

# WORLD FOCUS



## OHSAS 18001: The Emerging International Safety & Health Management System

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Over the past generation, factors such as the globalization of world economies, concern over safety and health issues, increased regulatory complexity and the general acceptance of ISO 9000 as an operating standard for quality management systems have had a profound effect on both corporate environmental, corporate safety and health management fields. While this process is essentially “settled” for environmental and quality systems, ISO 14001 and 9001, respectively, the process for safety and health is not fully resolved. Many attempts have been made to develop universally acceptable standards for safety and health, yet none has achieved the level of acceptance of either of the well-known ISO standards. This article discusses the emerging international occupational safety and health (OSH) management system standard, OHSAS 18001.

OHSAS 18001 (officially known as OHSAS 18001, Occupational Health and Safety Management Systems: Specification) is one of newest and most significant international occupational safety and health management systems (OSH-MS) standards. It was developed in 1999 by the British Standards Institute (BSI) as a successor to BS 8800, predominantly to

parallel its framework to that of ISO 14001. Estimates reflect that more than 2,000 sites have registered to OHSAS 18001, but no exact figures are available. Typically, organizations and worksites registering to OHSAS 18001 have previously registered to ISO 9001 and/or ISO 14001 and are looking for a OSH-MS standard that is fully compatible with those international standards (Roig and Ruble).

OHSAS 18001 is not an international standard in the same respect as the ISO standards. While ISO standards undergo a development process involving input from multiple countries and sources, a team of experts gathered under the umbrella of BSI developed OHSAS 18001. In 2000, the ISO board considered setting up a technical committee to consider adopting a modified version of 18001 as an international standard. With the U.S. leading the opposition, the proposal was defeated. Nevertheless, pressure continues within the international community, including the U.S., to develop and implement a broad-based consensus standard.

OHSAS 18001 has 17 elements (in the form of clauses in the standard) of safety

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## Country Overview: Ireland

*Editor’s Note: This is the fourth in a series of articles summarizing various country’s government and SH&E legislative processes. It is intended to serve as a useful planning tool for SH&E professionals preparing to conduct business in the profiled country. Previous profiles have included Japan, Great Britain and Chile. The material contained has been provided courtesy of ENSR International. Requests for additional information should be directed to Halley Moriyama at hmoriyama@ensr.aecom.com or (978) 589-3233.*

The Republic of Ireland encompasses about 27,100 square miles. Situated in western Europe, Ireland is located west of Great Britain and is bordered by the Atlantic Ocean to the north, south and west, and by the Irish Sea to the east.

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## Country Overview: Ireland

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Northern Ireland, which is part of the U.K. (England, Scotland, Wales and Northern Ireland) is situated to the northeast.

Topographically, Ireland is characterized by relatively flat to rolling lowlands occupying the central and easterly sections, and low mountain ranges and rugged hills that lay between the lowlands and the periphery of the island, with sea cliffs on the west coast. The climate is influenced by the warm, moist winds from the Atlantic Ocean and the North Atlantic current. Annual rainfall is high and is evenly distributed throughout the country. Figure 1 provides a map of the country and identifies its five county boroughs (Dublin, Cork, Galway, Limerick and Waterford) and other major cities.

## Population

The population of Ireland was estimated to be about 4 million in 2005. Nearly 60% of the population lives in urban areas (Microsoft 1994), with about one-third of the total population residing in the capital city of Dublin. Other major cities include Cork, a major port; Limerick; and Waterford. The latter two cities are important trading centers for produce.

The people of Ireland are primarily of Celtic origin. The first official language of Ireland is Irish. The second official language is English, which is the language generally used.

## Government

The government of Ireland is based on the 1937 constitution (as amended) and requires the separation of powers between the executive, legislative and judicial branches of government.

The executive branch is headed by a prime minister who acts as the head of government. The prime minister (Taoiseach) is nominated by the lower house of parliament, the Dáil, and appointed by the president. The Taoiseach is supported by a 15-member cabinet composed of the heads of various administrative departments or ministries. The members of the cabinet are nominated by the Taoiseach. Subject to the approval of the Dáil, the president then appoints the cabinet members to their respective positions.

