

SECTION 19: HAZZARD IDENTIFICATION IN THE WORKPLACE

It is well settled law that an employer owes a duty of care to an employee. An employer must take reasonable and prudent steps to take care for the safety of it's employees. One of the ways that an employer can do so is by complying with it's statutory obligations under S19 of the Safety, Health & Welfare at Work Act, 2005. This section relates to hazard identification and risk assessment. The section is broken down in detail below: -

- S19 (1) requires an employer to identify the hazards in the place of work under it's control, assess the risks presented by those hazards and to be in possession of a risk assessment. The aim of a risk assessment should be to reduce the risk of injury and/or illness associated with work.
- S19 (2) requires an employer when carrying out such a risk assessment to take into account the work being carried on at the place of work and to have regard to it's statutory duties.
- S19 (3) requires an employer to review it's risk assessment where there has been a significant change in the matters to which it relates or there is a reason to believe that the risk assessment is no longer valid. In either of those circumstances, the employer is required to amend the risk assessment appropriately following review.
- S19 (4) requires an employer to take steps to implement any improvement identified as necessary in the most recent risk assessment which relates to the safety, health and welfare at work of employees. This section also requires an employer to ensure that any such improvements are implemented in respect of all activities and levels of the place of work.
- S19 (5) requires that every persons to which Sections 12 or 15 of the Safety, Health & Welfare at Work Act applies shall carry out a risk assessment in accordance with S19 even though it's duties

under those sections may apply to persons other than it's employees.

It is in an employer's best interests to be in compliance with S19 in an effort to keep injury and illness among employees at a minimum at work. This will lead to a reduction in any sick leave absences, minimum exposure to personal injury* claims* and happier employees which contributes to good productivity and revenue for any business owner.

****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.***