L.N. 44 of 2002

OCCUPATIONAL HEALTH AND SAFETY AUTHORITY ACT, 2000 (ACT NO. XXVII OF 2000)

Work Place (Minimum Health and Safety Requirements) Regulations, 2002

IN exercise of the powers conferred by article 12 of the Occupational Health and Safety Authority Act, 2000, the Deputy Prime Minister and Minister for Social Policy, in consultation with the Occupational Health and Safety Authority, has made the following regulations :

Citation and commencement.

1. (1) The title of these regulations is the Work Place (Minimum Health and Safety Requirements) Regulations, 2002.

(2) These regulations shall come into force:

(a) on the date of publication for workplaces used for the first time after the date of publication of these regulations; and

(b) on the 1st January, 2003 for all other workplaces already in use before the date of publication of these regulations.

Application of these regulations.

2. (1) These regulations shall be considered as the minimum occupational health and safety requirements applicable *mutatis mutandis* to every workplace and to every work activity, and shall apply whenever required by the features of the workplace, the work activity being carried out, the circumstances prevailing, and the degree or nature of a hazard.

(2) Nothing in these regulations shall debar the Authority from issuing any order to any employer or to any employee in any workplace if in the opinion of an Officer of the Authority there is a risk to the health or safety of a person or persons.

(3) For the purposes of these regulations, a homeworker shall be considered a self-employed person.

Non-application of these regulations.

3. These regulations shall not apply to:

(a) means of transport used outside the undertaking and, or the establishment, or workplaces inside means of transport;

(b) temporary or mobile work sites;

(c) extractive industries;

(d) fishing boats;

(e) fields, woods or other land forming part of an agricultural or forestry undertaking but situated away from the undertaking's buildings.

4. In these regulations, unless the context otherwise requires: Interpretation.

"Act" means the Occupational Health and Safety Authority Act, 2000;

"Authority" means the Occupational Health and Safety Authority, established by virtue of the Act;

"breaks" means interruptions from work for meals and rest;

"competent person" means a person possessing adequate qualifications, suitable training and sufficient knowledge, experience and skill for the safe performance of the specific task or work required:

Provided that the Authority may define appropriate criteria for the designation of such persons.

"fumes" includes any gas or vapour;

"maintained" means kept in an efficient state, in efficient working order, in good repair and without loss or deterioration of function, and includes inspection, testing, cleaning, lubricating and adjusting as necessary;

"roof" includes ceilings, false roofs, soffits and canopies;

"sanitary convenience" includes urinals, water closets, earth closets, privies, and any similar convenience;

"suitable system of maintenance" means regular testing and maintenance, proper carrying out of repairs in the shortest possible period, prohibition of access to defective equipment, and the keeping of appropriate and adequate records to ensure the proper implementation and easy monitoring of such a system, and where applicable, taking due regard of the manufacturer's or installer's specifications;

"traffic route" includes any area which is used by any person and, or vehicle to move from one area to another, applicable to both indoor and outdoor workplaces and includes any stairs, staircase, doorway, gateway, passage, fixed ladder, loading bay and ramp;

"travelator" includes a moving walkway;

"underground room" means any room or any part of a building or work establishment where work is carried out, which is in whole or in part situated in such manner that at least half its height, measured from the floor to the ceiling, is below the surface of the ground adjoining or nearest to the room.

General duties.

5. It shall be the general duty of an employer to:

(i) submit to a suitable system of maintenance any equipment, machine, installation, plant, tool, device or article used at a work place, as well as any safety equipment and device intended to prevent or eliminate hazards, and to immediately rectify or repair any fault which is likely or liable to affect occupational health and safety;

(ii) maintain at an adequate level of hygiene and cleanliness the workplace and any equipment and devices used therein;

(iii) ensure that no person is allowed to smoke or consume food or drink at any workplace where any harmful agent is stored, handled or otherwise used;

(iv) inform workers and, or their representatives of all occupational health and safety measures to be taken at their place of work;

(v) ensure that all signs used at a workplace shall be in conformity with the provisions of the Work Place (Provision of Health and, or Safety Signs) Regulations, 2002;

(vi) allow to be used electrical installations which are:

(a) designed and constructed so as not to present a fire or explosion hazard;

(b) which have protection for workers against the risk of accident caused by direct or indirect contact;

(c) designed, constructed out of a material, and have protection devices which are appropriate to the voltage, external conditions and the conditions of use:

Provided that access to such installations shall be dependent upon the competence of the worker, and the design, construction, choice of material, protection devices and external conditions.

