

NATIONAL UNIVERSITY OF IRELAND, GALWAY
FACULTY OF LAW

SUMMER EXAMINATIONS 2000/2001

HIGHER DIPLOMA IN OCCUPATIONAL HEALTH AND HYGIENE

LEGAL STUDIES LW851

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.

What would your advice be if asked to comment on the likelihood of Paddy succeeding in an action for damages arising from the circumstances of his accident.

2. In addition to 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 persons under 18 years of age.

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

- (A) Explain the legislative supports in Irish law for the European Agreement concerning the international transport of dangerous goods by road (the ADR Agreement).

OR

- (B) Write a brief account of the main Institutions of the European Union and their legislative function in promoting safe and healthy working conditions in every workplace.

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4. Please comment on what you consider to be the relevance to current health and safety legislation on board fishing trawlers, taking into account the limits of territorial waters, and the facts that;
(a) by custom each voyage is a separate employment,
(b) there is no preceded rate of remuneration and
(c) where essentially a partnership relationship is in existence.
Illustrate your answer with reference to decided cases.
5. Outline the structure and jurisdiction of the Courts system in Ireland for the hearing of both civil criminal offences.
6. The concept of risk assessment is at the heart of all current health and safety legislation. In this context examine how the specific duties of a Client, as specified in the Safety, Health and Welfare at Work (Construction) Regulations 1995, are intended to contribute towards the management of safety and health in construction work.

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