

6.0 Health and Safety

6.1 Health and Safety Legislation

Boards of Management, as employers have a responsibility to provide for the Health and Safety of their employees in accordance with statute law. The Safety, Health and Welfare at Work Act of 1989 (hereinafter referred to as the 1989 Act) is the principal such statute. Further significant statutes are:

- The Safety, Health and Welfare at Work (General Application) Regulations, 1993 and the 2001 and 2003 amendment Regulations;
- The Maternity Protection Act, 1994 and associated Regulations and Orders;
- The Safety, Health and Welfare at Work (Chemical Agents) Regulations, 2001;
- The Organisation of Working Time Act, 1997;
- The Children Act, 2001;
- The Safety, Health and Welfare at Work (Construction) Regulations, 2001 and 2003.
- The Public Health Tobacco (Amendment) Act 2004

Details of these statutes may be found on the website of the Health and Safety Authority

Responsibilities imposed by the Safety, Health and Welfare Act 1999 and its associated regulations apply only to employees of the Board. However, common law and its role as manager of the school imposes an equal, if not greater, duty of care on the Board and on all of its employees for the health, safety and welfare of pupils and visitors to the school.

Boards are advised to refer to Section 32 of the Department of Education and Science Administrative and Financial Guidelines for Community and Comprehensive Schools which deals with Health and Safety Legislation and with the functions of the Health and Safety Authority.

Appendix 12 of the guidelines outlines Health and Safety Legislation; the steps to be taken in preparing a Safety Statement; and a suggested format for a Safety Statement.

6.2 Duties of the Board of Management

6.2.1 Appointment of Safety Officer

The Board of Management is required to appoint a designated member of staff (usually the Principal in his/her capacity as Secretary to the Board) as the Safety Officer for the School. The Safety Officer is required to advise of the Board of Management and to ensure that the school's plant, organisation and procedures conform to the requirements of the legislation.

6.2.2 Consultation with Staff

The 1989 Act requires that the Board of Management consult with its employees to ensure co-operation in the prevention of accidents and ill-health. The consultation should be on two levels:

- with employees, generally;
- with a Safety Representative or Committee chosen by the employees.

The initial consultation serves to advise staff of the 1989 Act's aims and requirements. Staff may be requested to elect a **Safety Representative** and to compile a list of perceived hazards for the consideration of the Safety Officer and the Board of Management.

Where employees choose not to appoint a Safety Representative, then it is advisable to establish a Safety Committee, representative of all employees, to assist the Safety Officer in meeting her/his responsibilities in this matter.

The 1989 Act confers on the elected Safety Representative "...the right to such information from his employer as is necessary to ensure, so far as is reasonably practicable, the safety and health of employees at the place of work".

6.2.3 Hazard Audits

The Board of Management has an obligation to put in place a regular programme of "hazard audits" which encompass all of the School's plant, procedures and organisation. In carrying out this duty the Board may employ the services of professional companies which specialise in this work and/or provide the opportunity for staff to identify possible hazards within their own areas of work.

Regular reports of such audits should be made to the Board which must ensure in so far as is reasonably practicable to take appropriate action to eliminate any potential hazards which may be identified. In the event that such action requires expenditure which cannot reasonably be met from within the school's normal resources then appropriate representations must be made to the Department of Education and Science.

6.2.4 Safety Statements.

The 1989 Act requires that Boards of Management should have prepared a Safety Statement which sets out how issues of Health and Safety are managed within the school. While legislation requires only that the Safety Statement should apply to employees it is recommended that it should also take into account the corresponding interests of pupils and visitors to the school.

Appendix 12 of the Department of Education and Science Administrative and Financial Guidelines for Community and Comprehensive Schools outlines the steps to be taken in preparing a Safety Statement; and a suggested format for a Safety Statement.

In drawing up a Safety Statement, a Board of Management may find the local branch of the Health and Safety Authority helpful. The address and telephone number of the local office may be had from:-

The Health and Safety Authority,
10, Hogan Place, Dublin 2,
Telephone - 01-6620400 FAX - 01-660417

The following publications which are available from the Health and Safety Authority should be of considerable assistance:-

- Guidelines on Safety Statements.
- A short Guide to Health and Safety Law.
- Guidelines on Safety Consultation and Safety Representatives.
- Guidelines to the General Application Regulations.

