

NATIONAL UNIVERSITY OF IRELAND, GALWAY  
FACULTY OF LAW

SUMMER EXAMINATIONS 2000/2001

M.Sc. IN APPLIES SCIENCE  
(OCCUPATIONAL HEALTH AND ERGONOMICS)

LEGAL STUDIES LW501

Mr. S. O'Dwyer  
Dr. C. Hartley

Time Allowed: **THREE HOURS**

Answer **THREE** Questions

1. Paddy, who is in his mid forties claims he had to give up work due to chronic back pain and depression as a result of a fall from a step ladder at the premises of his former employer, Smart Operations Ltd., where he had been employed as a maintenance technician for seventeen years. It would appear that while he was using the ladder the safety catch broke and the ladder collapsed. The ladder had recently been acquired from Easy Reach Ltd., ladder manufacturers, and subsequent examination indicated that the catch had a latent defect not easily detectable on visual examination.

Please examine the possible civil and criminal liability, if any, of Paddy's employer in relation to the circumstances of his accident, and also indicate the basis on which you may consider that the supplier of the ladder could be joined as a co-defendant in an action for damages.

2. In listing the main health and safety statutory provisions for the protection of persons at work, outline any special requirements to be considered in relation to the employment of young persons, or persons who may be employed on night work or shift work.

3. Answer either part (A) **OR** (B).

- (A) Briefly explain the main obligations attaching to the implementation of EU Directive 94/55/EC (the ADR Directive), on the approximation of the laws of member States with regard to the transport of dangerous goods by road.

**OR**

- (B) In drawing up measures for the protection of workers' health and safety, European Union policy is governed by what is termed the principle of subsidiarity. Indicate briefly how this principle operates and the legislative provisions on which EU laws are based.

**PTO**

4. To what extent do you think that the legislative requirements of the Safety Health and Welfare at Work Act 1989, and the Safety, Health and Welfare at Work (General Applications) Regulations 1993, which impose wide ranging health and safety obligations on employers and self employed persons, may not be enforceable where the definition of the word “employment” is blurred, as in a partnership relationship. Illustrate your answer with reference to decided cases.
5. Write a brief overview of the role and functions of the Irish Supreme Court in the exercise of its constitutional prerogative as the country’s court of final appeal.
6. Examine the principal duties imposed on the personality described in the Safety, Health and Welfare at Work (Construction) Regulations 1995 as Project Supervisor for the Construction Stage, and discuss in your opinion how these duties, while appearing to be largely administrative, are intended to have any real effect on construction site safety.

**END**