

Health and Safety

The implications for Local Government

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Health and Safety Obligations

Not New !!!!!

Health & Morals of Apprentices Act 1802.

- ➡ Admission of Fresh Air by way of sufficient windows.
- ➡ No more than 2 Apprentices to a bed.
- ➡ Pauper Apprentices prohibited from night work.
- ➡ Pauper Apprentices limited to 12 hrs work per day.

Workplace – Highly Regulated

Safety Health & Welfare at Work Act, 2005

Safety, Health and Welfare at Work
General Application Regulations. 2007

Etc. ← → Etc.

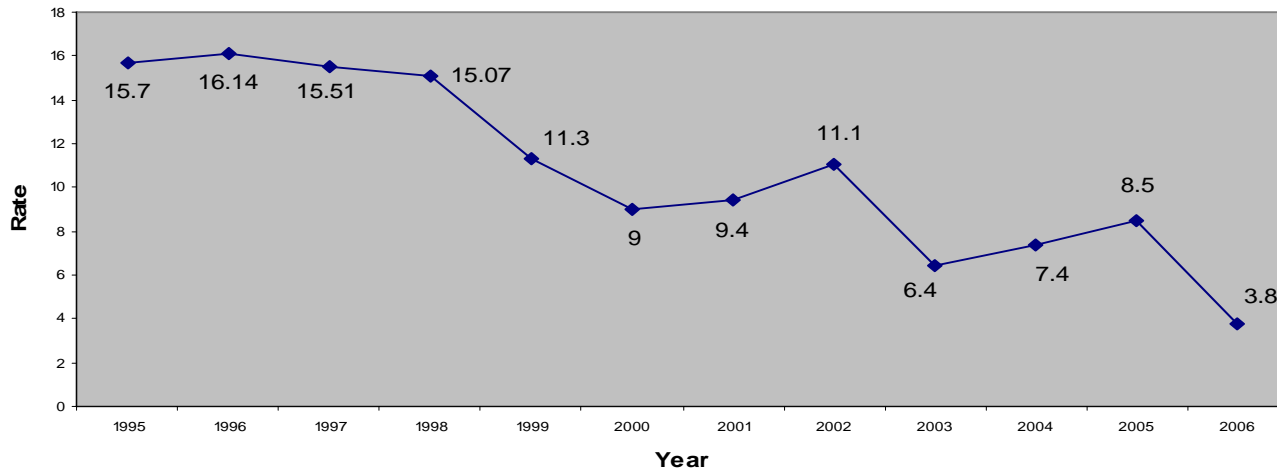
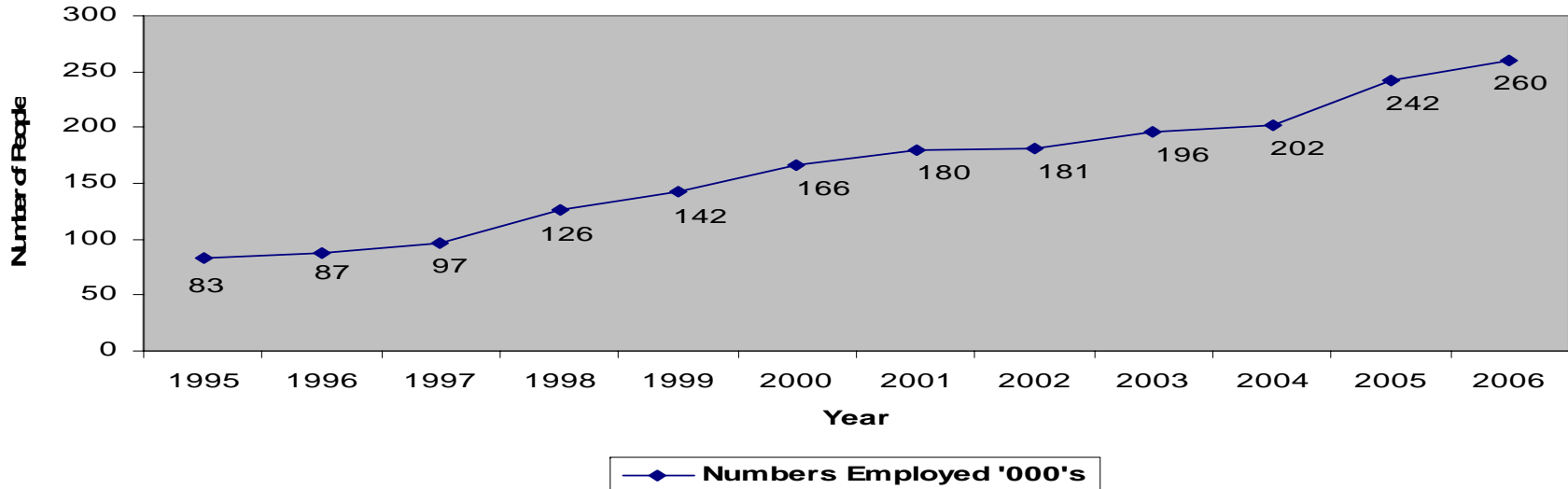
Construction
Regs. 2006

