

The HSA and You

Presentation to Engineers Ireland

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The Health and Safety Authority

- Safety Health and Welfare at Work Act principle legislation
- Authorises Inspector (Section 62)
- Powers of an Inspector (Section 64)
- Creates Offences (Section 77)
- Penalties (Section 78)*
- Liability of Directors/Managers (Section 80)

An Inspector Calls

- **Normally** without prior notice.
- Meet Manager / Safety Officer.
- Meet Safety Representative.
- Checks Safety documentation:-
- Conducts inspection.
- Report back to management.
- ACCIDENT & INCIDENTS

Powers of Inspectors

- Enter any place where there is a belief it is used as a place of work.
- Enter any place where articles, substances or **records** are kept.
- Require the production of **records**.
- Inspect **records** and take copies of same.
- Examine & test.

Powers of Inspectors

- Power of Summons
- Examination of any person, and the taking of a statement and having that person sign a statutory declaration
- Retain physical evidence
- Apply for a search warrant
- Accompanied by a member of An Garda Siochana

Enforcement Types

Verbal advice

Written advice

Improvement Direction

Improvement Notice

Prohibition Notice

High Court Order

Prosecution

Offences during Inspection

- Prevent or attempts to prevent any person from answering a question.
- “prevents, obstructs, impedes or delays an inspector from exercising any functions conferred on him or her by this Act,…”
- Makes a false statement, a false entry, produces to an Inspector a record which is false.

The SHWVA and You, the Engineer

- Section 13 Duty of the Employee.
- Take care of their own health and **those** who may be impacted by their acts or omissions.
- Co-operate with their employer or any other person to comply with the relevant statutory provisions.
- Attend training
- Make correct use of articles/substances/PPE

The SHWWA and You, the Engineer

- Section 80 Liability of Directors and Officers of Undertakings.
- Offence committed by undertaking
- Was it:
- Authorised
- Consented to
- Attributable to connivance or neglect
- If so, by whom and was that person a Director or Manager

The SHWWA and You, the Engineer

- To be proved that the person is a Director or a person making decisions to a significant extent at the time of the event in issue
- If a Director or Manager is charged under Section 80 and the undertaking is found guilty, it is presumed that he/she is guilty until the contrary is proved.

Thank you

