



Safety, Health and Welfare at Work Act, 1989

PART II GENERAL DUTIES

6. General duties of employers to their employees.

(1) It shall be the duty of every employer to ensure, so far as is reasonably practicable, the safety, health and welfare at work of all his employees.

(2) Without prejudice to the generality of an employer's duty under subsection (1), the matters to which that duty extends include in particular-

(a) as regards any place of work under the employer's control, the design, the provision and the maintenance of it in a condition that is, so far as is reasonably practicable, safe and without risk to health;

(b) so far as is reasonably practicable, as regards any place of work under the employer's control, the design, the provision and the maintenance of safe means of access to and egress from it;

(c) the design, the provision and the maintenance of plant and machinery that are, so far as is reasonably practicable, safe and without risk to health;

(d) the provision of systems of work that are planned, organised, performed and maintained so as to be, so far as is reasonably practicable, safe and without risk to health;

(e) the provision of such information, instruction, training and supervision as is necessary to ensure, so far as is reasonably practicable, the safety and health at work of his employees;

(f) in circumstances in which it is not reasonably practicable for an employer to control or eliminate hazards in a place of work under his control, or in such circumstances as may be prescribed, the provision and maintenance of such suitable protective clothing or equipment, as appropriate, that are necessary to ensure the safety and health at work of his employees;

(g) the preparation and revision as necessary of adequate plans to be followed in emergencies;

(h) to ensure, so far as is reasonably practicable, safety and the prevention of risk to health at work in connection with the use of any article or substance;

(i) the provision and the maintenance of facilities and arrangements for the welfare of his employees at work; and

(j) the obtaining, where necessary, of the services of a competent person (whether under a contract of employment or otherwise) for the purpose of ensuring, so far as is reasonably practicable, the safety and health at work of his employees.



(3) For the purposes of this section, a person who is undergoing training for employment or receiving work experience, other than when pursuing a course of study in a university, school or college, shall be deemed to be an employee of the person whose undertaking (whether carried on by him for profit or not) is for the time being the immediate provider to that person of training or work experience, and employee, employer and cognate words and expressions shall be construed accordingly.

7. General duties of employers and self-employed to persons other than their employees

(1) It shall be the duty of every employer to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment who may be affected thereby are not exposed to risks to their safety or health.

(2) It shall be the duty of every self-employed person to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that he and other persons (not being his employees) who may be affected thereby are not exposed to risks to their safety or health.

(3) In such cases as may be prescribed, it shall be the duty of every employer and self-employed person, in the prescribed circumstances, and in the prescribed manner to give to persons (not being his employees) who may be affected by the way in which he conducts his undertaking the prescribed information about such aspects of the way he conducts his undertaking as might affect their safety or health.

8. General duties of persons concerned with places of work to persons other than their employees

(1) This section has effect for imposing on persons duties in relation to those who are not their employees but who are either the employees of another person or are self-employed and who for the purposes of carrying out work use a non-domestic place of work made available to them or in which they may for the purposes of carrying out work use any article or substance provided for their use there, and it applies to places of work so made available and other non-domestic places of work used in connection with them.

(2) It shall be the duty of each person who has control, to any extent, of any place of work or any part of any place of work to which this section applies or of the means of access thereto or egress therefrom or of any article or substance in such place of work to take such measures as is reasonable for a person in his position to take to ensure, so far as is reasonably practicable, that the place of work, all means of access thereto, or egress therefrom available for use by persons using the place of work, and any article or substance in the place of work or, as the case may be, provided for use therein, is or are safe and without risks to health.



(3) Where a person has, by virtue of any contract or tenancy, an obligation of any extent as to-

(a) the maintenance or repair of any place of work to which this section applies or any means of access thereto or egress therefrom; or

(b) the safety of or the absence of risk to health arising from any article or substance in any such place of work; that person shall be treated, for the purposes of subsection (2), as being a person who has control of the matters to which his obligation extends.

(4) Any reference in this section to a person having control of any place of work or matter is a reference to a person having control of the place of work or matter in connection with the carrying on by him of a trade, business or other undertaking (whether for profit or not).

9. General duties of employees

-(1) It shall be the duty of every employee while at work-

(a) to take reasonable care for his own safety, health and welfare and that of any other person who may be affected by his acts or omissions while at work;

(b) to co-operate with his employer and any other person to such extent as will enable his employer or the other person to comply with any of the relevant statutory provisions;

(c) to use in such manner so as to provide the protection intended, any suitable appliance, protective clothing, convenience, equipment or other means or thing provided (whether for his use alone or for use by him in common with others) for securing his safety, health or welfare while at work; and

(d) to report to his employer or his immediate supervisor, without unreasonable delay, any defects in plant, equipment, place of work or system of work, which might endanger safety, health or welfare, of which he becomes aware.

(2) No person shall intentionally or recklessly interfere with or misuse any appliance, protective clothing, convenience, equipment or other means or thing provided in pursuance of any of the relevant statutory provisions or otherwise, for securing the safety, health or welfare of persons rising out of work activities.