Noise
Regulations 2007

Asbestos Regulations.
2006

Vibration
Regulations
2007

Statistics for the Construction Industry 1995-2006



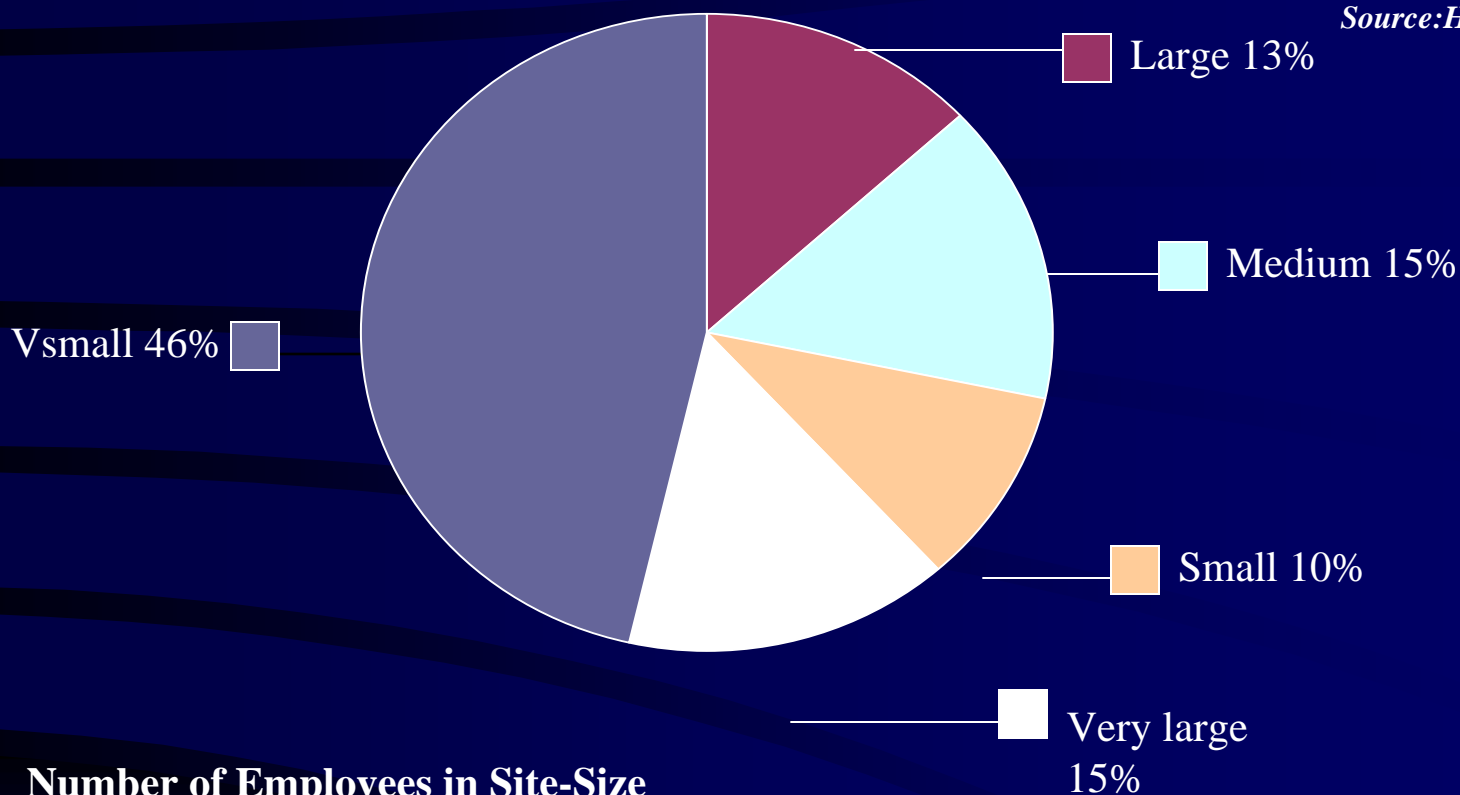
Fatality Rate per 100,000 at work

EU Average : 10



Fatalities in Construction Industry

Source:HSA



Number of Employees in Site-Size Categories

Very Small = 1 – 5 employees

Small = 6 – 10 employees

Medium = 11 – 20 employees

Large = 21 – 50 employees

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Very Large = 51 + employees

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Media View of Safety non Compliance

- The builder also formerly had a poor safety record on his sites and was labelled "a recidivist criminal" by a High Court judge during a safety case.
- 19 building sites in Cork closed due to safety fears
Chris Dooley,
- **Industry and Employment Correspondent**
- **Company fined over child's death**
- A construction company has been fined €40,000 and...



Boy (12) almost suffocated stuck in building site mud



Health and Safety

The implications for Local Government

- Society norms expect compliance
- Continued public / political pressure for improvements.