The legislative branch consists of the president and a bicameral parliament. The Dáil (lower house) is composed of 166

members, all of whom are elected by popular vote. The Seanad (upper house or senate) consists of 60 members, 11 of whom are selected by the Taoiseach. Six members of the Seanad are elected by the universities and the remaining 43 members are elected by a 900-member electoral college who represent county borough councils, county councils, the Dáil and the Seanad. All legislation must be voted on and passed by both houses of parliament. However, the Seanad cannot veto any legislation, although it can delay passage for up to 90 days (Scannell 1994).

The president is the head of state and is elected to that position by direct popular vote for up to terms of 7 years each.

The judicial branch is represented by the courts, including a supreme court, a high court, a court of criminal appeal, and circuit and district courts. All of the judges to these courts are appointed by the president on the recommendation of the government.

Local government is represented by various entities including county councils, county borough corporations, borough corporations, urban district councils and town commissioners. County councils have authority over those parts of counties that are not within the jurisdiction of other local governmental bodies. County borough corporations are responsible for the cities of Dublin, Cork, Galway, Limerick and Waterford. Borough corporations, urban district councils and town commissioners have responsibility for various smaller towns. These positions normally are filled through popular election, with terms of office generally being 5 years.

## Environmental Authorities

Various governmental and quasi-governmental bodies at all levels of government are involved in the environmental regulatory process. Key authorities are noted here.

### *Minister for the Environment/ Department of the Environment*

The minister who heads the Department of the Environment is responsible for developing environmental policy for the country in addition to developing environmental legislation and coordinating pollution control standards and related practices of the local authorities. In general, the Department of the Environment does not get involved in administering or enforcing environmental legislation that it has promoted or developed (ministerial orders,

**Figure 1**  
**Map of Ireland**



regulations). Instead, this function is left to the local authorities (Scannell 1994). The minister also has a role in approving environmental impact statements that are prepared in relationship to developments being implemented by the government (central or local). Lastly, the minister implements any international environmental agreements to which Ireland is a party.

### *Environmental Protection Agency*

Established in 1992 as an independent body, the Environmental Protection Agency (EPA) is responsible for administering the country's integrated pollution control licensing system, providing advice to governmental ministers and local authorities, coordinating environmental research, establishing environmental monitoring systems and establishing codes of practice.

Lastly, EPA monitors the environmental enforcement activities of local authorities. The minister for the environment can only give general policy directives to EPA, but is expressly prohibited from exercising any control or authority over this agency (Scannell 1994).

### *Local Authorities*

Local authorities (e.g., county councils, corporations and borough councils) are responsible for administering and enforcing environmental matters, based on policies and regulations largely issued by the central authorities. For many types of industrial activities (those not subject to the integrated licensing program), the local authorities are responsible for issuing planning permissions, as well as

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authorizations for air emissions, wastewater discharges and waste management.

### **Forbairt**

This is a state-sponsored body that was established in 1987 (formerly known as Eolas). Among other responsibilities, Forbairt provides advice to industrial firms on how to comply with regulations; it also prepares environmental impact statements for private parties. Forbairt acts as a consultant to the Industrial Development Authority and to other governmental bodies on environmental matters as well. Forbairt reports to the Minister for Employment and Enterprise (Scannell 1994).

### **Safety & Health Authorities**

The various governmental and quasi-governmental bodies involved in the safety and health process include the following:

#### ***Minister of the Department of Enterprise, Trade & Employment***

The minister, who heads the Department of Enterprise, Trade and Employment, is responsible for developing policy and legislation in the field of safety, health and welfare at work and for coordinating the activities and practices of the local authorities. In general, the department is not involved in administering or enforcing the legislation that it has developed although notifications under the legislation must be sent to the minister.

#### ***Health & Safety Authority***

Established under the Safety, Health and Welfare at Work Act 1989, HSA was formally known as the National Authority for Occupational Safety and Health. The principle functions of the HSA are to promote, encourage and foster the prevention of accidents and injury; initiate activities and measures directed toward safety, health and welfare of people at work; and undertake and publish the results of research to review statutory provisions and propose new legislation and codes of practice. HSA can prosecute any summary offense through the courts and the inspector can take executive action to enforce safety and health legislation. HSA reports to the minister of enterprise, trade and employment.

#### ***Department of Health***

This department, which reports to the minister for health, concerns itself with

environmental health problems, including those regulated under the Poisons Regulations. Additionally, the department supervises local health boards.

