

Part 7

Safe Hospitality



Safety, Health & Welfare in Hotels, Restaurants, Catering & Bars

Part 7 - Health and Safety Laws



SHOULD BE READ IN CONJUNCTION
WITH Part 1 - General

Contents

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Part 7 - Health and Safety Laws

7.1	The Main Legal Requirements	107
7.2	Risk Assessments	114
7.3	Safety Statement	116
7.4	Powers of Inspectors	119

7.1 The Main Legal Requirements

There are 2 main pieces of legislation covering general safety, health and welfare in Ireland

- Safety, Health and Welfare at Work Act 2005, and
- Safety, Health and Welfare at Work (General Application) Regulations 2007 as amended

As an employer you are required to manage safety and health at work so as to prevent accidents and ill-health and ensure proper welfare facilities. Controlling dangers at work is no different from tackling any other task. You need to recognise the problem, know enough about it, decide what to do and put the solutions into practice.

The law requires employers to:

- Identify the hazards
- Carry out a risk assessment
- Prepare a written safety statement
- Communicate risks and controls

This process has a practical purpose. It will help employers and other duty holders to manage employees' safety and health, and get the balance right between the size of any safety and health problems and what has to be done about them.

The required safety measures must be proportionate to the real risks involved and must be adequate to eliminate, control or minimise the risk of injury. The system must involve consultation between you as an employer and your employees, who are required by law to cooperate with you in the safety-management process.

For Further Information

See the short guide and the full guide to the Act, www.hsa.ie

Safety Toolkit and Short Guide to the General Application Regulations as well as the selection of full guides to the Regulations, www.hsa.ie

Employers' Responsibilities

1. Safe Workplace

- Provide and maintain a safe workplace
 - Includes machinery and equipment
- Safe access and egress
- Safe design and operation

7.1 The Main Legal Requirements Cont'd

2. Manage work

- Manage work to ensure the safety, health & welfare of employees
- Prevent improper conduct or dangerous behaviour
- Ensure written procedures, e.g. safety statement
- Management is the process of continuous improvement



3. Control Risks

- Prepare a safety statement and update regularly to take account of changing circumstances and work practices
- Ensure risks are assessed and from this implement controls
- Ensure work is adapted to take account of the individual tasked for that work

- Provide training and instruction as required
- Where PPE is required, it's not a substitute for dealing with hazards at source

4. Welfare Facilities

- Provide and maintain adequate welfare facilities for employees
- Applies equally to all workplaces
- Include
 - Drinking water
 - Clean toilet
 - Warm/ hot washing water and soap
 - Somewhere hygienic to eat

5. Emergency Procedures

- Prepare and update emergency procedures
- Include evacuation plan
- Clearly label evacuation routes

7.1 The Main Legal Requirements Cont'd

- Rehearse evacuation plan, evaluate and learn from rehearsals

6. Training & Information

- Provide appropriate training, information and supervision to enable employees perform their duties safely
- Demonstrate as required, e.g. proper insertion of ear-plugs
- Must be appropriate, e.g. language, ability to read

7. Report serious incidents

- Report accidents with over 3-days absence or dangerous occurrences such as explosions or serious fires to the Health and Safety Authority. Details of what incidents should be notified can be found at www.hsa.ie
- Can be done online at www.hsa.ie. If very serious call the Authority's Workplace Contact unit on 1890 289 389

Employees' Responsibilities

1. Co-operate

- Co-operate with your employer and others
- If in another workplace, cooperate with them

- Follow reasonable instructions

2. Don't take chances

- Do not take chances with your life or your colleagues
- If something doesn't seem safe it probably isn't
- No horseplay or messing around

3. Raise concerns

- Raise any concerns that something is dangerous
- Report near-misses
- Report horseplay
- Report dangerous equipment

4. Safety Equipment

- Don't interfere with or misuse safety equipment
- Report missing or faulty equipment

5. Use equipment correctly

- Pay attention
- Ensure you know how to use equipment
- Look for training and instructions if required



7.1 The Main Legal Requirements Cont'd

6 Attend training

- Complete required training
- Pay attention at training
- Report any further training needed

7 Protective Equipment

- Use protective equipment and clothing provided
- Report defective equipment and get replacement
- Ask for demonstrations if needed

Also:

- Read the Company Safety Statement
- Ensure you are clear of your safety responsibilities. If in any doubt, consult with management
- Take appropriate breaks
- Ensure you comply with relevant safety and health laws
- Employees must not be under the influence of an intoxicant at the place of work to the extent that they may endanger their own or others safety
- Employees must not engage in improper conduct or behaviour

