

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

**Semester I Examinations, 2003/2004**

Exam Code(s) 3HF1

Exam(s) 3<sup>rd</sup> Year B.Sc Health and Safety Systems

Module Code(s) LW 490

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 European Communities (Protection of Workers) (Exposure to Asbestos) Regulations 1989 (S.I. 34/89).  
 Asbestos (Amendment) Regulations 1993 (SI No.276 of 1993) and the Asbestos (Amendment) Regulations 2000 (SI No.74 of 2000).  
 General Applications (Amendment) Regulations 2003 (S.I. 53/2003)  
 General Applications Regulations 1993 (S.I. 44/93)  
 Council Regulation (EC) No 2062/94 of 18 July 1994 establishing a European Agency for Safety and Health at Work);  
 Council Regulation (EC) No 1643/95 of 29 June 1995 amending Regulation (EC) No 2062/94

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Department(s) Law

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

**SEMESTER I EXAMINATIONS 2003/2004**

**3rd Year B.Sc Health & Safety Systems  
Legal Studies – LW 490**

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

**TIME ALLOWED: Two Hours**  
**Answer Three Questions.**  
**All questions carry equal marks.**

1. Critically appraise the performance of the Health and Safety Authority from 2001 to 2003 in prosecuting offences under the Safety, Health and Welfare at Work Act 1989.
2. The Employment Equality Act 1998 and the Framework Directive (2000/78/EC) place extensive duties on employers to accommodate those with disabilities in the workplace. Discuss the provisions of both these pieces of legislation as they pertain to the disabled and outline how an employer might comply with the provisions.
3. Critically discuss the legislative regulation of the use of asbestos in the workplace.
4. The decision in *Fletcher v Commissioner for Public Works* [2003] IESC 8, may have significant consequences for claims for damages arising from psychiatric injury at work.

Discuss the extent to which you agree with this statement. Support your answer with reference to appropriate legal authority.

5. Critically discuss the proposed role, composition and functioning of the Personal Injuries Assessment Board.

6. The current amendments to the General Applications Regulations (The Safety, Health and Welfare at Work (General Application) (Amendment No.2) Regulations 2003 (SI 53/2003)), have succeeded in further confusing an already confused area of the law.

Discuss the extent to which you agree with this statement.

7. “Creating a safer and healthier working environment in Europe lies beyond the resources and expertise of a single country or institution.”  
Website of the European Agency for Occupational Safety and Health.  
In light of this statement, critically discuss the role, competencies and activities of the Agency.