### ***Local Authorities***

The local authorities have certain administrative and enforcement functions under safety and health legislation.

### ***National Standards Authority of Ireland***

This is a public service body that serves as a liaison with international and European standardization organizations to set uniform standards for equipment used in trade. The agency develops and issues various codes of practice as well.

### ***Radiological Protection Institute of Ireland***

This group's mandate is to protect the public from and to advise the government about hazards from ionizing radiation, and to monitor exposures and radioactivity in the atmosphere.

### **History of SH&E Legislation**

#### ***Environmental***

Environmental controls have been in place in Ireland since the 19th century. Early statutes dealing with what are now considered environmental issues included the Public Health (Ireland) Act 1878, which dealt with public drainage, water supplies and public nuisances; and the Rivers Pollution Prevention Act 1876, which concerned water pollution (Scannell 1994). In the early 1960s, control of the environmental externalities of industrial development was initiated through the planning permission process as established by the Local Government (Planning and Development) Act 1963.

In 1973, Ireland joined what was then called the European Economic Community (now the European Union or EU). As a result, the promulgation of environmental legislation rapidly increased in response to the numerous directives and regulations being issued by the EU.

Ireland has a substantial body of environmental legislation to control the activities of industry. There is a licensing program to control air emissions and wastewater discharges (to surface waters, groundwater and sewers). Specified industrial process that are considered potentially significant sources of pollution are subject to integrated pollution control (IPC), a multimedia licensing program administered by the central rather than

local authorities. Under IPC, a single license is issued covering air, water, waste and noise. The intent is to employ the best practicable means to reduce the total pollutant effect of the activity being licensed. By contrast, nonscheduled facilities require individual authorizations (one for air, one for wastewater discharges) from the local authorities.

New developments are also subject to an extensive planning permission process that may also entail the preparation of an environmental impact statement.

Waste management, including disposal, is also controlled in Ireland. Regulations are in place to manage toxic and dangerous wastes. Since Ireland has no licensed hazardous waste disposal facilities, such wastes must leave the country, with most going to either the U.K. or Finland. As a result, transfrontier shipment of waste regulations play an important role in waste management in Ireland.

The use, storage, packaging, labeling and transport of dangerous substances are controlled as well. Lastly, specific regulations have been enacted that concern PCBs and asbestos.

### **Occupational Health & Worker Safety**

The Safety, Health and Welfare at Work Act 1989 (the Act) and the Safety in Industry Acts 1955-1980 establish the basis for safety and health legislation involving the workplace. The act provides a framework and applies to all people involved with the workplace. The act imposes a general duty on employers "to ensure, so far as it is reasonably practicable, the safety, health and welfare at work of all its employees," including third parties such as contractors.

While the primary responsibility for compliance with the act lies with management, employees are obligated to take reasonable care for their own safety, health and welfare, and that of other persons who may be impacted by their acts or omissions. Employees are obligated to report to the employer, without delay, any equipment defects or other deficiencies associated with the place of work.

Employers must prepare a safety statement based on their assessment of workplace hazards. The statement must specify the arrangements to be made, resources to be provided and the cooperation of employees required, and the names of

those responsible for the performance of safety-related activities. The National Authority for Occupational Safety and Health may require a company's safety statement to be revised if the authority feels it is inadequate. The authority may also serve an employer with a prohibition notice to prevent the conduct of work in an unsafe workplace. Alternatively, an improvement notice may be served requiring that steps be taken to ensure compliance (Clifford Chance 1995).

Several regulations, in particular the Safety, Health and Welfare at Work (General Application) Regulation 1993 (SI 44 of 1993), together with various codes of practice, have been issued. They provide further requirements and guidance on the control of hazards in the workplace.

### **Future SH&E Legislation**

Enactment of the Waste Management Act 1996 signified a major addition to a range of measures/instruments being developed to promote a more sustainable approach to waste management in Ireland. Of all areas of environmental legislation, the growth of waste management regulation, for the near term, is likely to dominate.

Many specific measures and obligations provided for, together with the detailed technical standards and administrative procedures, remain to be applied by way of secondary legislation (for example, orders and regulations to be made by the minister and bylaws made by local authorities).

The Waste Management Act 1996 provides for the repeal and revocation of several acts and statutory instruments as set out in section 4 of this protocol. However, it is intended that this process will take place on a phased basis, as new replacement legislation has been created.

