

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

SUMMER EXAMINATIONS 1999/2000

MSc OCCUPATIONAL HEALTH & ERGONOMICS

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Legal Studies LW501

**TIME ALLOWED: TWO HOURS
THREE QUESTIONS TO BE ANSWERED**

Question 1

Before his accident, Mark worked in a furniture factory as a first year apprentice, where his duties included keeping the workshop tidy, a task which enabled him to earn a little overtime money.

Occasionally he stayed on after work and although not authorised to do so would use the circular saw to cut up waste timber as firewood. It was while doing so that his hand came in contact with the blade of the saw and he suffered a serious injury. The company have denied all liability.

- (a) Briefly explain in regard to the employer's liability, the concepts of negligence, contributory negligence, and statutory duty.

and

- (b) Discuss the extent to which these concepts extend to Mark's accident.

Question 2

The general duties of employers as set out in Section 6 of the Safety, Health and Welfare at Work Act 1989 are limited in their scope by the phrase "so far as is reasonably practicable", and Section 50 makes it a good defence to prove that all practicable means were employed to comply with such duties or requirements. In contrast, the prescriptive language of regulations made under Section 28 of the Act, which implement EU directives, appears to create duties that are either strict or absolute.

Examine the scope of these duties in relation to the use of work equipment, and the extent to which you may consider that the doctrine of strict liability in negligence cases could be open to challenge.

PTO

Question 3

Taking into account high accident rates and the volume and diversity of safety and health legislation applicable to construction work, outline a case for the appointment of full-time safety officers on all major construction sites.

Question 4

Outline the main provisions, legislative basis and authority of either

- (a) The European Communities (Protection of Workers) (Exposure to Noise) Regulations 1990

or

- (b) The 1999 Code of Practice for the Safety Health and Welfare at Work (Chemical Agents) Regulations 1994.

Question 5

The occupier of a premises used as a workplace is worried about his civil and criminal liability for the safety of non employees who may for any reason come on to the premises.

Examine the possible extent of his obligations under civil and criminal legal codes as (a) an occupier, and (b) an employer and suggest suitable remedies to limit his liability.

Question 6

Answer either (a) or (b)

- (a) Briefly trace the development of the doctrine of judicial precedent and explain the following terms: stare decisis; ratio decidendi; obiter dictum.

or

- (b) To what extent might the Rules of the Superior Courts (No. 6) (Disclosure of Reports and Statements) 1998 offer some consolation to a safety practitioner called on to provide expert opinion in a personal injury litigation case.