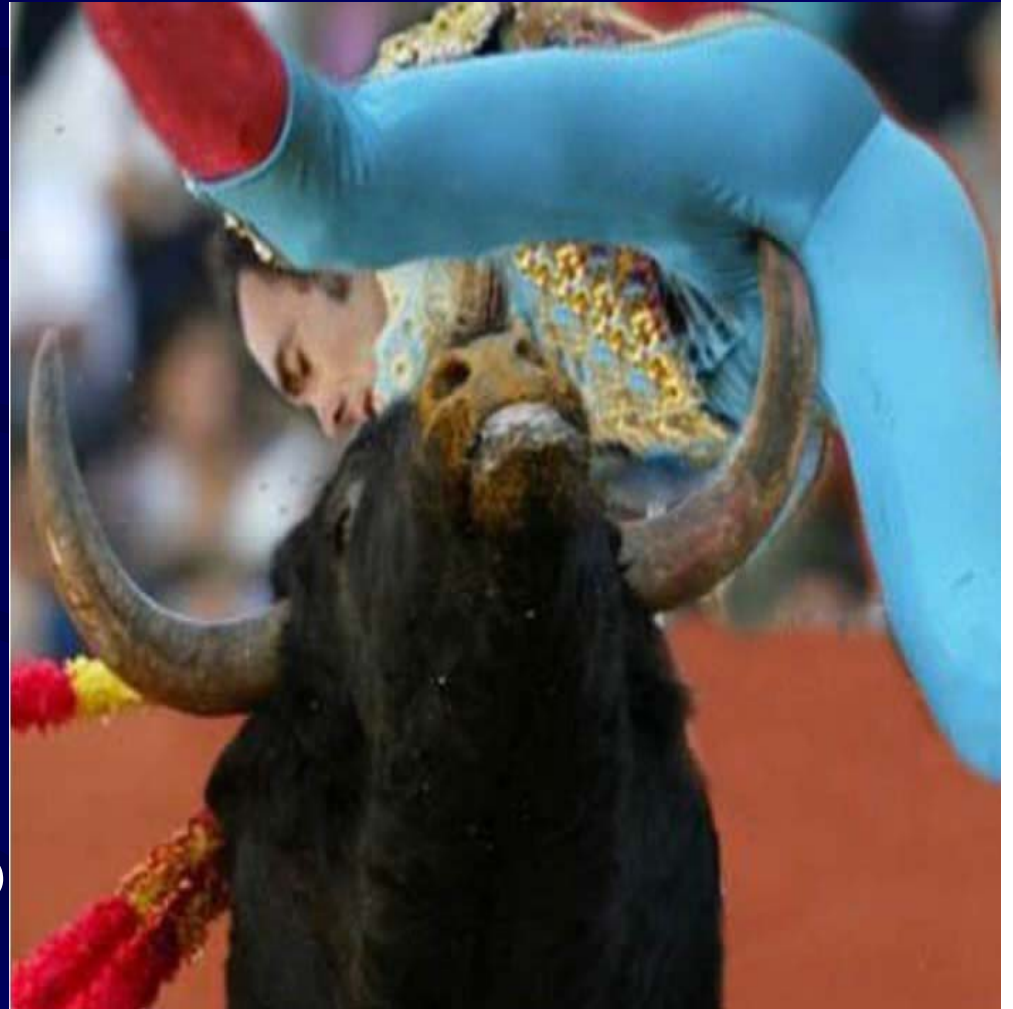
Implications = Challenges



Good Advice !!!

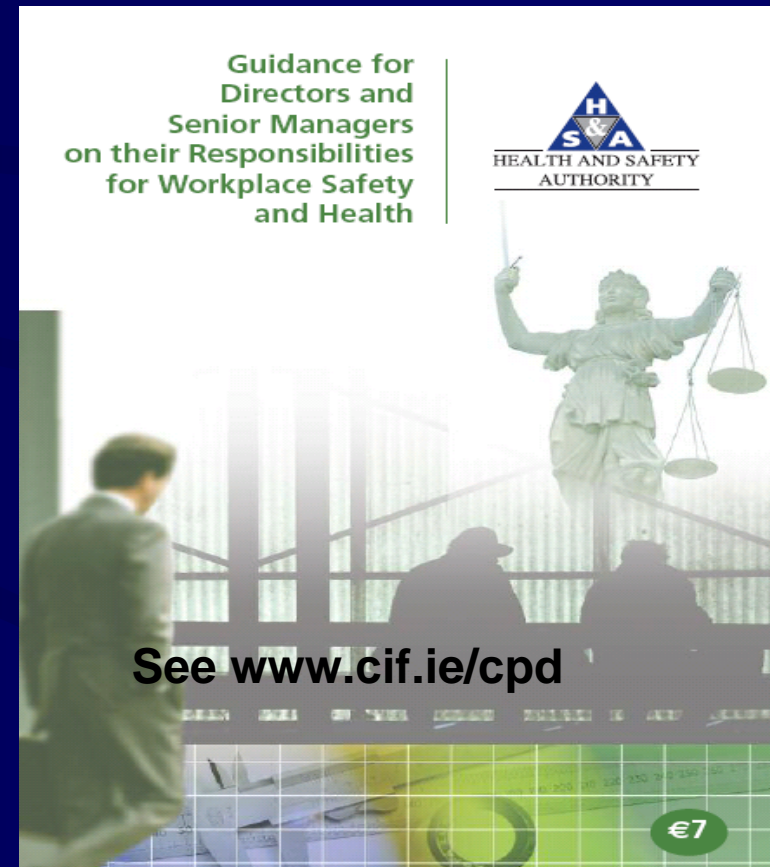
- “If you think safety is expensive, try having an accident !!!”

Stelios (EasyJet)



Safety Health & Welfare at Work Act 2005.

