill, risk of explosion, bomb scare, receipt of suspicious parcel etc.)

#### *Section 11 - Emergencies and Serious & Imminent Dangers*

Provide the necessary means for first aid, fire-fighting and evacuation of employees and others, taking account of the nature or work being carried on and the size of the place of work. Arrange any necessary contacts with the appropriate emergency services with regard to first aid, emergency medical care, rescue work and fire fighting.

For the purpose of implementing plans, procedures and measures, designate employees who are required to implement those plans. Ensure that the numbers of those employees, their training and the equipment available to them are adequate - taking into account both the size and specific hazards relating to the place of work.

#### **In the event of an emergency or serious and imminent danger, the employer shall:**

- As soon as possible, inform all employees concerned of the risk involved and of the steps taken or to be taken to protect them from it
- Refrain from requiring employees to carry out or resume work where there is still a serious and

imminent danger to their safety and health.

- Ensure that in the absence of appropriate guidance or instruction, and having regard to the knowledge of the employee, and where their immediate supervisor cannot be contacted, that the employee concerned may take appropriate steps to avoid the consequences of the danger.

#### **In the event of serious, imminent and unavoidable danger, the employer shall:**

- Take action and give instructions to enable employees to either or both stop work and immediately leave the place of work and proceed to a safe place
- Ensure that an employee who leaves is not penalised because of such action
- Shall ensure that only employees who have received appropriate instructions have access to the area of the place of work where a serious, specific danger exists.

#### *Section 18 - Protective and preventive measures*

An employer shall appoint one or more competent persons to perform such functions (specified by the employer) to protect employees from and prevent risks to safety, health and welfare at work

#### *Section 20 - The Safety Statement*

Every employer shall prepare/have prepared a written safety statement based on hazard identification and risk assessment, specifying how the safety, health and welfare at work of employees shall be **secured and managed**. *(These are the key words)*

Employers shall ensure that the safety statement specifies:

- hazards identified and risks assessed
- protective/preventive measures taken, and resources provided for protecting safety, health and welfare at work
- the plans and procedures to be followed in the event of an emergency or serious and imminent danger.

So, based on all of that, every employer must have appropriate arrangements to deal with emergencies which would typically include:

- Having a comprehensive emergency plan covering all foreseeable events.
- Having appropriate people, fully trained in their relevant duties (and enough of them depending on the size and complexity of the organization) to:
  - assist with evacuations – typically fire wardens who would “sweep” rooms and floors,
  - people to fight the fire in pairs or as part of a fire team or emergency response

team until the fire brigade arrives - only if it is safe to do so

- people to assist with roll-calls outside, provide first aid to injured staff and others and assist with re-entry when it is safe to do so.

### Question

I am a safety officer working with a small building contractor and we have just been offered a contract with a larger company, which involves some roadworks. Others have been appointed as PSDP (Project Supervisor Design Process) and PSCS (Project Supervisor Construction Stage) under the Construction Regulations 2006 and this project falls under those Regulations, as Design and Construction began after November 6, 2006. Within the contract documents, our company is being asked to sign to say that we will act as PSDP with regard to temporary works. I thought that the PSDP had that responsibility. Should we sign to say we will do this?

### Answer

You are probably right and they are technically wrong in trying to get you to take on this responsibility, when it lies legally with PSDP under Construction Regulations 2006.

The Construction Regulations 2006 say: “Design Process means the process for preparing and designing a project, including alterations to the design and the design of temporary works to facilitate construction of the project.”

Within the HSA Guidelines to Construction Regulations 2006 it says: “The PSDP should take steps to ensure co-operation between permanent and temporary works designers, in particular that the designs are compatible and that loading from the temporary works will not exceed the loads that can be safely carried by the permanent works at a particular stage of their construction.”

However, the Guidelines also say: “The requirement for PSDP to co-ordinate design of temporary works does not eliminate the need for the appointment (generally by contractors) of competent temporary works engineers who understand the complexity of the forces involved in temporary works/permanent works interaction, and who can design the temporary works to safely take account of these forces.”