Consultation

- Every employer shall consult employees, their safety representatives or both on
 - Any measure which may substantially affect the safety, health and welfare
 - Hazard identification and the risk assessment
 - Preparation of a safety statement
 - Information to be provided
 - Information in respect of accidents and dangerous occurrences
- Training
- Planning and introduction of new technologies

7.1 The Main Legal Requirements Cont'd

Safety Representatives

- A safety representative is elected by workers to represent them
- Safety representative may inspect whole or part of place of work after giving reasonable notice to the employer
- They may accompany a Health and Safety Authority Inspector on routine inspection
- May accompany inspector investigating accident or dangerous occurrence at discretion of Inspector
- Where an Inspector attends for inspection, the employer shall inform the safety representative that the inspection is taking place
- They may make representations to employer or to Inspectors
- It's illegal to discriminate against Safety Representatives

Incident follow-up

The following section contains advice on good practice, as well as an outline of the legal requirements

1. Eliminate dangers

- Eliminate dangers as required
- Consult with rescuers/ emergency services
- Consider isolating services, e.g. electricity, gas
- Try to preserve accident scene for investigation
- Erect warning signs and cordon

2. Medical Assistance

- Get medical assistance if needed
- Ensure safe access and egress for emergency services

7.1 The Main Legal Requirements Cont'd

3. Preserve Scene

- Preserve the incident scene as much as possible
- Take plenty of photographs and record video if possible
- Where accident causes loss of life
 - No person shall disturb where it occurred or tamper with anything before :
 - It has been inspected by inspector, or
 - Three days after notification has expired
 - Unless with inspector's consent or act was necessary for securing safety or health of any person

4. Report the incident

- Details at www.hsa.ie
- Report to your insurance company as required
- Revise risk assessment, safety statement as necessary

5. Investigate

- Carry out your own investigation and drawup a report
- Sketch incident scene

- Compile photographs, videos, documents, etc.
- Decide cause(s) of incident
- Take steps to prevent repeat of incident

6. Keep records

- Prepare the necessary sketches and photographs
- Remember to label each carefully and keep accurate records

7. Interviews

- Interview the victim(s) and any witness(es)
- Record what is said
- Conduct interviews as soon as possible
- Interview as many people as possible

7.1 The Main Legal Requirements Cont'd

After Investigation

- Identify the root cause(s) of the incident
- List steps necessary to prevent a recurrence
- Train staff on revised/ new precautions
- Ensure all steps are taken and continue to be taken
- Revise risk assessment, safety statement as necessary



7.2 Risk Assessments

Section 19 of the Safety, Health and Welfare at Work Act, 2005 requires that employers and those who control workplaces to any extent must:

- Identify the hazards in the workplaces under their control
- Assess the risks presented by these hazards

In this context a hazard is something with the potential to cause harm (for example, chemical substances, machinery or methods of work), while measuring the risk depends on:

- The likelihood of that harm occurring in the workplace
- The potential severity of that harm (the degree of injury or ill health following an accident)
- The number of people who might be exposed to the hazard

Employers must write down these workplace risks and what to do about them. This is known as a risk assessment.

Assessing risk means you must examine carefully what, in the workplace, could cause harm to your employees, other employees and other people, including customers, visitors and members of the public. This allows you to weigh up

whether you have taken enough precautions or whether you should do more to prevent harm. You must examine safeguards to see whether enough precautions taken

The Principles of Prevention are listed in schedule 3 of the 2005 Act. These principles provide a very practical approach to removing risks. They stress that risk removal must be approached as follows....

General Principles of Prevention

- 1) The avoidance of risks
- 2) The evaluation of unavoidable risks
- 3) The combating of risks at source
- 4) The adaptation of work to the individual, especially as regards the design of places of work, the choice of work equipment and the choice of systems of work, with a view, in particular, to alleviating monotonous work and work at a predetermined work rate and to reducing the effect of this work on health
- 5) The adaptation of the place of work to technical progress



7.2 Risk Assessments Cont'd

- 6) The replacement of dangerous articles, substances or systems of work by safe or less dangerous articles, substances or systems of work where possible
- 7) The giving of priority to collective protective measures over individual protective measures
- 8) The development of an adequate prevention policy in relation to safety, health and welfare at work, which takes account of technology, organisation of work, working conditions, social factors and the influence of factors related to the working environment
- 9) The giving of appropriate training and instructions to employees