- Managers Liability.
 - **Section 80:**
 - *“Where an offence has been committed under the Act and... the offence had been authorised, or consented to or is attributable to connivance or neglect on the part of a Director, Manager or other similar Officer of the undertaking ... that person as well as the undertaking shall be guilty of an offence and shall be proceeded against and punished.”*



Managers Liability – Presumption of Guilt

- *S 80(2)*
 - *“...it shall be presumed, until the contrary is proven, that the commission of the acts...was authorised, consented to or attributable to connivance or neglect on the part of that person”*
- *S 81*
 - *“It shall be for the accused to prove that it was not practical or reasonably practical to do more than was in fact done to satisfy the duty...or that there was no better practical means that was used.”*

Law Reform Commission

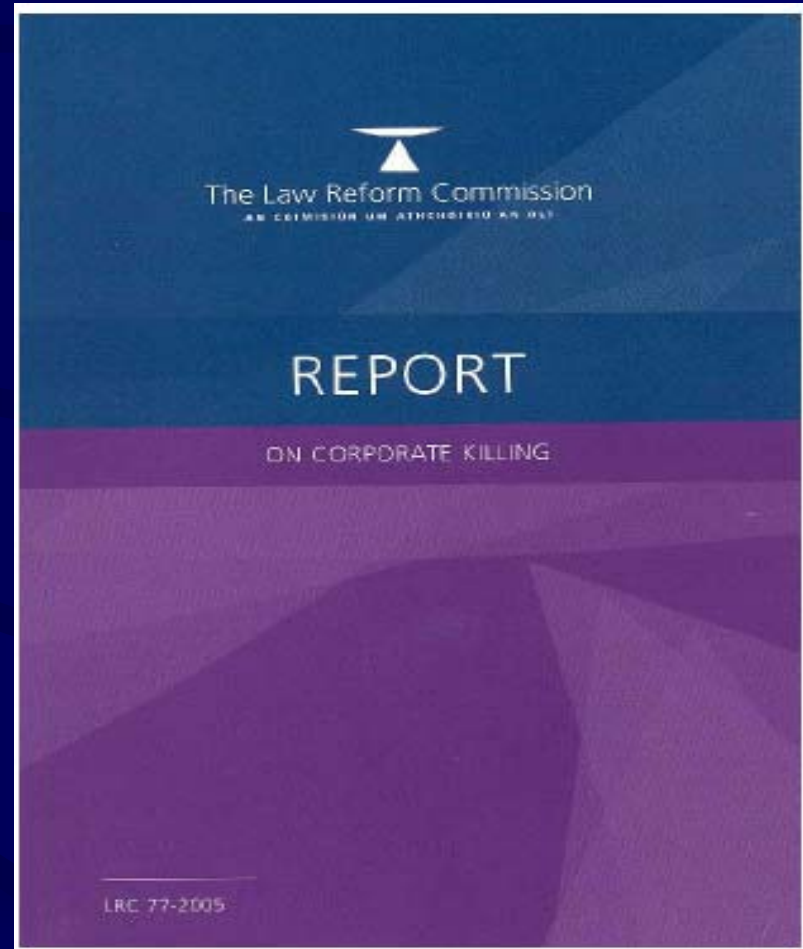
- **Proposals**

Corporate killing legislation

Based on “gross negligence”
caused death

Managers secondarily liable if
acted with reckless disregard
for safety

Defence- reasonable precautions
taken .



Local Authority – Responsibilities / Challenges

Role

- As an Employer
- As a Contractor
- As a Client

Expectation

- Lead the way
- Set example
- Full compliance

“An Exemplar”



Example

- Navan Bus Crash



COUNTY COUNCIL ADMITTED IT FAILED TO PREPARE A HEALTH AND SAFETY PLAN FOR THE CONSTRUCTION WORK AT THE SITE AND THAT IT FAILED TO APPOINT A PROJECT SUPERVISOR IN RELATION TO THE WORKS.

