

INJURY / ILLNESS CAUSED BY CHEMICALS / HAZZARDOUS SUBSTANCES AT WORK*

Employees who have been over-exposed to chemicals or any other dangerous substances or materials at work can suffer injuries or illness. These injuries usually develop over time and can include problems with breathing, rashes on the skin, irritation of eyes and/or sore throats. These are merely some examples. The injuries are usually caused by either one or a combination of the following: -

- (a) Inhalation: This occurs by breathing the chemical or hazardous substance into the body.
- (b) Absorption: This occurs when the chemical or hazardous substance comes into contact with the body, e.g. the skin, eyes, mouth.
- (c) Ingestion: This occurs when the chemical or hazardous substance is ingested by the body as a result of poor hand hygiene or contaminated food or drink.
- (d) Inoculation: This occurs when a sharp object punctures the skin.

Injuries or illness suffered by employees as a result of over exposure to chemicals or hazardous substances can be prevented. Section 8 of the Safety, Health and Welfare at Work Act 2005 deals with the duties of an employer. These duties include the duty to ensure the safety, health and welfare at work of employees, as far as is reasonably practicable. Section 8 also includes the duty of an employer to provide a safe place of work, safe machinery and plant and safe systems of work. Section 8 also includes a duty to provide training for employees and to carry out risk assessments and prepare a safety statement.

In addition to the Safety, Health and Welfare at Work Act 2005, S.I. No. 619/2001 being the Safety, Health and Welfare at Work (Chemical Agents) Regulations 2001 places very specific obligations on an employer in relation to hazardous chemical agents in the workplace in relation to:

- (a) Determination and assessment of the risk of hazardous chemical agents;
- (b) Prevention and control of exposure to hazardous chemical agents;
- (c) Specific protection and prevention measures;

- (d) Action plans to deal with accidents, incidents and emergencies;
- (e) Information, training and consultation; and
- (f) Health surveillance and health and exposure records;

A lot of personal injury claims* for exposure to chemicals or hazardous substances can be prevented. Some preventative measures can include the following:

- (1) Employers should ensure that employees take their rest breaks in accordance with the Organisation of Working Time Act, 1997. This may reduce the exposure to the chemical agent or hazardous substances. It also ensures that employees are well rested and less likely to have any accidents with any chemicals or hazardous substances in the workplace.
- (2) Risk assessments will identify all chemical agents and hazardous substances in the workplace and those employees who are exposed to same. Thereafter, a safety statement should be prepared and should be based on the hazards identified in these risk assessments. The safety statement must be communicated to employees in a language that is likely to be understood by the employees.
- (3) Good control measures will ensure that the work processes and practices are optimised to ensure minimum exposure to chemical agents and hazardous substances.
- (4) Training all employees to a proper standard will ensure that employees are competent in dealing with chemical agents and hazardous substances.
- (5) Personal protective equipment (PPE) such as face masks, gloves, glasses, etc., should be provided and worn where appropriate to protect the safety, health and welfare of the employee concerned.

If an employee has suffered injuries at work due to exposure to chemical agents or hazardous substances, it must be reported to a manager immediately. If there is a procedure for reporting accidents or injuries in the workplace such as recording details in an accident report form,

this procedure should be followed. The employee should also seek medical attention from a doctor/hospital, as soon as possible.

If an employee has suffered injuries or illness as a result of being negligently exposed to chemical agents or hazardous substances in the workplace or because of some unsafe or dangerous work practice, he/she may be able to bring a personal injuries case for compensation for the injuries/illness as well as any associated losses, such as the cost of medical treatment, medical expenses, loss of wages or loss of employment opportunity.

A solicitor can assist you with obtaining a medical report and submitting a case to the Personal Injuries Assessment Board (PIAB), keep you informed throughout the court process, if relevant, and advise you in relation to any PIAB assessment of the injury and losses or any offer of settlement. A solicitor can also advise you in relation to whether there is a company sick pay policy to which you are entitled if you have been absent from work due to the injury/illness. Employees will have two years from the date of the accident or the date of knowledge of the injury/illness within which to bring a personal injury claim for exposure to chemical agents or hazardous substances.

***Before acting or refraining from acting on anything in this guide, legal advice should be sought from a solicitor.**

****In contentious cases, a solicitor may not charge fees or expenses as a portion or percentage of any award of settlement.**