

**Ollscoil na hÉireann, Gaillimh**  
**National University of Ireland, Galway**

**Semester I Examinations, 2003/2004**

Exam Code(s)	2HF1
Exam(s)	2 <sup>nd</sup> Year B.Sc Health and Safety Systems
Module Code(s)	LW 214
Module(s)	Health and Safety Law
Paper No.	
Repeat Paper	Special Paper
External Examiner(s)	
Internal Examiner(s)	Ms. Ursula Connolly

**Instructions:**

Please answer **three** questions.  
 All questions carry equal marks.  
 Please indicate on your answer books which questions have been attempted.

Duration	2 hrs
No. of Answer books	

**Requirements:**

Other Material	<b>Safety, Health and Welfare at Work Act 1989</b> <i>General Applications Regulations 1993 (S.I. 44/93)</i> <i>General Applications (Amendment) Regulations 2003 (S.I. 53/2003)</i> <i>Organisation of Working Time Act 1997</i> <i>Safety, Health and Welfare at Work (Pregnant Employees etc.) Regulations 2000 (S.I. 218/2000)</i> <i>Safety, Health and Welfare at Work (Biological Agents) Regulations (S.I. 446/94)</i> <i>Factories (Noise) Regulations, 1975 (S.I. No. 235 of 1975).</i> <i>European Communities (Protection of Workers) (Exposure to Noise) Regulations 1990 (S.I. 157/90)</i> <i>Tobacco (Health Promotion and Protection) Act 1988</i> <i>Tobacco (Health Promotion and Protection) Regulations 1995.</i>
No. of Pages	3
Department(s)	Law

**OLLSCOIL NA hÉIREANN, GAILLIMH  
NATIONAL UNIVERSITY OF IRELAND, GALWAY**

**SEMESTER I EXAMINATIONS 2003/2004**

**2nd Year B.Sc Health & Safety Systems  
Health & Safety Law - LW214**

**Prof. Thomas Reilly  
Ms. Ursula Connolly**

**TIME ALLOWED: Two Hours**

**Answer Three Questions.**

**All questions carry equal marks.**

1. Please answer either (a) or (b)

- (a) Michael is the director and manager of a small factory in Galway that manufactures wooden frames. Having recently won a contract to supply frames to a local window factory he has hired extra employees to help fill the order on time. None of these employees has any carpentry experience. Frank, one of the existing employees, is concerned that safety standards have lapsed and has spoken to Michael about it. Last week Frank fell over some discarded wood that had been left at the entrance to the factory. Some children have also taken to coming onto the site to collect the discarded planks. Frank feels that it is only a matter of time before one of them is injured. Only yesterday Tom, a new employee, narrowly avoided injury while trying to dislodge a block in a machine without first turning the machine off. Michael has told Frank that he will address his concerns once the pressure of the order has passed but that he cannot see to them now.

Consider that you are a Health and Safety Authority inspector who has been contacted by Frank. Write what would be your report based on the provisions of the Safety, Health and Welfare at Work Act 1989.

**OR**

- (b) The Health and Safety Authority (HSA) has extensive powers under the Safety, Health and Welfare at Work Act 1989 to monitor and enforce health and safety standards. Discuss these powers and the extent to which you feel the HSA is effective in its role.

2. Please answer each of the following in relation to the General Applications Regulations 1993 (S.I. 44/93):
- (a) Describe, using relevant case law and with reference to provisions of the Framework Directive (89/391/EC), the burden of proof imposed by the General Applications Regulations.
  - (b) Tom works for Bus Eireann in their garage. Often, when buses in need of repair are brought in they are kept in the garage with their engines running. There is poor ventilation and poor lighting which have led Tom to develop severe headaches. The workplace in general is untidy with spilt oil and tools left lying about. Advise Tom as to any action he can take.
  - (c) Outline and briefly discuss the principal amendments contained in the General Applications (Amendment) Regulations 2003.
3. You have been asked to present a paper to the Galway Chamber of Commerce entitled: "The legal obligation to accommodate those with disabilities in the workplace." Write what would be your paper. Include in your submission reference to appropriate case law, legislation and practical examples.
4. Enda Fox is an engineer with a large construction company that is about to undertake the construction of 20 houses on a site outside of Galway. He has been asked to act as Project Supervisor for Construction Stage but is unsure as to what it entails or indeed as to what his personal liability might be in the event of an accident occurring.
- Advise Enda as to his responsibilities under the Safety, Health and Welfare at Work (Construction) Regulations 2001.
5. "The principal difficulty with existing measures in the area of fire safety in the workplace is that there is no single piece of legislation which includes all responsibilities."
- Discuss this statement, including in your answer proposals for reform in this area.
6. While smoking in the workplace had been largely unregulated prior to the Tobacco Smoking (Prohibition) Regulations 2003 (SI 481/03), the current regulations are not without their own difficulties.
- Discuss this statement.