Structure and solidity.

6. (1) It shall be the duty of the employer to ensure that the structure and solidity of any building or structure or part thereof, is appropriate to the nature of its use.

(2) The employer shall obtain from an Architect the maximum working safe load per unit area for every area, including floors, shelves and lofts, on which material, machinery, plant or equipment is to be placed or stored.

(3) The employer shall ensure that the maximum safe work loads indicated by the Architect for each particular area, are not exceeded at any time.

Emergency routes and exits.

7. (1) The employer shall take all the necessary steps to provide and maintain suitable and sufficient emergency routes and exits so that in the event of danger, workers and all persons therein can evacuate all the workplace and all parts thereof quickly and as safely as possible.

(2) Without prejudice to the generality of subregulation (1), the employer shall ensure that emergency routes and exits:

(a) are kept clear at all times, and lead as directly as possible to a safe, open air, specifically designated area outside the premises, which shall be on the ground floor:

Provided that no lift shall be used as an emergency route unless such lift has been certified by a Mechanical Engineer as being safe to be used in emergencies:

Provided further that all traffic routes and doors giving access to such emergency doors and exits shall also be free from obstruction so that they can be used at any time without hindrance;

(b) are of appropriate number, distribution, dimensions and layout, taking into consideration the use, equipment and dimensions of the workplaces and the maximum number of persons that may be present;

(c) if they require illumination, are provided with emergency lighting of adequate intensity in case of failure of the normal lighting system;

(d) are indicated by adequate luminescent directional signs which shall be placed at appropriate locations, at a height of not more than 3.5 metres and not less than 2 metres from the floor level, and which are maintained in a good state.

Emergency doors.

8. (1) The employer shall ensure that emergency doors:

(a) open outwards;

(b) shall not be so locked, fastened or obstructed that they cannot be easily and immediately opened by any person in the workplace who may require to use them in an emergency;

(c) are appropriately maintained;

(d) are made of fire-resistant material of suitable and sufficient fire rating.

(2) The employer shall ensure that sliding or revolving doors are not used as emergency exits.

First aid, fire detection, fire fighting, evacuation of workers, serious and imminent danger.

9. (1) It shall be the duty of an employer to take the necessary measures for first aid, fire-fighting and evacuation of workers in the event of serious and imminent danger:

Provided that the measures which are to be taken shall be adapted to the use of the building, the nature of the activities and to the size of the workplace:

Provided further that the measures taken shall take into account all persons present or who may be present at any time, as well as the physical and chemical properties of the substances present.

(2) The measures that are required to be taken by an employer in the provision of first aid at work, shall be in conformity with the Work Place (First Aid) Regulations, 2002.

(3) In the pursuance of the foregoing, an employer shall make such necessary arrangements with services outside of the workplace, particularly as regards emergency medical care, rescue work and fire-fighting.

(4) An employer shall designate workers who shall be responsible for the implementation of the measures required for fire-fighting and for the evacuation of workers. The names of the persons thus designated shall be entered into a register to be kept at the workplace, and the register shall be maintained and amended as necessary by the employer:

Provided that the number of persons designated for these purposes, their training and the equipment available to them shall be adequate and shall take into account the size of the workplace and the nature of the hazards present therein.

(5) An employer shall as soon as possible inform workers who are, or may be exposed to serious and imminent danger of the risk involved, and of the steps to be taken or are to be taken with regard to protection.

(6) An employer shall take action and give instructions which would enable workers in the event of serious, imminent and unavoidable danger to stop work and, or to leave immediately the work place and to proceed to a place of safety.

(7) An employer may not ask workers to resume work in a working situation where there is still a serious and imminent danger, except for the purpose of instituting protective or remedial action:

Provided that in the situation referred to in the foregoing, only workers who have the necessary training to carry out such protective or remedial action shall be allowed in the area of danger, and they shall be suitably and adequately protected at all times.

(8) No worker who leaves his workstation or a dangerous area by reason of the presence of justifiably serious, imminent or unavoidable danger, may be placed at any disadvantage because of his action by his employer, and no harmful or unjustified consequence may be taken against him.

(9) An employer shall ensure that all workers are able, in the event of serious and imminent danger to their own safety and, or that of other persons, and where the immediate superior responsible or any worker designated for the purpose of implementing measures for fire-fighting and evacuation of workers cannot be contacted, to take the appropriate steps in the light of their knowledge and the technical means at their disposal, to avoid the consequences of such danger:

Provided that any worker who takes any action in the light of the foregoing, shall not be placed at any disadvantage, unless he acted carelessly or there was negligence on his part.