As such, it is expected that in the foreseeable future, several pieces of legislation will be enacted in order to complete this legislative overhaul, promoting a more sustainable approach to waste management in Ireland.

With regard to air quality, the Department of the Environment is following EU developments, particularly in relation to the proposed daughter directives to be made under Directive 96/62/EC on ambient air quality assessment and management, with a view to implementing any new emission limit values laid down thereunder.

Because the Safety, Health and Welfare at Work Act 1989 is a framework-type leg-

islation that provides general safety and health principles, most forthcoming safety- and health-related legislation will fit into that framework and provide for specific obligations to be met, measures to be taken and technical details. Planned legislation under this act is largely an adaptation to technical and scientific progress and continued implementation of EU legislation.

Some of the more significant EU legislation expected to be implemented by Irish legislation in the near-term include:

- Safety and Health of Workers in the Mineral Extracting Industries through Drilling (92/91/EEC);
- Safety and Health of Workers in Surface and Underground Mineral Extracting Industries (92/104/EEC);
- Directive on the Control of Major-Accident Hazards involving Dangerous Substances (96/82/EEC);
- Directive on the Protection of the Health and Safety of Workers from the Risks Related to Chemical Agents at Work (80/1107/EEC as amended);
- Directive amending Directive 90/394/EEC on the Protection of Workers from Risks Related to Exposure to Carcinogens at Work.

The EC (Major Accident Hazards of Certain Industrial Activities) Regulations will be revoked in the coming year and replaced by new regulations that implement a new European initiative (Council Directive 96/82/EC on the Control of Major Accident Hazards), which covers all establishments handling quantities of dangerous substances equal to or exceeding thresholds laid down in the EU directive.

Finally, the Dangerous Substances (Retail and Private Petroleum Stores) Regulations will be reviewed by the Department of Enterprise, Trade and Employment in conjunction with the Health and Safety Authority.

### **Enforcement of SH&E Regulations**

#### **Administrative Actions**

No provision is made for administrative actions to be taken by any of the relevant enforcement agencies under Irish environmental law. There is no power to directly levy fines against offenders; all fines involve a criminal sanction and must be dealt with by the courts. The courts still have the power to order a fine to be paid to EPA and as such there is an incentive for the agency to prosecute. However, this is at

the discretion of the court. Short of this, the relevant enforcement bodies only have the power to issue warnings to offenders.

#### **Civil Liability**

Civil liability may arise as a result of the common law and statutory remedies.

#### **Statutory Remedies**

Under section 10 of the Water Pollution Act 1977, any person has the right to seek an order from the appropriate court requiring the person responsible for causing or permitting water pollution contrary to the act to mitigate or remedy the effects thereof in the manner and within such period as the court specifies. The court has extraordinary powers under the act, including powers to prohibit discharges; to require that measures be taken to control discharges; to require the remediation of environmental damage; the payment of compensation to those who mitigate or remedy the effects of the pollution; and the making good on any consequential losses incurred by any person by reason of the entry of polluting matter to waters.

This section imposes a great liability on a "polluter," not only for remedial and clean-up costs but also for other consequential losses that may occur. Nothing in this section requires that there be a relationship between the costs of a clean up and the environmental benefits which will ensue, although the courts may be expected to bear this in mind in exercising their discretion. No ceiling is placed on the civil liability that may be incurred if action is brought in the Irish high court. Failure to comply with an order under section 10 gives rise to a maximum penalty, on summary conviction, of IR£1,000 or imprisonment for up to 6 months or both.

High court actions may also be taken under section 11 of the Water Pollution Act (as amended) by any person to prohibit, remedy or prevent past, present or possible future entries or discharges or escapes of polluting matter to waters unless they are made under a permit. A similar provision is contained in the Air Pollution Act 1987 (section 28).

The most innovative extension of civil liability for environmental damage is contained in section 20 of the Local Government (Water Pollution) (Amendment) Act 1990, which provides that in certain circumstances a person who has suffered injury, loss or damage (either personally or

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to his property) as a result of unauthorized discharges of trade or sewage effluents or entries of polluting matter to waters may, without prejudice to any other cause of action which he may have, recover damages. A similar right is available under section 28B of the Air Pollution Act 1987. However, these provisions do not apply to discharges that have been appropriately authorized under a license.

