

SECTION 10: INSTRUCTION, TRAINING AND SUPERVISION OF EMPLOYEES

A lack of training, instruction and supervision of employees are big contributing factors to successful personal injury* claims* for workplace injuries* against employers and their insurers. Section 10 of the Safety, Health & Welfare at Work Act, 2005 sets out an employer's statutory obligation to provide training, instruction and supervision of employees. The section is broken down in detail below: -

- Section 10 (1) (a): The training must be provided in a form, manner and language that is likely to be understood by the employee. This is very important if, for example, an employee does not speak English very well.
- Section 10 (1) (b): Employees must receive time off work, with no loss of pay, for adequate task specific training and training in relation to emergency measures.
- Section 10 (1) (c): The employer must take into account the capabilities of an employee in relation to safety, health and welfare for any specific task assigned to him/her.
- Section 10 (1) (d): The employer must protect against the dangers that specifically affect a certain class of particularly sensitive employees and / or any group of employee(s) exposed to risks expressly provided for under statute.
- Section 10 (2): The employer shall adapt training to take account of any new risks or changes to health, safety and welfare and training will be repeated periodically, as appropriate.
- Section 10 (3) (a), (b), (c) and (d): The employer shall provide training to the employee on recruitment, where an employee has been transferred or the employee's tasks have been changed, on the introduction of new equipment, a new system of work or new technology.
- Section 10 (4): The employer must ensure that persons in the workplace who are employees of another employer receive instructions in relation to safety, health and welfare as necessary or where appropriate.

- Section 10 (5): The employer must give training to fixed term employees or temporary employees, having regard to their qualifications and experience, who will be working in the workplace.

Back injuries* and/or repetitive strain injuries* usually arise among employees who have not been properly trained. If an employee has not been properly trained or has not received proper instruction or is not properly supervised, then it is reasonably foreseeable that the employee could become injured. In those circumstances, these injured employees usually have quite strong personal injury* claims*. Compliance with the Safety, Health and Welfare Act 2005 and the regulations applicable thereunder will make for a better, more productive and lucrative work environment.

****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 as a proportion or percentage of any award or settlement.***