(10) It shall be the duty of the employer to take all necessary measures to the satisfaction of the authority responsible for the enforcement of fire safety, to:

(a) prevent, so far as reasonably practicable, the risk of accidents which may be caused by fire or explosion from any combustible, inflammable or explosive substances present at the workplace;

(b) ensure that the workplace is equipped at all times with suitable and sufficient fire-fighting equipment and with fire detectors and alarm systems, as necessary, taking into account the dimensions and use of the buildings, the equipment they contain, the physical and chemical properties of the substances present and the maximum potential number of persons present.

(11) Any non-automatic fire-fighting equipment provided by the employer shall be:

(a) easily accessible;

(b) simple to use;

(c) appropriately indicated by easily visible safety signs, which shall be placed at appropriate points, and regularly maintained.

(12) The employer shall inform his workers of any fire risks present, and of the measures required to minimise such risks.

(13) The employer shall ensure that workers are adequately instructed and trained as appropriate in the proper use of fire fighting equipment as may be required for that work place by the Civil Protection Directorate.

(14) The employer shall take all necessary measures to ensure that all fire fighting equipment at the workplace is subjected to a suitable system of maintenance to the satisfaction of the Civil Protection Directorate.

(15) The employer shall ensure that fire drills are carried out as often as indicated by the Civil Protection Directorate for that

work place, but shall in any case take due consideration of fire risks within, and the occupancy of that work place:

Provided that these drills are carried out at least once every six months, and a record kept of these drills.

(16) It shall be the duty of a worker to notify his employer of any fire which breaks out at the workplace, and the employer shall investigate the occurrence with a view to taking any action which is deemed fit to prevent any similar recurrence.

(17) Nothing in this regulation shall debar the authority responsible for the enforcement of fire safety from making any recommendations it deems fit in the interest of health and safety.

Ventilation of workplaces.

10. (1) It shall be the duty of the employer to make effective and suitable provision to ensure that every workplace, particularly if enclosed, is ventilated by a sufficient quantity of fresh or purified air, and for rendering harmless by the use of extraction systems, so far as reasonably practicable, all fumes, dust and other impurities that may be injurious to health generated in the course of any process of work carried out in the workplace.

(2) Without prejudice to the generality of subregulation (1), the employer shall ensure that where a workplace is in whole or in part mechanically ventilated, suitable means of emergency ventilation are provided for use in case of failure in the principal system, if such a failure constitutes a serious or immediate risk to the health of persons inside the workplace.

(3) The employer shall ensure that where necessary for reasons of health or safety, including in dilution ventilation systems used to reduce concentrations of dust or fumes in the atmosphere, mechanical ventilation systems shall have an effective device to give a visible or audible warning of any breakdown in the system.

(4) It shall be the duty of the employer to ensure that any plant used for the purpose of complying with the requirements of this regulation, shall be subject to a suitable system of maintenance, kept in operation as required, and kept clean and free from anything which may contaminate the air without delay.

(5) The employer shall ensure that in the case of mechanical ventilation systems which recirculate air, including air-conditioning systems, a suitable and sufficient amount of fresh air is added.

(6) It shall be the duty of an employer to ensure that mechanical ventilation systems and air conditioning systems operate in such a way which ensures that workers are not exposed to draughts which cause discomfort.

Workplace temperature.

11. (1) It shall be the duty of the employer to maintain in every workplace inside buildings or other structures in which people are employed, a thermal environment which is reasonably practicable and comfortable, having regard to the working methods being used and the physical demands placed on the workers, other than for short periods, in conformity with accepted standards.

(2) The employer shall ensure that no person is employed for regular and prolonged work:

(a) in a thermal environment which is unsuitable for the type of work being carried out, or which may be harmful to health;

(b) where there is in use equipment or material which radiates intense heat or which causes intense cooling of the working environment and which is harmful to health, unless suitable and effective measures are taken to remove unnecessary risk or unless suitable and effective protective equipment or clothing and rest facilities are provided.

(3) The employer shall provide and maintain wherever necessary, fixed or movable screens, deflectors or other suitable devices in order to protect the worker against intense cold or heat.

(4) The employer shall ensure that no person is allowed to use any method of heating or cooling which is to be harmful to human health or which may liberate obnoxious or toxic fumes.

(5) The employer shall ensure that workplaces containing workstations are adequately thermally insulated, taking into consideration the type of undertaking involved and the physical activity of the workers.

(6) The employer shall ensure that the temperature in rest areas, rooms for duty staff, sanitary facilities, canteens and first aid rooms is appropriate to the particular purpose of such areas.

