

## **MEMO**

### **RISK ASSESSMENTS AND SAFETY STATEMENTS**

This memo furnished for discussion purposes only. (Legal advice should always be taken in carrying out risk assessments and writing up safety statements) (Legal advice should always be obtained to ensure that an employer is complying with their obligations in relation to risk assessments and safety statements and their other obligations under the Safety, Health and Welfare legislation)

#### **WHERE TO FIND INFORMATION ABOUT RISK ASSESSMENTS AND SAFETY STATEMENTS**

The primary piece of legislation in relation to these documents is the Safety, Health and Welfare at Work Act 2005. It should, however, be noted that there are also a significant number of regulations.

The Health and Safety Authority has a very useful website – [www.hsa.ie](http://www.hsa.ie) . The Health and Safety Authority publishes on its website a number of informative documents including general guidelines in relation to Risk Assessments and Safety Statements. It also has a section on Frequently Asked Questions concerning the Safety Statement and Risk Assessment. Guidelines on preparing the Safety Statement and the carrying out the Risk Assessment can be obtained from the HAS Publications Unit.

It should be noted that a HAS inspector may review the Safety Statement during an inspection of a workplace and if he/she finds it inadequate he/she can direct an employer to revise it within 30 days.

#### **THE BENEFITS OF RISK ASSESSMENTS AND SAFETY STATEMENTS**

The primary aim of risk assessments and safety statements is to ensure that people don't get hurt or become ill. Carrying out a risk assessment and having a safety statement will not in and of itself prevent accidents but they are important in helping to reduce the likelihood of such accidents occurring.

The benefit of carrying out risk assessments and having a safety statement is that it allows employers to carefully consider the risks in the work place. Employers may have to implement improvements thereby reducing the risk for those in the place of work. Employers should ensure that the workplace practices reflect what is in the Risk Assessments and Safety Statement.

#### **RISK ASSESSMENTS**

By virtue of Section 19 of the Safety, Health and Welfare at Work Act 2005 every employer is obliged to:

- Identify the hazards in the place of work that they control
- Assess the risks presented by those hazards
- Be in possession of a written assessment i.e. a risk assessment

Employers have to implement any improvements and appropriate measures considered necessary by a risk assessment.

When carrying out a risk assessment one needs to consider not only employees but also people who may attend the work place from time to time e.g. patients, contractors, outside maintenance personnel etc.

The results of a risk assessment should be written in the Safety Statement.

## **SAFETY STATEMENT**

By virtue of Section 20 of the Safety, Health and Welfare at Work Act 2005 every employer must prepare a Safety Statement based on the identification of hazards and the risk assessment carried out, specifying the manner in which the safety, health and welfare at work of his employees shall be secured and managed.

## **WHAT MUST THE SAFETY STATEMENT CONTAIN?**

The Safety Statement must be in writing and it must specify:

- Specify the manner in which the safety, health and welfare at work of employees shall be secured and managed
- The hazards identified and risks assessed
- The protective and preventative measures taken and resources provided for protecting safety, health and welfare at the place of work
- The plans and procedures to be followed and the measures to be taken in the event of an emergency or serious and imminent danger in compliance with the Act
- The duties on his/her employees regarding safety, health and welfare at work, including co-operation with the employer and any persons who have responsibility under the relevant statutory provisions in matters relating to safety, health and welfare at work.
- The names, and where applicable, the job title or position held by each person responsible for performing tasks assigned to him or her pursuant to the safety statement
- The arrangements made regarding the appointment of safety representatives and consultation with, and participation by, employees and safety representatives in compliance with the Act including the names of the safety representative and the members of the safety committee, if appointed.

The safety statement should also include a review mechanism and have regard to the relevant health and safety legislation.

In drawing up a safety statement it is important to have a health and safety policy. Such a policy should include a declaration signed by the employer or by senior management on the employer's behalf. The declaration should give a commitment to ensuring that the workplace is as safe and healthy as is reasonably possible and that all relevant statutory requirements will be complied with. The declaration should set out the policy in relation to overall health and safety performance, provide a framework for managing health and safety and list the relevant objectives.

## **AN EMPLOYER'S OBLIGATION TO BRING THE SAFETY STATEMENT TO THE ATTENTION OF EMPLOYEES AND OTHERS**

An Employer must bring the safety statement, in a form and manner in language that is reasonably likely to be understood to the attention of:

- Employees – at least annually and at any other time following its amendment
- New employees upon commencement of employment
- Other persons at the place of work who may be exposed to any specific risk to which the safety statement applies e.g. outside contractors, temporary workers, self-employed people who provide a service for the employer and persons such as delivery persons who come into contact with activities at the place of work

A sensible way of ensuring that the safety statement is brought to the attention of employees is to distribute copies of it to employees.

Where there are specific tasks performed at the place of work that pose a serious risk to safety, health and welfare an employer must bring to the attention of those affected by that risk relevant aspects of the safety statement setting out:

- The risk identified
- The risk assessment
- The protective and preventative measures taken in accordance with the relevant statutory provisions in relation to that risk

## **INSPECTION OF THE SAFETY STATEMENT**

An employer must keep a copy of the safety statement available at or near the place of work to which it relates while work is being carried out

## **REVIEW OF THE SAFETY STATEMENT**

An employer must, taking into account the risk assessment carried out, review the safety statement where:

- There has been a significant change in the matter to which it refers
- There is another reason to believe that the safety statement is no longer valid
- An inspector directs that the safety statement must be amended and this must be done within 30 days of the giving of the direction

Reviews of the Safety Statement are necessary to ensure that it remains relevant. The Safety Statement should be revised periodically at least annually and when any significant changes take place and when a risk assessment is carried out.

## **POTENTIAL HAZARDS TO BE CONSIDERED**

### **PHYSICAL HAZARDS**

Examples of physical hazards are:

- Slipping/tripping hazards
- Manual handling hazards
- Equipment hazards

This list is by no means exhaustive; it is for illustrative purposes only

### **BIOLOGICAL AGENT HAZARDS**

Biological agent hazards include viruses and bacteria that can cause infection e.g. tuberculosis from contact with infectious cases and hepatitis from the unprotected handling of infected body fluids or waste. When one works in or responsible for such activities then one must consult the Biological Agent Regulations for further information on identifying biological agent hazards and the methods of control.

### **HEALTH HAZARDS**

Examples of health hazards are:

- Sources of radiation
- Unsuitable lighting
- Negative stress
- Injury through poor design of machinery or tasks

This list is not exhaustive; it is for illustrative purposes only

### **CHEMICAL HAZARDS**

Chemicals are used in almost every place of work. They range from cleaning products to more acids and pesticides etc. The Code of Practice on Chemical Agents lists hundreds of dangerous chemicals. This list should be checked by employers. When one is considering chemical hazards and assessing their risks one needs to consider:

- Immediate problems
- Long term effect of exposure
- Likelihood of skin problems, chest problems, explosion etc

### **HUMAN-FACTOR HAZARDS**

Certain groups of people such as pregnant women, people suffering from disabilities, new workers, workers whose first language is not English etc can be particularly vulnerable and must always be taken into account when identifying hazards.

When considering human factor hazards one needs to consider matters such as bullying, stress, the system of work and the organisation of work etc.