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**AN BILLE MONARCHAN, 1954.  
FACTORIES BILL, 1954.**

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**EXPLANATORY MEMORANDUM.**

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**Introductory.**

The purpose of this Bill is to make better provision for the safety and welfare of industrial workers, and to put into one comprehensive Act all that the law has to say on what should be done to provide healthy, safe and comfortable working conditions for factory workers. Most of the existing law on this subject is to be found in the series of Acts known as the Factory and Workshop Acts, 1901-1920, and in Orders and Regulations made under these Acts. Other Acts which have a direct or indirect bearing on the subject are listed in Schedule I to the Bill.

Originally the Factory and Workshop Acts contained provisions about the hours of work and rest periods of women and young persons. These provisions were repealed when working hours and rest periods were dealt with comprehensively in the Conditions of Employment Acts and in the Holidays (Employees) Act. The Factories Bill confines itself, therefore, to the precautions which should be taken in factories for safeguarding the health, safety and welfare of factory workers.

Part 1 of this memorandum summarises the law as it now stands.

Part 2 sets out the principal changes that the enactment of this Bill will make in the law. Many of the Sections of the Bill are self-explanatory, and about the majority of these Sections no comment will be made other than to say whether or not there is anything new in the provisions they contain.

**The Existing Law.**

1. The main provisions in the existing law are :—
  - Notice of occupation of factory must be sent to the inspector within one month from the date of occupation.
  - Accidents causing death, or disablement for more than 3 days, must be notified and investigations may be held into the cause of the accident.
  - Cases of Industrial disease must be notified.
  - Certain kinds of machinery must be fenced.
  - Special precautions must be taken for the operation of self-acting machines and for cleaning machinery while in motion.
  - Doors must open from the inside.
  - Factories must be kept clean, properly ventilated, not overcrowded and a reasonable temperature maintained.
  - Floors must be kept dry.
  - Means of escape in case of fire must be provided and the factory occupier must secure from the Health Authority a certificate that the means of escape provided are adequate.
  - Steam boilers must be kept in proper condition and periodically examined.



Sanitary conveniences must be provided for the workers.

In factories where the premises or any part of the ways, works machinery or plant are in such a condition that work cannot be carried out in safety there, the inspector may complain to the District Court, who may prohibit the use of the factory, process, machine, etc.

Outworkers may be prohibited from working in premises which are unwholesome and from employment on the manufacture of wearing apparel in places where there is infectious disease.

Young persons under 16 must be medically examined and certified fit before entering employment.

Young persons may not be employed in dangerous trades.

The use of white or yellow phosphorus in match-making is prohibited.

Additional requirements are imposed on the occupiers of humid factories, e.g., factories in which cotton cloth is made.

The Minister is empowered to make Welfare regulations for any of the following matters:—

- (a) the taking of meals;
- (b) the supply of drinking water;
- (c) the supply of protective clothing;
- (d) ambulance and first-aid arrangements;
- (e) the supply and use of seats;
- (f) washing facilities;
- (g) accommodation for clothing;
- (h) arrangements for supervision of workers, and
- (j) rest rooms.

The trades for which Regulations dealing with above matters have been made are shown below.

In addition, the Minister may make regulations imposing further obligations on the occupiers of factories in which processes considered specially dangerous are carried on. This power has been utilised to make the Dangerous Trades Regulations which are shown below.

#### WELFARE REGULATIONS

##### TRADE OR PROCESS

Blast Furnaces	Iron Mills
Copper Mills	Laundries
Dyeing use of bichromates in	Metal Works
Fish Curing	Oil-cake Mills
Foundries	Saw Mills
Fruit Preserving	Shell Factories
Glass Bevelling	Tanning, use of bichromates in Tin or
Glass Bottle and Pressed Glass,	Terne Plate Making.
manufacture of	Wood-working Factories
Gut Scraping	
Hollow-ware Making, and	
Galvanising	

#### DANGEROUS TRADE REGULATIONS

##### TRADE OR PROCESS

Aerated Water	Hemp and Jute
Brass Casting	Heating of Yarn
Bronzing	Hides and Skins
Building	Horsehair
Celluloid	India Rubber
Cellulose	Lead Smelting, etc.
Chemicals	Lead Compounds
Chromium Plating	Paints and Colours
Cotton Cloth	Pottery Manufacture and Decoration
Docks	Refractory Material
East Indian Wool	Self-Acting Mules
Electric Accumulator	Shipbuilding
Electricity	Tinning of Metals
Felt Hats	Use of Locomotives
File-cutting by Hand	Vehicle Painting
Flax	Vitreous Enamelling
Grinding of Metals	Woodworking
	Wool Sorting, Combing, etc.