(7) Where windows, skylights and glass partitions are installed, they should allow excessive effects of sunlight in workplaces to be avoided, having regard to the nature of the work and the workplace.

12. (1) The employer shall take all the necessary measures to provide and maintain in every workplace suitable and sufficient lighting, which so far as reasonably practicable, shall be by natural light. Natural and artificial room lighting.

(2) Without prejudice to the generality of subregulation (1):

(a) emergency lighting of adequate intensity, and powered by a source independent from that of normal lighting, shall be provided and suitably maintained in any room in which persons at work are specially exposed to danger in the event of failure of artificial lighting;

(b) artificial lighting shall be so placed or directed, or other measures are undertaken, to prevent annoying glare.

(3) The employer shall take all the necessary measures to ensure that workplaces outdoors are adequately lit by artificial lighting whilst work is in progress if natural light is insufficient.

(4) The employer shall ensure that any lighting systems including lights, light fittings and light switches put up in a workplace, including in passageways, are placed in such a way that there is no risk of accident to any person as a result of the type of lighting fitted or installed.

13. (1) The employer shall take all the necessary steps to ensure that all floors, steps, stairs, passages, gangways and traffic routes are of sound and suitable construction and properly maintained, and they shall be kept free from any obstruction, from any defect in the surface, and from any substance likely to cause persons to slip, trip, fall or otherwise cause accidents. Floors, walls, stairs, ceilings and roofs of rooms.

(2) Without prejudice to the generality of subregulation (1):

(a) the surfaces referred to in the subregulation (1) shall have no hole, slope, or opening or be uneven or slippery so as in each case to expose any persons to a risk to health or safety:

Provided that no account shall be taken of an opening where adequate measures have been taken to prevent persons or objects from falling;

(b) where any process is carried out which renders the floor liable to be wet by any liquid, effective means of drainage shall be provided and maintained;

(c) all suitable measures are taken to render slipproof any highly polished surfaces.

(3) A workplace containing a workstation must be adequately insulated, bearing in mind the type of undertaking involved and the physical activity of the workers.

(4) The employer shall provide and maintain suitable and sufficient hand-rails and, if appropriate, guards for every staircase in a building or which afford a means of exit from a building.

(5) Without prejudice to the generality of subregulation (4):

(a) where a staircase has an open side, there shall be suitable hand-rails on that side;

(b) where a staircase has two open sides, or where, owing to the nature of its construction or the condition of the surface of the steps or other special circumstances, a staircase is specially liable to cause accidents, a hand-rail and a lower rail, or other effective means shall be provided and maintained on both sides.

(6) The employer shall ensure that all roofs at the workplace are of sound and suitable construction, rendered waterproof, adequately maintained and not overloaded.

(7) The employer shall bar access to roofs made of materials of insufficient strength or where there is a risk of collapse of the roof or part thereof:

Provided that where an urgent need arises for such work to be performed, the employer shall ensure that all suitable measures are taken in order that works can be carried out safely without risk to persons on or underneath the roof.

(8) The employer shall take the necessary measures to ensure that the surfaces of floors, walls and ceilings in rooms are of appropriate materials that allow them to be cleaned or refurbished to an appropriate standard of hygiene and that every workplace is kept in a clean state and free from any effluvia arising from any drain, sanitary convenience or nuisance.

(9) Without prejudice to the generality of subregulation (8), suitable provision shall be made to ensure that:

(a) accumulations of dirt and refuse are removed as often as required by a suitable method from the floor and benches of workrooms, and from the staircases and passages;

(b) the floor of every workroom in workplaces where fumes, dusts, fibres or vapours capable of causing ill health are generated, and the lower part of the walls thereof up to a height of two meters shall be cleaned at least once in every week by the most effective and suitable means, including by sweeping, washing or by vacuuming;

(c) all inside walls and partitions and all ceilings or tops of rooms and all walls, sides and tops of passages and staircases are adequately and appropriately kept clean, and whitewashed, painted or tiled as necessary.

(10) An employer shall ensure that transparent or translucent walls, including partitions made wholly or substantially of glass, which are situated in rooms or in the vicinity of workstations and traffic routes, are clearly indicated and made of safety material, and are shielded so as to prevent workers from coming into contact with the walls or from being injured should the walls shatter.

Windows and skylights.

14. (1) It shall be the duty of the employer to take the necessary steps to ensure that no window, skylight or ventilator which is capable of being opened:

(a) is opened, closed, adjusted or secured in a manner which may expose any person performing such an operation to a risk to his health or safety;

(b) when open, be so positioned as to constitute a hazard to any person in the vicinity.