Challenges – As Employer

- Compliance – Legislation & Best Practice
- Training personnel
- Auditing & Reviewing
- Updating and Improving



Local Authority - Contractor

- Full compliance
- Construction Regulations
- PSDP
- PSCS
- Health and Safety Plans



Local Authority - Client

- Position of influence
 - Clients can drive safety
 - INTEL etc.
- Set / demand high standards
- Value good safety performance – key point
 - Legal obligations
 - Assess competency
 - Assess Resources

Clients in Construction



HEALTH AND SAFETY
AUTHORITY

CLIENTS IN CONSTRUCTION
Best Practice Guidance

- 1 ASSESS COMPETENCY
- 2 APPOINT IN WRITING
- 3 NOTIFY HSA OF APPOINTMENTS
- 4 INFLUENCE YOUR PROJECT

REDUCING THE RISK

1 Health and Safety Authority

Procurement Policy- Suitability Assessment



- Pre qualification documents
- Purpose / weighting to questions
- Accept 3rd. Party Certificated Safety Management Schemes

PROJECT TITLE:	DOCUMENT ID. W1
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CAPITAL WORKS MANAGEMENT FRAMEWORK
QUESTIONNAIRE

SUITABILITY ASSESSMENT FOR WORKS CONTRACTOR

**RESTRICTED PROCEDURE
BASED ON EC DIRECTIVES**

Introduction

This questionnaire is issued in advance of a tender competition run by restricted procedure. Its purpose is to obtain information from applicants for a suitability assessment. The tender competition is for the award of the position of works contractor and other services for the project described in this document.

The term applicant is used for an Individual (Sole) Trader, a Legal Partnership, a Consortium or any other type of Joint Venture that constitutes an acceptable entity for the purpose of this project.

Note: If any individual or group of individuals is included in more than one application for the same contract a statement should be provided to the effect that the applicant is aware of this multiple participation and that it has been brought to the attention of all other consortia of which that individual or group is a member.

The document is in three main parts:

- Section 1 gives details of the project and the requirements. The Contracting Authority completes it prior to issuing the questionnaire.
- Section 2 is used to collect basic information about the applicant. If the Contracting Authority requires details in addition to the standard details, the Contracting Authority must specify these requirements prior to the issuing the questionnaire. The applicant must then use the form to provide the required details.
- Section 3 details the criteria that will be used to evaluate the applications. Prior to issuing questionnaire, the Contracting Authority specifies the criteria that will be used, the applicant must then use the form to provide the required details, and to confirm that other required information is appended or will be submitted on request as indicated.

Time and date for return of Questionnaire:

Time and Date:	
Return Name and Address (if different from Contracting Authority details in Section 1, below)	



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Costs

PSCS Role = 1% Project Value

Every €million = €10,000

Other issues:

- Training costs – no assistance for employers
- Mandatory programmes (16 no.) – Construction Regs.
- National Training Fund

Industry Initiatives

Construction Safety Partnership Plan
> 2008-2010

> Message from the Minister for Labour Affairs, Billy Kelleher, T.D.

The collage features the following logos and text:

- CONSTRUCTION SAFETY PARTNERSHIP** (Main title logo)
- CONSTRUCTION INDUSTRY FEDERATION** (Logo with a blue triangle)
- STRONGER TOGETHER CONGRESS Irish Congress of Trade Unions** (Logo with a blue sunburst)
- HEALTH AND SAFETY AUTHORITY** (Logo with a purple triangle containing 'HSA')
- roinn fiontar trádála agus fostaíochta department of enterprise, trade and employment** (Logo with a harp)
- An Bord Seirbhíse Bainistíochta Rialtais Áitiúil Local Government Management Services Board** (Logo with 'LGMSB')
- The Society of Chartered Surveyors** (Logo with a yellow cube)
- FÁS Foras Áiseana Saothair Training & Employment Authority** (Logo with 'FÁS')
- An Roinn Airgeadais Department of Finance** (Logo with a harp)
- Comhaoin, Oidhreachtaí agus Rialtas Áitiúil Environment, Heritage and Local Government** (Logo with a green circle)
- ENGINEERS IRELAND** (Logo with a Greek letter phi)
- RIAI** (Logo in a blue square)



Tom Parlon, Martin O'Halloran, Kevin Kelly and David Begg





6 No. Goals

Goal 3

To implement procurement procedures that encourage health and safety performance, in particular for smaller projects.