2. Enforcement of the Acts generally is left in the hands of the Chief Inspector of Factories and his staff. The Inspectors are appointed by the Minister for Industry and Commerce but the powers with which they are vested may be exercised by them without reference to the Minister. Local Authorities are charged with the enforcement of certain provisions of the Acts but power is given to the Minister's Inspectors to intervene to ensure enforcement if the local authorities should neglect their duties. These provisions are :—

- (a) sanitary conveniences and fire precautions in all premises;
- (b) cleanliness, overcrowding, etc., in premises where power is not used (called workshops);
- (c) the use of underground premises as bakehouses.

### The Bill.

#### PART I—PRELIMINARY AND GENERAL.

*Sections 1 to 9* contain the preliminary provisions, normal for all legislation, regarding commencement, interpretation, repeals, expenses, etc.

“Factory” is defined in Section 3. There is no essential difference between the existing and the new definition. In the re-wording of the definition, however, advantage has been taken of past experience to define more clearly what types of premises are definitely classed as factories.

In existing law a distinction is made between textile factory, non-textile factory, workshop and men's workshop. The distinction had relevance mainly in relation to the control of hours of work of young persons and women. The control of working hours has since passed from the Factory Acts to the Conditions of Employment Acts. The distinction between the various types of factory is not, therefore, repeated in the Bill.

#### PART II—HEALTH (GENERAL PROVISIONS).

*Section 10.* The general requirement under existing law that every factory shall be kept clean is supplemented in the Bill by more precise and definite requirements, particularly those contained in paragraphs (a), (b) and (c) (i) of subsection (1).

A particular change from existing laws is to be noted here. The cleanliness requirements for workshops (premises where mechanical power is not used) was contained in public health law and was only invoked when officers of the local authority considered it necessary. Workshops are now classed as factories but an exemption for the small workshop is provided for in subsection (2).

*Section 11.* The space requirement per person is increased from 250 to 400 cubic feet, with provision for delayed application to existing factories.

*Section 12.* The general requirement of maintaining a reasonable working temperature is in existing law but the prescription of 60° and the power of prescribing a standard of reasonable temperature are new.

*Section 13* repeats existing law.

*Section 14* is new. It requires that adequate lighting be provided and empowers the Minister for Industry and Commerce to prescribe standards of lighting.



*Sections 15, 16, 17 and 18* repeat existing law with slight modifications.

*Section 19* is new. It enables the Minister for Industry and Commerce to require the regular medical supervision of a factory where he has reason to believe that cases of illness are occurring among the factory workers or that some new process may cause injury to health, particularly where young persons are employed.

### PART III—SAFETY (GENERAL PROVISIONS).

*Sections 20, 21 and 22* repeat, with some extensions and modifications, the present requirement that dangerous parts of machinery be securely fenced. The provisions of subsections (2), (3), (4) and (5) of *Section 21* and subsections (2) and (3) of *Section 22* are new requirements which, experience has shown, need to be clearly stated.

*Section 23* is new. It authorises the Minister for Industry and Commerce to make compulsory the use of proved safety devices.

*Section 24* is new. Although machinery, when fenced, may be safe in itself, articles when in motion on the same machine could constitute a danger.

*Section 25* states in a more precise way the conditions under which an employer may permit a worker to approach unfenced machinery.

*Section 26* repeats existing law but makes it more stringent.

*Section 27* is new. It extends the general safety requirements in the preceding Sections.

*Section 28* is new in its application to factories generally. It has a limited application at present under chemical works regulations.

*Section 29* repeats existing law with slight modifications.

*Section 30* makes the existing law more stringent.

*Section 31* is new. It authorises the Minister for Industry and Commerce to require the proper training and supervision of young persons when working at certain dangerous machinery.

*Section 32* prescribes in detail the precautions to be taken to safeguard workers against the dangers inherent in the use of hoists and lifts. This Section extends considerably the existing law which simply requires that every hoist or teagle be securely fenced.

*Sections 33 and 34* make general the duty of seeing that all cranes, chains, ropes and lifting tackle are safe. At present this duty is limited to docks and some building construction work.