(2) The employer shall take the necessary steps to ensure that windows and skylights used at the workplace are designed and constructed in a manner which allows them to be cleaned without risk to the workers carrying out this work or to persons present in and around the workplace:

Provided that all necessary measures shall be taken to ensure that any equipment or devices used for this purpose are used safely and are subject to a suitable system of maintenance.

Doors and gates.

15. (1) It shall be the duty of the employer to take the necessary steps to ensure that suitable and sufficient means of access to any workplace are provided and maintained.

(2) In determining the position, location, number and dimensions of doors and gates, as well as the material used for their construction, an employer shall consider the nature and use of the rooms or areas where such doors or gates are to be installed.

(3) An employer shall ensure that:

(a) every window or other transparent or translucent surfaces in a wall, partition, door or gate whether in rooms or on traffic routes, which are not made of safety material, is adequately protected against breakage and appropriately marked at a conspicuous level;

(b) swing doors and gates are transparent or have see - through panels which are of such dimensions, and at such a height from the floor as to permit persons on either side of the door to see through them;

(c) doors along escape routes are appropriately marked and easily opened from the inside at any time, including when the workplaces are occupied, without special assistance.

(4) An employer shall provide doors to be used by pedestrians in the immediate vicinity of any gates intended for use by vehicular traffic, unless it is safe for pedestrians to pass through such gates, and such doors shall be clearly marked and left permanently unobstructed.

(5) The employer shall take all the necessary steps to ensure that doors and gates are of safe construction.

(6) Without prejudice to the generality of subregulation (5), doors and gates shall be deemed not to comply with this requirement unless:

(a) any sliding door or gate is fitted with a safety device to prevent it from being derailed and falling over;

(b) any upward opening door or gate has a device to prevent it from falling back;

(c) any powered door or gate has suitable and sufficient features to prevent it from causing injury by trapping any persons, and shall include an easily identifiable and accessible emergency shut-down device;

(d) any powered door or gate can be operated manually unless it opens automatically in case of power failure;

(e) any door or gate which can be pushed open from either side is constructed in such a way as to provide, when closed, a clear view of the space close to both sides.

Traffic routes.

16. (1) The employer shall take all the necessary steps to ensure that all traffic routes, including traffic routes to emergency exits, as well as stairs, fixed ladders and loading bays and ramps, are suitably located and dimensioned to ensure easy, safe and appropriate access for pedestrians or vehicles in such a way as not to endanger workers employed in the vicinity of these traffic routes or other pedestrians:

Provided that routes used for pedestrian traffic and, or goods traffic must be dimensioned in accordance with the number of potential users and the type of undertaking.

(2) All such traffic routes shall be made of sound and suitable construction, and properly maintained, and they shall be kept free from any obstruction, from any defect in the surface, and from any substance likely to cause persons to slip, trip, fall or otherwise cause accidents.

(3) The employer shall take all necessary steps to ensure that all routes used by pedestrians and by vehicular and industrial traffic are clearly identified and adequately marked, maintained, safe for workers or any other person in the vicinity of these traffic routes, and that they are kept clear at all times:

Provided that where vehicles and pedestrians use the same traffic route, there is sufficient separation between them.

(4) An employer shall ensure that where pedestrian and vehicle routes cross, appropriate crossing points for pedestrians are provided, and appropriate safety signs put up to indicate their location:

Provided that where such crossing points are provided, and where the indicated safety signs have been put up by an employer, it shall be the duty of a pedestrian to make use of such crossing points.

(5) It shall be the duty of an employer to ensure that there is sufficient clearance between vehicular traffic routes and doors, gates, passages for pedestrians, corridors and staircases, and such clearance should be kept unobstructed at all times.

Danger areas.

17. (1) The employer shall take all necessary steps, including the installation of appropriate devices, to prevent unauthorised access to any person in any area where there exists a risk to health and safety.

(2) The employer shall take suitable and sufficient measures, as far as reasonably practicable, to:

(a) indicate clearly any danger areas;

(b) ensure the health and safety of persons authorised to enter danger areas.

(3) An employer shall ensure that every fixed vessel, structure, sump or pit of which the edge is higher than the highest ground or platform on which a person can stand and that can cause, or permit a person to fall into it, shall, if it contains any scalding, corrosive or poisonous liquid, either be securely covered or be securely fenced to at least one metre above that ground or platform, or where by nature of the work neither secure covering nor secure fencing to that height is practicable, all practicable steps shall be taken to prevent any person falling into the vessel, structure sump or pit.