(Lead organisation: LGMSB)

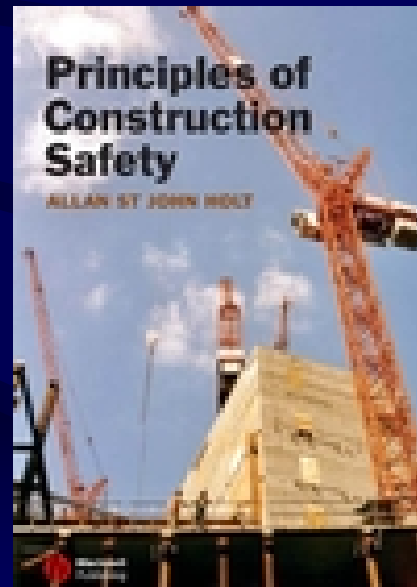
Goal 4

To achieve a reduction in the high rate of injury for non-Irish national workers.

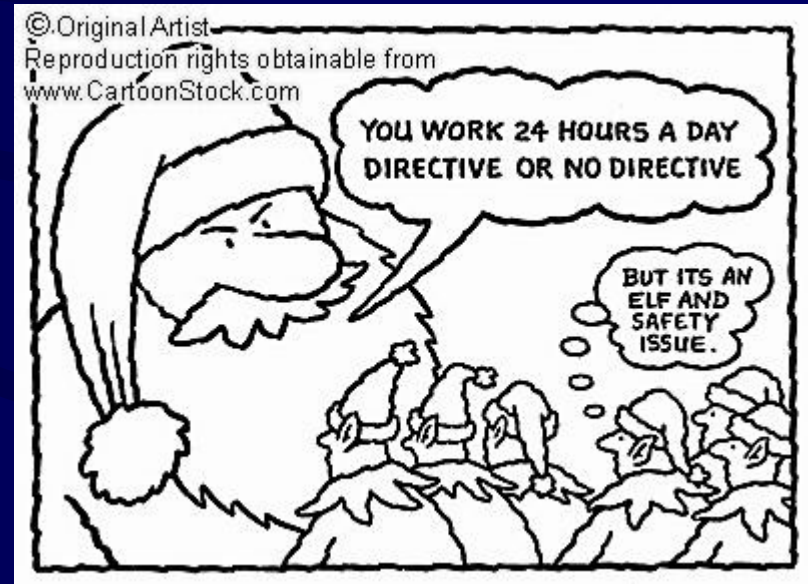
(Lead organisation: ICTU)

Partnering / Mentoring

- Promotes shared goals
- Collaboration in problem solving



“Elf & Safety” – Myth



Life after Hatfield...

Nick Jeffries is a chartered civil engineer with more than 30 years' experience of constructing and maintaining rail infrastructure. When the Hatfield rail crash happened in October 2000 he was working for Balfour Beatty on the maintenance of the East Coast Main Line.

Nick was charged with corporate manslaughter and health and safety offences, along with other individuals, his employer Balfour Beatty and Network Rail. Jeffries says:

In the immediate aftermath of the accident 1,150 speed restrictions were imposed, causing chaos that was only eased after the Prime Minister intervened.

**Four Dead – 70
Injured**

Life after Hatfield...

accusers. Jonathan Goldberg QC told the jury: "Put in military terms, you see in this court five lieutenants accused of losing the entire war. These five infantrymen are court martialled, but the civil servants, the politicians, the men with knighthoods who created the dysfunctional system, go scot-free."

They had worked in an "under-funded, under-invested railway industry which had been neglected by governments... for over 40 years", he said.

Summary

- Local Authorities are :
 - In a position to set and value high standards of health and safety management and in so doing to raise the standard of safety performance to level where we want to be.

Dermot Carey
Head of Safety Services
Construction Industry Federation

- Thank You