*Section 35* is new although it is provided in existing law that if an inspector finds that any part of the ways of a factory are dangerous to life or limb he can apply to the District Court for an order banning the use of the ways until they are made safe.

*Sections 36 and 37* extend to factories generally, precautions prescribed at present for only certain works.

*Section 38* is new. It prescribes the precautions to be taken against the risk of explosions in places where explosive or inflammable dust, gas or vapours are released by a manufacturing process.

*Section 39* sets out in more detail, the precautions to be taken in the use of steam boilers.



*Sections 40 and 41* are new. They require for steam and air receivers (vessels which are used to contain steam or compressed air) safeguards comparable to those required for steam boilers.

*Section 43* is new. It prescribes the precautions to be taken with water sealed gas holders.

*Section 44* repeats existing law, with modifications. At present a fire safety certificate is required for premises in which more than 40 persons are employed.

This Section will apply to any factory (whether new or existing) in which more than 20 persons are employed and will apply to any new factory in which more than 10 persons are employed in the same building on any floor above the ground floor of the building. Irrespective of numbers employed, this Section will apply to any premises where explosive or highly inflammable materials are stored or used.

There is no change in enforcement by the sanitary authority but appeals, instead of being dealt with by arbitration, will be heard by the District Court.

*Section 45* is new. It empowers the Minister for Industry and Commerce to make regulations as to the means of escape in case of fire and it empowers the sanitary authority to make bye-laws on the same subject.

*Sections 46 and 47* contain provisions ancillary to those in the preceding two Sections designed to secure further the safety of persons in factories should a fire occur. Some of the provisions in these Sections are a re-enactment of existing laws and some are new.

*Section 48* is new. It empowers the Minister for Industry and Commerce by special regulations to require special safety arrangements in factories where the accident history is bad. This Section envisages the setting up of safety committees in factories.

*Sections 49 and 50* are repeated from existing law but have been modified in the light of experience.

#### PART IV—WELFARE (GENERAL PROVISIONS).

*Sections 51, 52, 53, 54 and 55* which relate to the provision of drinking water, washing facilities, accommodation for clothing, seats for workers and first aid equipment are new in their application to factories generally. Many of these provisions are applied at present under welfare regulations to factories of certain classes.

*Section 56* repeats existing law.

#### PART V—HEALTH, SAFETY AND WELFARE (SPECIAL PROVISIONS AND REGULATIONS).

*Section 57* repeats existing law and adds to it the new requirements in subsection (2).

*Section 58* repeats provisions of the existing law and adds the new provisions of subsections (2) and (4).

*Section 59* is new. It enables the Minister for Industry and Commerce to make regulations providing for the precautions to be taken to protect workers against special risks of injury to the eyes.

*Section 60* is new. It enables the Minister for Industry and Commerce to make regulations to check a practice which is unhygienic and can be a source of infection.



*Section 61* repeats existing law.

*Section 62* repeats with some modifications provisions of the existing law which prescribes additional precautions for protecting the health of persons who work in factories which of necessity must contain a humid atmosphere.

*Section 63* is new. It empowers the Minister to prohibit the use of unsuitable underground premises as factories or to require that they be put in proper condition before being used. The occupier may appeal to the District Court against decisions of the Minister.

*Section 64* changes existing law from control by local authorities of underground bakehouses to a complete ban on their use within three years of the date of commencement of the Act.

*Section 65* repeats existing law, with minor modifications.

*Section 66* is new. It makes it unlawful to require young persons to lift weights that are too heavy for them.

*Sections 67, 68 and 69* repeat existing law, with minor modifications.

*Section 70* repeats existing law.

*Section 71* is new. It authorises an Inspector to take samples for analyses and it provides for penalties for the unauthorised disclosure of the results of analyses.

#### PART VI—NOTIFICATIONS AND INVESTIGATION OF ACCIDENTS AND INDUSTRIAL DISEASES.

*Sections 72 to 77*, which relate to the notification of accidents, dangerous occurrences and industrial diseases and to investigations into such happenings, repeat existing law with some modifications.

The title of the investigation doctor has been changed from "certifying surgeon" to "certifying doctor", and subsection (3) of *Section 77* authorises the Minister to ask any registered medical practitioner to report upon any general matter in this Act relating to the health of workers.