(4) Where any fixed vessel, structure, sump or pit contains any scalding, corrosive or poisonous liquid that is not securely covered, no ladder, stair or gangway is placed above, across or inside it which is not –

(a) at least 45cm wide, and

(b) securely fenced on both sides to a height of at least 1 metre and securely fixed.

(5) Where any such vessels, structures, sumps or pits as are mentioned in sub-regulation (3) of this regulation adjoin, and the space between them, clear of any surrounding stone or other work, is less than 45 cm in width, or are not securely fenced on both sides to a height of at least 1 metre, secure barriers shall be so placed as to prevent passage between them:

Provided that for the purposes of this regulation a ladder, stair or gangway shall not be deemed to be securely fenced unless it is provided either with sheet fencing or with an upper and lower rail and toe boards.

Escalators and travelators.

18. (1) It shall be the duty of every employer to take all the necessary measures to ensure that escalators and travelators:

(a) function safely;

(b) are equipped with any necessary safety devices;

(c) are fitted with easily identifiable and easily accessible emergency shut-down devices;

(d) are adequately maintained, and examined and certified every six months by a mechanical engineer.

(2) It shall be the duty of the employer to send to the Authority, a report of the examination, drawn up by an engineer as requested in the foregoing, by not later than fifteen working days from the date on which the examination falls due.

Loading bays and ramps.

19. The employer shall take all necessary measures to ensure that:

(a) loading bays and ramps are suitable for the dimensions of the loads to be transported;

(b) loading bays, shall in general have at least one exit point, and one at each end if reasonably practicable to do so by virtue of the length of the loading bay;

(c) all necessary steps are taken, so far as reasonably practicable, to prevent workers from falling off the loading ramp.

Workplace dimensions.

20. (1) The employer shall ensure that all parts of a workplace and the place itself where work is carried out are of sufficient dimensions and suitable design and have sufficient surface area, height and air space to allow workers and others to perform their work without risks to safety, health or well-being:

Provided that the dimensions shall be considered sufficient if the free unoccupied space at the workstation is calculated so as to allow workers sufficient freedom of movement to perform their work, and if this is not possible for reasons specific to the workplace, the worker

must be provided with sufficient freedom of movement to perform their work.

(2) For the purposes of this regulation, and without prejudice to the afore-said, the dimensions shall be deemed sufficient if they comply with the requirements of Schedule Two to these regulations.

Workstations.

21. (1) The employer shall ensure that all workstations are so arranged that work can be carried out safely and comfortably.

(2) Without prejudice to the generality of subregulation (1), every workstation shall be so arranged as to:

(a) provide protection from adverse weather, as far as reasonably practicable;

(b) enable any person at the workstation to leave it swiftly, or to be assisted in case of emergency;

(c) ensure that any person is not likely to slip or fall.

(3) The employer shall ensure that no workstation is sited in any area where there exists a substantial risk to the health and safety of the worker from falling objects or a substantial risk of explosion.

Seating facilities.

22. (1) The employer shall provide and maintain, suitable and sufficient seating for the use of any worker who is performing work which can be wholly or partly done in a seated position.

(2) For the purpose of subregulation (1), the seating shall not be suitable unless:

(a) the design, construction and dimensions of the seating are suitable for the person for whom it is provided, and adequately supports the lower back;

(b) it is suitably positioned so as to facilitate good working posture;

(c) the seating is adequately and properly supported while in use for the purpose for which it is provided;

(d) a foot-rest is provided on which the worker can readily and comfortably support his feet.

(3) It shall be the duty of the employer to ensure appropriate instruction of the employee as to the proper and adequate use of adjustable seats.

Drinking facilities.

23. (1) It shall be the duty of the employer to provide and maintain at suitable points at the workplace an adequate supply of drinking water and to provide for its hygienic consumption.

(2) Without prejudice to the generality of subregulation (1), such facilities shall be clearly indicated and conveniently accessible to all persons employed at the place of work.

Resting and eating facilities.

24. (1) The employer shall, when the health or safety of the workers so require, and after taking into consideration the type of activity and the number of workers present at any one time, provide and maintain suitable and sufficient rest facilities which are easily accessible to all workers. Such facilities shall:

(a) be physically separate from the workplace;

(b) be of suitable dimensions and levels of hygiene;

(c) be equipped with an adequate number of tables and seats with backs for the workers;

(d) include suitable arrangements for the protection of non-smokers against discomfort caused by tobacco smoke;

(e) include suitable and sufficient dining facilities which shall include the provision of the necessary means to heat food, to prepare a hot drink and to keep food and drink at a suitably low temperature for workers who regularly eat meals at the workplace, or where food is likely to be contaminated.