### Common Law Remedies

Injunctions and/or damages are available to persons who successfully sue at common law for what are, in effect, environmental offenses. The common law remedies are based on nuisance, trespass, negligence and the strict liability principles set forth in the famous 19th century case, *Rylands v Fletcher*. The main advantage of these remedies is that a successful plaintiff may recover damages for loss suffered, a possibility that does not always exist when statutory remedies are used. The most usual common law action for alleged pollution from emissions is the action in nuisance.

### Criminal Sanctions

Nearly all environmental legislation provides for criminal penalties for breach of statutory obligations. Legislation that predates the "environmental era" and legislation which impacts mostly on the public sector usually imposes what are now considered minimal penalties. But modern legislation treats environmental offenses very severely. The Environmental Protection Agency Act 1992 provides for fines of up to IR£10 million and/or 10 years imprisonment. The Local Government (Planning and Development) Act 1992 provides for fines of up to IR£1 million and/or 2 years imprisonment. The maximum penalty for the more important water pollution offenses is IR£10,000 and/or 5 years imprisonment whereas the maximum penalty for the more important

air pollution offenses is IR£10,000. Additional penalties are provided for continuing offenses.

The modern tendency is to provide for large maximum fines for statutory environmental offenses. Recently, legislation has provided that certain prosecuting authorities may claim fines imposed for themselves instead of permitting them to go to the Irish Exchequer, a provision undoubtedly motivated by a desire to encourage prosecutions.

### Strict Liability

The common law rule in *Rylands v Fletcher* imposes strict liability (that is liability without proof of fault) on the occupier of land who brings and keeps on it anything liable to do damage if it escapes. The rule is qualified by the requirement that the use be "non-natural."

Section 171 of the Fisheries Consolidation Act, widely enforced in practice, provides for the offense of causing or permitting the entry of deleterious matter to water has also been interpreted by the courts as a strict liability offence.

### List of Key Agencies

*The country code for Ireland is 353.*

Department of Environment  
Custom House  
Dublin 1  
Tel: (01) 679 3377; Fax: (01) 874 2710

EPA (Headquarters)  
Ardcavan  
Wexford  
Tel: 053 47120; Fax: 053 47119

National Standards Authority of Ireland  
Glasnevin  
Dublin 9  
Tel: (01) 807 3800; Fax: (01) 807 3844

Radiological Protection Institute of Ireland  
3 Clonskeagh Square  
119 Clonskeagh road  
Dublin 14  
Tel: (01) 269 7766

National Authority for  
Occupational Health and Safety  
10 Hogan Place

## Table 1 National Holidays

	Fixed Date	Variable Date
New Year's Day	January 1	
St. Patrick's Day	March 17	
Good Friday		April 14
Easter Monday		April 17
Holiday (no name)		May 1
		June 1
		August 3
		October 26
Christmas Holidays	December 25-26	

*This is a working guide only; dates should be verified prior to undertaking any visit. When holidays fall on a Saturday or Sunday, commercial establishments may be closed the preceding Friday or the following Monday. Information shown under the column "Variable Date" reflects the specified date in 1998.*

Dublin 2  
Tel: (01) 661 3111; Fax: (01) 475 2760

### Regulatory Information

EPA, Publication Section  
St. Martin's House  
Waterloo Road  
Dublin 4  
Tel: (01) 660 2511; Fax: (01) 668 0009

Health and Safety Authority  
10 Hogan Place  
Dublin 2  
Tel: (01) 661 3111; Fax: (01) 475 2760

Government Publications  
Office-Direct Sales  
Sun Alliance House  
Molesworth Street  
Dublin 2  
Tel: (01) 679 3515

Government Publications Office  
Mail Order  
4-5 Harcourt Road  
Dublin 2  
Tel: (01) 661 3111

### Other Contacts

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U.S. Embassy  
2234 Massachusetts Ave., NW  
42 Elgin Road  
Washington, DC 20008  
Tel: (202) 262-3939

Ballsbridge, Dublin  
Tel: (343) 1-668-7122  
Fax: (343) 1-668-9946

American Chamber of Commerce in Ireland  
20 College Green  
Dublin 2  
Tel: (353) 1-679-3733  
Fax: (353) 1-679-3402 ■

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