

[The page and line references in this list of amendments are to the text of the Bill as passed by Dáil Éireann.]

## SEANAD ÉIREANN

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### AN BILLE UM SHÁBHÁILTEACHT, SLÁINTE AGUS LEAS AG AN OBAIR 2004 SAFETY, HEALTH AND WELFARE AT WORK BILL 2004

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*Leasuithe a rinne an Seanad  
Amendments made by the Seanad*

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#### SECTION 2

1. In page 11, lines 9 to 12 deleted, and the following substituted:
  - “(b) the collapse or partial collapse of any building or structure under construction or in use as a place of work,
  - (c) the uncontrolled or accidental release, the escape or the ignition of any substance,
  - (d) a fire involving any substance, or
  - (e) any unintentional ignition or explosion of explosives.”.
2. In page 11, line 30, after “person”, “(other than an employee of that person)” inserted.
3. In page 13, line 2, “by regulations made” deleted.
4. In page 13, line 3, before “by” “by regulations made” inserted.
5. In page 13, line 5, after “72(3)” “by rules made” inserted.
6. In page 14, line 11, “for gain” deleted.
7. In page 14, line 12, after “service”, “(whether carried on by him or her for profit or not)” inserted.
8. In page 14, lines 43 to 49, paragraph (b) deleted and the following new paragraph substituted:
  - “(b) an officer or servant of a harbour authority, the Health Service Executive or a vocational educational committee is deemed to be an employee employed by the harbour authority, the Health Service Executive or vocational education committee, as the case may be, and”.

#### SECTION 9

9. In page 19, lines 47 to 49, subsection (2) deleted and the following new subsection substituted:

[No. 28b of 2004]

[31st May, 2005]

“(2) Where an employee of another undertaking is engaged in work activities in an employer’s undertaking, that employer shall take measures to ensure that the employee’s employer receives adequate information concerning the matters referred to in *subsection (1)*.”.

SECTION 17

**10.** In page 27, lines 33 to 47 deleted and in page 28 lines 1 to 5 deleted and the following new section inserted:

“Duties related to construction work.

17.—(1) A person who commissions or procures a project for construction work shall appoint in writing a competent person or persons for the purpose of ensuring, so far as is reasonably practicable, that the project—

- (a) is designed and is capable of being constructed to be safe and without risk to health,
- (b) is constructed to be safe and without risk to health,
- (c) can be maintained safely and without risk to health during subsequent use, and
- (d) complies in all respects, as appropriate, with the relevant statutory provisions.

(2) A person who designs a project for construction work shall ensure, so far as is reasonably practicable, that the project—

- (a) is designed and is capable of being constructed to be safe and without risk to health,
- (b) can be maintained safely and without risk to health during use, and
- (c) complies in all respects, as appropriate, with the relevant statutory provisions.

(3) A person who carries out construction work shall ensure, so far as is reasonably practicable, that it is constructed to be safe and without risk to health and that it complies in all respects, as appropriate, with the relevant statutory provisions.

(4) For the purposes of this section, ‘project’ means any development which includes or is intended to include construction work.”.

SECTION 19

**11.** In page 29, lines 19 to 26 deleted and the following new subsection substituted:

“(3) The risk assessment shall be reviewed by the employer where—

- (a) there has been a significant change in the matters to which it relates, or
- (b) there is reason to believe that it is no longer valid,

and, following the review, the employer shall amend the risk assessment as appropriate.”.

## SECTION 20

- 12.** In page 30, subsection (3)(a), line 25, “and” deleted.
- 13.** In page 30, subsection (3), lines 26 and 27, paragraph (b) deleted and the following new paragraph substituted:

“(b) newly-recruited employees upon commencement of employment, and

(c) other persons at the place of work who may be exposed to any specific risk to which the safety statement applies.”.

- 14.** In page 30, lines 36 to 46 deleted and in page 31 lines 1 and 2 deleted, and the following new subsection substituted:

“(5) Every employer shall, taking into account the risk assessment carried out under *section 19*, review the safety statement where—

(a) there has been a significant change in the matters to which it refers,

(b) there is another reason to believe that the safety statement is no longer valid, or

(c) an inspector in the course of an inspection, examination, inquiry under *section 64* or otherwise directs that the safety statement be amended, within 30 days of the giving of that direction,

and, following the review, the employer shall amend the safety statement as appropriate.”.

## SECTION 26

- 15.** In page 35, subsection (1)(b) lines 13 and 14, “consult with his or her employees and their safety representatives in advance and in good time regarding—” deleted and “consult with his or her employees, their safety representatives or both, as appropriate, in advance and in good time regarding—” substituted.

## SECTION 29

- 16.** In page 39, subsection (7)(b), line 12, “€150” deleted and “£150” substituted.

## SECTION 58

- 17.** In page 57, between lines 8 and 9, the following new subsection inserted:

“(8) The provisions of this section shall be deemed to have been in operation on the commencement of section 28 of the Act of 1989 and to have been incorporated in that section from that date and every regulation made in exercise of the powers under that section and not revoked before the commencement of this section shall be deemed to have been made in the exercise of the powers under the provisions of that section, including the provisions of this section deemed to have been incorporated in that section by this subsection.”.

## SECTION 62

- 18.** In page 59, subsection (1), line 10, after “persons”, “as the Authority or person considers appropriate” inserted.

19. In page 59, subsection (4), line 25, after “section” where it firstly occurs “under section 33 of the Act of 1989” inserted.

SECTION 78

20. In page 74, lines 36 to 44 paragraph (c) deleted and the following new paragraph substituted:

“(c) which consists of contravening a term of or a condition or restriction attached to any such licence as is mentioned in *paragraph (b)*

is liable—

- (i) on summary conviction to a fine not exceeding €3,000 or imprisonment for a term not exceeding 6 months or both, or
- (ii) on conviction on indictment to a fine not exceeding €3,000,000 or imprisonment for a term not exceeding 2 years or both.”.

SCHEDULE 2

21. In page 81, lines 12 to 15 deleted and the following substituted:

“2004	European Communities (Classification, Packaging and Labelling of Dangerous Preparations) Regulations 2004 (S.I. No. 62 of 2004) European Communities (Transportable Pressure Equipment) Regulations 2004 (S.I. No. 374 of 2004) European Communities (Dangerous Substances and Preparations) (Marketing and Use) (Amendment) Regulations 2004 (S.I. No. 852 of 2004).”.
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SCHEDULE 5

22. In page 85, line 35, “Board” deleted and “Authority” substituted.