(2) Without prejudice to the generality of the preceding regulation, regulation 24 of these regulations shall not be applicable to offices or to similar workplaces:

Provided that in the workplaces afore-mentioned, the employer shall provide equivalent relaxation during breaks, and in particular shall allow workers adequate opportunity to leave the workplace during breaks.

(3) Where for any reason attributable to the design and dimensions of the workplace the employer is unable to provide the aforementioned resting and eating facilities in accordance with the

provisions of sub-regulation (1) of this regulation, an employer shall allow his workers adequate opportunity to leave the workplace during breaks.

(4) In those workplaces where rest rooms are not provided, and where the working hours are regularly and frequently interrupted, an employer shall either provide other rooms in which workers can stay during such interruptions, or the workers shall be allowed adequate opportunity to leave the workplace during such interruptions, wherever this is required for the safety or health of the workers.

(5) An employer shall provide suitable resting facilities so as to allow pregnant women and nursing mothers to lie down and rest in appropriate conditions:

Provided that a pregnant women or nursing mother shall have informed her employer of her pregnancy or that she is a nursing mother by means of a certificate issued by a medical practitioner or midwife.

Changing facilities.

25. (1) It shall be the duty of the employer to provide suitable changing rooms of sufficient capacity and situated at easily accessible locations for workers if they have to wear special work clothes, and where for reasons of health or propriety, they cannot be expected to change in another room. In particular, changing rooms shall be provided:

(a) for the clothing of any worker which is not worn during working hours;

(b) for special clothing worn at work but which is not taken home.

(2) Without prejudice to the generality of the previous paragraph, a changing facility shall be deemed suitable if:

(a) it is provided with seating and lockers which enables each worker to lock away his clothes during working hours;

(b) separate facilities are provided for clothing of employees engaged in operations which may result in such clothing being contaminated, heavily soiled, stained or impregnated, to enable them to keep work clothes separate from ordinary clothes;

(c) separate changing rooms for use by different sexes are provided wherever the number of workers and the nature of work so requires.

(3) In those workplaces where changing rooms are not required, the employer shall provide a place to each worker to store clothes and personal belongings.

Washing stations.

26. (1) The employer shall provide and maintain suitable and sufficient washing stations in readily accessible places.

(2) Without prejudice to the generality of subregulation (1), the washing stations shall be deemed suitable if:

(a) they include a supply of clean water at suitably controlled temperatures, soap or similar material, hand brushes, and towels or drying facilities;

(b) they include showers which shall be sufficiently large to permit each worker to wash without hindrance in conditions of an appropriate standard of hygiene, where the work may result in the worker becoming dirty or can result in contamination of the skin by harmful chemicals, after giving due consideration to the nature of the work being carried out;

(c) they are in the vicinity of any changing rooms required under these regulations and in the immediate vicinity of every sanitary convenience, whether or not provided elsewhere as well;

(d) they are kept in a clean condition;

(e) they are sufficiently ventilated and lit.

(3) Separate showers or washbasins shall be provided by an employer, or arrangements shall be made for the separate use of, by men and women when so required for reasons of propriety.

(4) For the purposes of this regulation, the number of washing stations provided shall be deemed sufficient if it complies with Schedule One to these regulations.

Sanitary equipment.

27. (1) The employer shall provide sufficient and suitable sanitary conveniences at readily accessible places, which conveniences shall be deemed suitable if:

(a) they and the rooms containing them are suitably maintained and kept clean;

(b) the rooms containing them are adequately ventilated and well lit;

(c) they are provided with adequate handwashing and drying facilities, as far as reasonably practicable;

(d) they are in the vicinity of workstations, rest rooms, changing rooms and rooms housing showers or washbasins.

(2) Eating shall not be allowed in the said areas.

(3) Where for any reason attributable to the design and dimensions of the workplace, the employer is unable to provide the aforementioned facilities in accordance with the provisions of subregulation (1), he shall allow his workers adequate opportunity to leave the workplace during breaks.

(4) The employer shall provide separate conveniences for persons of different sexes:

Provided that where for any reason attributable to the design and dimensions of the workplace, the employer is unable to provide separate conveniences, the employer shall ensure the adequate privacy of any person using such facilities.

(5) For the purposes of this regulation, the number of sanitary conveniences provided shall be deemed sufficient if it complies with Schedule One to these regulations.