So it may be this particular part of the Guidelines that they are using. Resist if you can, as designers will ultimately have to take on these new responsibilities. Some of them are resisting and trying to pass them on to contractors. Hopefully, over time, their attitudes will change ■



**NATIONAL IRISH SAFETY ORGANISATION - UPCOMING EVENTS – [www.niso.ie](http://www.niso.ie)**

**Safe Pass Awareness Course**

Dublin: 22, 27 & 29 June 2007  
 Dublin: 6, 11, 13, 20, 25 & 27 July,  
 Dublin: 3, 8, 10, 17, 22, 24 & 31 August 2007  
 Dublin: 5, 7, 14, 19, 21 & 28 September 2007  
**Contact:** Ph: 01-4659760 **Email:** [info@niso.ie](mailto:info@niso.ie)

**New General Application Regulations 2007/Contractor Safety Questionnaire Workshops**

(1 day course - two separate workshops)  
**Workshop 1 - General Application Regulations 2007 - changes and implications**  
**Workshop 2 - Contractor Safety Questionnaire - being issued by Local Authorities - guidance on completion**  
 (Workshops are priced individually - there are savings if delegates attend both.)  
 Dublin - 28th June 2007 - Carnegie Court Hotel, Swords  
 Cork - 2nd July 2007 - Silver Springs Moran Hotel  
 Galway - 9th July 2007 - Marriott Courtyard Hotel, Headford Road  
**Contact:** 01 4659760 **Email:** [info@niso.ie](mailto:info@niso.ie)

**VDU Assessors Course**

(2 Day Course)  
 Dublin: 3 & 4 July 2007  
**Venue:** NISO Training Centre, A11 Calmount Park, Ballymount, Dublin 12  
**Contact:** Ph: 01-4659760 **Email:** [info@niso.ie](mailto:info@niso.ie)

**Occupational First Aid Course Refresher/ Re-Certification Course**

Dublin: 5 July 2007  
**Venue:** NISO Training Centre, A11 Calmount Park, Ballymount, Dublin 12  
**Contact:** Ph: 01-4659760 **Email:** [info@niso.ie](mailto:info@niso.ie)

**Manual Handling Instructors Course**

(5 Day Course)  
 Dublin: 9, 10, 11, 16 & 17 July 2007  
 Dublin: 13, 14, 15, 20 & 21 August 2007  
 Dublin: 10, 11, 12, 17 & 18 September 2007  
**Venue:** NISO Training Centre, A11 Calmount Park, Ballymount, Dublin 12  
**Contact:** Ph: 01-4659760 **Email:** [info@niso.ie](mailto:info@niso.ie)

**Manual Handling Instructors Refresher Course**

(2 Day Course)  
 Dublin: 10 & 11 July 2007  
 Dublin: 14 & 15 August 2007  
 Dublin: 11 & 12 September 2007  
**Venue:** NISO Training Centre, A11 Calmount Park, Ballymount, Dublin 12  
**Contact:** Ph: 01-4659760 **Email:** [info@niso.ie](mailto:info@niso.ie)

**Safety Representative Course**

(1 Day Course)  
 Dublin: 10 July 2007  
**Venue:** NISO Training Centre, A11 Calmount Park, Ballymount, Dublin 12  
**Contact:** Ph: 01-4659760 **Email:** [info@niso.ie](mailto:info@niso.ie)

**Occupational First Aid Course**

(3 Day Course)  
 Dublin: 17, 18 & 19 July 2007  
**Venue:** NISO Training Centre, A11 Calmount Park, Ballymount, Dublin 12  
**Contact:** Ph: 01-4659760 **Email:** [info@niso.ie](mailto:info@niso.ie)



**NISO Annual Conference & Safety Awards Presentation**

The Malton Hotel, Killarney; 11 – 12 October 2007  
**Venue:** The Malton Hotel (formerly the Great Southern Hotel), Killarney, Co Kerry  
**Contact:** Ph: 01-4659760 **Email:** [info@niso.ie](mailto:info@niso.ie)

Further details and a brochure on most of the events above can be found on the NISO Website [www.niso.ie](http://www.niso.ie)