

S.I. No. 299 of 2007

SAFETY, HEALTH AND WELFARE AT WORK (GENERAL  
APPLICATION) REGULATIONS 2007

Chapter 1

*Protection of Children and Young Persons*

*Interpretation for Chapter 1.*

143. In this Chapter—

“child” means a person resident in the State who is under 16 years of age;

“night work” means—

(a) in the case of a child, any work between 8 p.m. on any one day and 8 a.m. on the following day, and

(b) in the case of a young person, the hours mentioned in paragraph (b) of section 6(1) of the Protection of Young Persons (Employment) Act 1996 (No. 16 of 1996), as qualified by that section and sections 7 and 8 thereof;

“risk assessment” means the assessment of a risk referred to in Regulation 144;

“young person” means a person who has reached 16 years of age but is less than

18 years of age.

*Risk assessment.*

144. An employer shall—

(a) carry out a risk assessment before employing a child or young person

and whenever there is a major change in the place of work which

could affect the safety or health of such child or young person,

(b) without prejudice to the provisions of section 19 of the Act, assess any

risk to the safety or health of a child or young person and any specific

risk to their safety, health and development arising from—

(i) his or her lack of experience, absence of awareness of existing or

potential risks or lack of maturity,

(ii) any work activity likely to involve a risk of harmful exposure to

the physical, biological and chemical agents specified in Part A

of Schedule 7, and

(iii) the processes and work specified in Part B of Schedule 7,

and take the necessary preventive and protective measures,

(c) take account of the following when carrying out a risk assessment:

(i) the fitting-out and the layout of the place of work and of the

workstation,

(ii) the nature, degree and exposure to any physical, chemical or biological

agent at the place of work,

(iii) the form, range and use of work equipment, in particular agents, machines, apparatus and devices, and the way in which they are handled,

(iv) the arrangement of work processes and of work operations at the place of work and of the way in which these may be organised in combination for the purposes of carrying out work, and

(v) the training, instruction and level of supervision provided to a child or young person at the place of work,

(d) in taking the protective and preventive measures in accordance with paragraph (a) and as regards planning for and implementing measures to monitor and protect the safety and health of a child or young person, take account of section 18 of the Act, and

(e) without prejudice to the provisions of section 9 of the Act, inform a child or young person of any risk identified in accordance with paragraph (a) and of the preventive and protective measures taken and,

in the case of a child, inform the parent or guardian of such child of such risk and such preventive and protective measures.

*Circumstances prohibiting employment of a child or young person.*

145. An employer shall not employ a child or young person at work where a

risk assessment reveals that the work—

(a) is beyond the physical or psychological capacity of the child or young person concerned,

[299] 99

(b) involves harmful exposure to agents which are toxic, carcinogenic, cause heritable genetic damage, or harm to the unborn child or which in any other way chronically affects human health,

(c) involves harmful exposure to radiation,

(d) involves the risk of accidents which it may be assumed cannot be recognised or avoided by a child or young person owing to insufficient attention to safety or lack of experience or training, or

(e) which presents a risk to health from exposure to extreme heat or cold or to noise or vibration.

*Health surveillance.*

146. An employer shall—

(a) where a risk assessment reveals a risk to safety or health or to the physical or mental development of a child or young person, make available health surveillance in accordance with section 22 of the Act,

(b) make available to a child or young person a free assessment of his or her health and capabilities before assignment to night work and at

regular intervals thereafter, and

(c) inform a child or young person of the result of any health surveillance or health assessment carried out in accordance with paragraphs (a) or (b) and, in the case of a child, inform the parent or guardian of the child of the results of any health surveillance or health assessment.