Areas where smoking is not allowed.

28. (1) The employer shall identify those areas in which smoking could cause a risk of fire or explosion, and he shall ensure that smoking is not allowed in such areas.

(2) The employer shall identify areas, which are physically separate from other areas where smoking is allowed, in which smoking is prohibited, so as to protect non-smokers against discomfort caused by tobacco smoke.

(3) The employer shall put up appropriate signs indicating that smoking is prohibited in those areas in which smoking is not allowed.

Underground rooms.

29. No work shall be carried out in any underground room (not being an underground room used only for the purpose of storage) which is unsuitable for the purpose as regards construction, height, light, dimensions or ventilation, or is otherwise unsanitary, or which has no adequate means of escape in case of fire or other emergency.

30. (1) The employer shall ensure that the workplace is so organised and arranged to take account of the health and safety requirements of any workers with disability, if necessary. Workers with disability.

(2) Without prejudice to the generality of subregulation (1), this provision applies in particular to the doors, passageways staircases, showers, washbasins, lavatories, resting and eating facilities and workstations used or occupied directly by persons with a disability.

(3) The employer shall ensure that the work equipment assigned for use by the person with disability, or the type of work itself are such that the disabled person is not exposed to added risks to health and safety due to the disability.

31. (1) The employer shall take all measures as far as reasonably practicable to ensure that workers engaged outdoors are able to leave swiftly the place where work is being carried out or to be rapidly assisted in the event of danger or to rapidly receive first aid when so required. Outdoor workplaces (special provisions).

(2) The employer shall take all measures, so far as reasonably practicable, to ensure that when workers are employed outdoors, the workers are protected against:

(a) inclement weather conditions;

(b) falling objects;

(c) harmful noise levels;

(d) harmful outdoor influences such as gases, vapours or dust;

(e) slips, trips or falls:

Provided that an employer shall first take all measures, as far as reasonably practicable, to ensure that workers are not exposed to such risks.

(3) It shall be the duty of an employer to ensure that outdoor workplaces are adequately lit by artificial lighting if daylight is not adequate.

32. In any proceedings for an offence under these regulations consisting of a failure to comply with a duty or requirement to do something, or to do something so far as is reasonably practicable, it shall be for the accused to prove (as the case may be) that it was not Onus of proof.

practicable or not reasonably practicable to do more than was in fact done to satisfy the duty or requirement, or that there was no better practicable means than was in fact used to satisfy the duty or requirement.

Offences.

33. (1) Any breach of any provision of these regulations shall be deemed an offence.

(2) Any person who knowingly or recklessly interferes with the process of providing a safe and healthy place of work, shall be guilty of an offence.

Repeals.

L.N. 52 of 1986.

G.N. 787 of 1949.

34. (1) Regulations 8, 12, 13, 20 to 32 and 35 of The Factories (Health, Safety and Welfare) Regulations, 1986, and regulations 5 to 8 of the Woodworking Machinery Regulations, 1949 shall be considered repealed three years from the date of publication of these regulations.

L.N. 64 of 2000.

(2) The Minimum Health and Safety Requirements at WorkPlaces Regulations, 2000 are hereby repealed.

SCHEDULE ONE

Minimum number of sanitary conveniences and washing stations which should be provided by an employer.

The number of people at work shown in column 1 refers to the maximum number of workers likely to be in the workplace at any one time.

Column 1	Column 2	Column 3
Number of people at work	Number of sanitary conveniences	Number of washing stations
1 to 5	1	1
6 to 25	2	2
26 to 50	3	3
51 to 75	4	4
76 to 100	5	5

Provided that an additional water closet and an additional washing facility shall be provided for every twenty-five persons above one hundred.

SCHEDULE TWO

Minimum workplace dimensions.

1. The total volume of a room used for work purposes, except those rooms used only for short periods of time, when empty, and when divided by the number of people normally working in it should be at least eleven cubic metres.

A room or part of a room which is more than 3.0 metres high shall be counted as 3.0 metres.

2. The figure of 11 cubic metres per person shall be considered a minimum and shall be increased to take account of furniture, equipment, machinery or fittings present

3. The figure of 11 cubic metres per person shall not apply to:

(a) small structures where space is necessarily limited, as in retail sales kiosks, shelters for use by watchmen, security personnel and attendants, machine or plant control cabs, mobile broadcasting units and mobile clinics; and to

(b) rooms already in use for work purposes before the date of publication of these regulations, provided that where the room undergoes any modifications or structural alterations, its dimensions should be made to conform with the requirements of these regulations.