The Statement, once prepared must be made available to all members of staff and a copy must be readily available for scrutiny by visitors to the school.

6.2.5 Regular monitoring and review

A Board of Management is obliged to ensure that its Safety Statement and associated procedures are regularly monitored and reviewed in consultation with the Safety Officer and the staff.

Any changes in the school's plant, procedures or organisation should be routinely assessed for possible Health and Safety implications.

6.3 Fire Precautions

Fire prevention and fire precautions fall within the scope of both the Health and Safety Authority and of the local Fire Officer.

Boards of Management, in discharging their duty of care, would reasonably be expected to ensure that the following actions are implemented:

- That fire alert and evacuation procedures are posted conspicuously in every room in the school.
- That fire escape routes are kept free of obstructions at all times.
- That fire exits are clearly marked and appropriately illuminated.
- That fire detectors, alarms, fire-break doors, fire extinguishers, hoses and blankets are regularly maintained.
- That evacuation assembly points are designated and clearly marked.
- That a system is in place to account for evacuees at assembly points.
- That fire-drills are held regularly - perhaps once per term, but, at least, once per year.

It is advisable that schools should contact their local Chief Fire Officers for advice and assistance in planning and practising their fire drills

6.4 Disposal of unwanted Chemical Substances

Boards of Management should develop a procedure for the handling and disposal of chemical substances in consultation with the relevant members of the teaching staff and in accordance with the guidelines provided by the Department of Education and Science in Circular Letters 34/96, M24/04 and in the publications, *Safety in the School Laboratory: Disposal of Chemicals* and *Safety in School Science: A Code of Practice*, commissioned by the Department.

6.5 Bullying and Stress as a Health and Safety Issue.

An employer's duty of care to look after the health and safety of employees includes the reasonable prevention of bullying and stress related injuries in the workplace.

The Health and Safety Authority defines workplace stress as arising "when the demands of the job and the working environment of a person exceeds their capacity to meet them". Boards of Management could not guarantee to provide a stress free environment but are obliged to take reasonably practical steps to shield employees from exposure to stress and from the consequences of unreasonably stressful working conditions. To this end Principals and Boards of Management should include workplace stress as an issue in carrying out regular hazard audits.

ACCS has an agreed "Code of Practice for Dealing with Complaints of Bullying and Harassment of Staff in Community/Comprehensive Schools" and a "Code of Practice for Dealing with Complaints of Sexual Harassment of Staff in Community/Comprehensive Schools". These codes of practice are agreed with the

ASTI, TUI and IMPACT trade unions and should be made known and accessible to all members of staff.

Further procedures in relation to bullying/harassment of staff by pupils and of pupils by staff are in course of preparation.

6.6 Duties of Employees

Section 9 of the 1989 Act sets down the duties of all employees while at work. Every employee has a primary duty to take reasonable care for his or her safety, health and welfare and to co-operate with the employer in implementing those codes of practice and behaviour which are put in place to ensure the safety of all. Employees who are appointed to positions of authority share in the management's responsibility for the health, safety and welfare of those members of staff for whom they are responsible.

All members of staff in a school have a shared responsibility for the health and safety of pupils who are under their care.

6.7 "Reasonably Practicable"

Section 6 of the 1989 Act provides that it shall be the duty of every employer to ensure, **so far as is reasonably practical**, the safety, health and welfare at work of all employees. The same requirement may be assumed to apply equally to the Boards obligations in relation to pupils and visitors to the school.

The term "reasonably practicable" may be seen to imply a degree of flexibility in the obligations of the Board to deal with health and safety issues.

In practical terms a Board of Management should ensure:

- That health and safety procedures and regulations are consistent with the educational and disciplinary requirements of the school.
- That direct expenditure by the school arising from health and safety considerations is within the limits of authorised school expenditure.

If the Board considers that health and safety issues require expenditure which cannot be met directly by the school budget it must ensure that appropriate representations are made to the Department of Education and Science for the necessary funding.