#### PART VII—CERTIFICATES OF FITNESS IN RESPECT OF YOUNG PERSONS.

*Section 78* requires that no person under eighteen years of age be kept in employment in a factory unless he has been certified fit for the employment by a certifying doctor. Persons under eighteen years of age must be re-examined each year by the certifying doctor or by their own doctor.

The present law requires that persons under sixteen years of age be medically examined before entry into employment but it does not require annual re-examination.

#### PART VIII—SPECIAL APPLICATIONS AND EXTENSIONS.

*Section 79*. The obligations imposed by existing factory laws and by the provisions of the Bill fall to be discharged by the occupier of the factory. In tenement factories, i.e., in premises where mechanical power is distributed for use in manufacturing processes to different parts of the same premises occupied by different persons, existing law distinguishes between the responsibility of the different occupiers of the factory and the responsibility of the



owner of the premises. This Section re-enacts the provisions in the existing law but takes into account the extra obligations proposed in the Bill.

*Section 80* distinguishes between the obligations of the owner of the premises and the occupier of the factory where part of a building (which is not a tenement factory) is let as a separate factory.

*Sections 81 to 84* define, in a more precise way and with due regard to the extra obligations proposed by the Bill, the extent to which the factory laws will apply to electrical stations, to institutions, to docks and warehouses and to ships under construction or repair.

*Section 85* defines the extent to which the factory laws will apply to works of building construction. It represents a considerable change in existing law. At present, limited parts of the factory laws apply to building operations where mechanical power is used in the construction of the building. A still further limited section of the law applies to buildings over 30 feet in height on which scaffolding is being employed or on which more than 20 persons are employed.

*Section 86* is new. Works of engineering construction are at present outside the application of the factory laws.

*Section 87* repeats existing law.

#### PART IX—HOME WORK.

*Sections 88 and 89* repeat existing law with slight modifications.

#### PART X—ADMINISTRATION.

*Sections 90 to 94* repeat existing law providing for the appointment and powers of inspectors and certifying doctors to discharge the functions assigned to them.

*Section 95* repeats existing law with some clarifying additions.

*Section 96* provides for regulations made by the Minister being laid before each House of the Oireachtas. It also provides that in making regulations which are referred to in the Bill as "special regulations" the Minister must conform to the procedure laid down in the third schedule to the Bill.

#### PART XI—OFFENCES, PENALTIES AND LEGAL PROCEEDINGS.

*Sections 97 to 113* repeat, generally, corresponding provisions of the existing law. They introduce the following changes:—

*Sections 100 and 103* provide for offences by the owner as well as by the occupier of a factory.

*Section 107* provides for prosecution of offences by the Minister instead of by an inspector.

*Section 108* limits certain appeals to the Circuit Court.

*Section 111* provides that for the purposes of the factory laws a Certificate of Birth can be obtained at a special fee to be appointed by the Minister for Health. Recently that fee was fixed at 1/-.

*Sections 112 and 113* are, in the main, new. They give the Circuit Court power to determine certain matters where a dispute arises between the owner and the occupier of factory premises.



PART XII—APPLICATION OF ACT.

*Sections 114 and 115* introduce no new principle. They confirm the application of the factory laws to factories operated by the State.

PART XIII—MISCELLANEOUS.

*Sections 116, 117, 118, 119, 120 and 121*, which require the factory occupier to give notice of occupation, to post abstract of the Act and copies of special regulations, to maintain a general register, to preserve the register for inspection and, if called upon, to make periodical returns of persons employed repeat, with some minor modifications, existing law.

*Section 122* is new in its general application to all factories. At present provisions of a similar kind apply to factories where certain regulations are in force.

*Sections 123 and 124* repeat existing law.

*Section 125*. At present the Factory Acts apply to all quarries and the Quarries Act, 1894, applies to quarries which are over 20 feet in depth. The Bill will not apply to quarries but instead, by virtue of this Section, power is taken to regulate the safety, health and welfare of quarry workers by applying to them the provisions of certain mining Acts.

*THE FIRST SCHEDULE* lists the enactments repealed.

*THE SECOND SCHEDULE* prescribes the table of humidity referred to in Section 62.

*THE THIRD SCHEDULE* prescribes the procedure to be followed for ensuring that all interested parties, will have adequate opportunity of examining proposed special regulations and of representing their views to the Minister before the regulations are made.

*An Roinn Tionscail agus Tráchtála.*  
*Deireadh Fómhair, 1954.*