

Section 13 General Duties of the Employee

Many employers and employees are now preparing to return to a new way of working with the phased reopening of the country following lockdown due to Covid-19. A lot of the discussions surrounding health and safety in the workplace have focused on what employers should be doing for employees. However, what should employees be doing for employers?

Section 13 (1) of the Safety, Health and Welfare at Work Act 2005 sets out the health and safety obligations on employees in the workplace. The legislation sets out that an employee shall while at work: -

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- a) *Comply with the statutory provisions and take care for his/her own safety as well as the safety of others.*
- b) *Not be under the influence of an intoxicant to the extent that would endanger his/her self or others.*
- c) *Submit to appropriate tests for intoxicants.*
- d) *Co-operate with the employer to ensure compliance with statutory provisions.*
- e) *Not engage in improper conduct which would harm his/her self or others.*
- f) *Attend appropriate training and assessment required by the employer.*
- g) *Ensure the correct use of articles or substances provided for safety purposes.*
- h) *Report any work being carried out which causes a risk to him/her self or others as well as any defects which would cause a similar risk.”*

Section 13 (2) of the Safety, Health and Welfare at Work Act 2005 extends these obligations imposed on employees by stating: -

“An employee shall not, on entering into a contract of employment, misrepresent himself or herself to an employer with regard to the level of training as may be prescribed under Subsection (1) (f).”

These are uncertain times for both employers and employees. It is important for everyone in the workplace to work together in order to prioritise health and safety and overcome any challenges in this regard.

***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.**