

NATIONAL UNIVERSITY OF IRELAND, GALWAY

FACULTY OF LAW

SEMESTER 1 EXAMINATIONS – 2002/2003

SECOND YEAR BACHELOR OF SCIENCE (HEALTH AND SAFETY)

HEALTH AND SAFETY LAW (LW214)

Dr. C. Hartley
Ms. Ursula Connolly

Time allowed: **TWO** hours.

Please Answer **ANY THREE** questions.

All questions carry equal marks.

1. Discuss what you feel to be the most significant European development as relates to health and safety law since the introduction of the Treaty of Rome in 1957.
2. John works as a baggage handler for a large airline company. In recent months the airline has been particularly busy and all staff have been under pressure to complete their work as quickly as possible. While pulling a bag off the conveyor belt John notices that the strap of the bag is caught on a part of the conveyor belt that has come loose. While leaning over to release the bag and to pull it off the conveyor belt, John injures his back. He complains to his supervisor who points out that the injury is John's fault, as the procedure for dealing with defects in equipment clearly states that machines should be switched off and the fault reported. John has a vague recollection of such a procedure being mentioned to him when he started working for the company but that was almost two years ago.

Advise John as to his right to recover under the General Applications Regulations (S.I. 44/93). Discuss clearly in your answer the question of the standard of care imposed by the Regulations.
3. Discuss the provisions of the Working Time Directive and its implementation in Ireland. To what extent would you agree with the view that it is "*one of the more significant pieces of employment legislation in recent years...which will extensively affect the way businesses manage their employees.*" Boyle, Irish Law Times.
4. A local civil engineering firm, *Futurama*, has, in recent years, recruited a number of young females engineers. Many of the company's female employees can be exposed to different agents and chemicals, as well as to varying working conditions. The firm expects that in the future they will have to deal with cases of pregnant and breastfeeding employees. In light of the foregoing, *Futurama* asks you to write a report on their obligations under relevant health and safety legislation.
5. Please answer either (a) or (b)
 - (a) The number of workplace accidents in the construction industry appears to suggest that the Construction Regulations 2001 are inadequate in preventing workplace accidents in the sector. Discuss this statement in the light of the most recent developments in this area.

Or

- (b) "The law on fire safety....is spread over a wide range of legislation."
Byrne, *Safety, Health and Welfare at Work in Ireland: A Guide*, at 182.
In light of this statement, discuss the regulation of fire safety in this jurisdiction.

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