Tips

- Consider any accidents, dangerous occurrences or near misses at your workplace in assessing the risk
- Consider any reports, concerns raised by staff in assessing the risk
- The Authority's Annual Reports and other publications may help in assessing the risk for your business, especially the key hazards, key sectors sections and risk alerts
- Ensure risk assessments lead to action(s) to prevent incidents
- Ensure preventative actions are properly communicated to all staff
- Review risk assessments when things change, e.g. new staff, new equipment

For Further Information

Guidelines on Risk Assessments and Safety Statements at www.hsa.ie

Safety Toolkit and Short Guide at www.hsa.ie

7.3 Safety Statement

Section 20 of the Safety, Health and Welfare at Work Act, 2005 requires that an organisation produce a written programme to safeguard:

- The safety and health of employees while they work
- The safety and health of other people who might be at the workplace, including customers, visitors and members of the public

The safety statement represents a commitment to their safety and health. It should state how the employer will ensure:

- Their safety and health
- The resources necessary to maintain and review safety and health laws and standards

The safety statement should influence all work activities, including:

- The selection of competent people, equipment and materials
- The way work is done
- How goods and services are designed and provided



The safety statement must be in writing and must set out the organisation and arrangements to implement and monitor safety. It should show staff, and anyone else, that hazards have been identified and risks assessed, eliminated or controlled.

Tips

1.Safety Statement

- Every employer must prepare a written safety statement
- Procedures should include continuous improvement
- Safety statement should be implemented
- It's just the start of ensuring safety

7.3 Safety Statement Cont'd

2. Workplace specific

- Safety statement must be for the particular workplace
- Different workplaces have different risks, e.g. workplaces near water have risk of drowning, workplaces with overhead electrical wires, etc.

3. Risks & Controls

- It must identify risks and controls
- A Safety Statement should specify the following
 - Hazards identified & risks assessed
 - Protective & preventative measures to ensure health and safety
 - Duties of employees
 - Names & positions of each person responsible for task assigned by safety statement
 - Arrangements made for appointment of safety representatives

4. Emergency Plans

- A Safety Statement should specify plans and procedures to be followed and the measures to be taken in the event of an emergency or serious and imminent danger

- Plans should be tested periodically
- Emergency routes must be clearly marked

5. Cooperation

- Employees must cooperate with employer and other person(s)
- Very important where several employers in same workplace

6. Regularly Update

- Safety statement must be regularly updated, especially when
 - New equipment
 - New product
 - New process
- Accident or ill-health

7.3 Safety Statement Cont'd

7. Bring to attention

- Employers must bring it to the attention of
 - All people at least yearly
 - New employees
 - Others exposed to risks in it
- Must be in appropriate form, language and manner likely to be understood

For Further Information

Guidelines on Risk Assessments and Safety Statements at www.hsa.ie

Safety Toolkit and Short Guide at www.hsa.ie

7.4 Powers of Inspectors

Inspectors from the Authority have a wide range of powers allowing them to...

- Enter any place at any time
- Search, examine and inspect
- Direct a place (or part thereof) to be left undisturbed
- Direct that safety statement be amended
- Require records and information
- Inspect and remove records
- Require assistance and facilities
- Require article to be operated or procedure to be carried out
- Take any measurements or photographs or recordings
- Install, use and maintain monitoring instruments
- Cause risky item to be dismantled or subjected to process or test
- Take samples
- Require name and home address

Inspectors use these powers very carefully and enforce the law in a fair, proportionate and consistent way. They may advise, guide and support where the manager is committed and proactive. Where there is no/limited control they make take measures to ensure compliance.

All Inspectors from the Health and Safety Authority carry official identification and can produce this identification on request.

Inspectors expect reasonable cooperation. To enable them to do their work, it may be an offence to...

- Prevent or attempt to prevent any person from answering inspectors question
- Prevent, obstruct, impede or delay an inspector
- Fail to comply with a bona fide request, instruction or directions from an inspector
- Make a statement to an inspector known to be false
- Recklessly make a statement which is false
- Make a false entry intentionally in any register, book, notice or other document
- Produce or cause/ allow false or misleading record to be produced
- Falsely represent to be an inspector
- Contravene an improvement notice
- Carry on any activity in contravention of a prohibition notice
- Refuse to produce any record that an inspector requires
- Give an inspector false or misleading information

