

Occupational Safety and Health Guidance on Vulnerable Workers in the Workplace

This guidance is written for employers and employees in all work sectors, including agency workers, contractors, migrant workers, part-time and temporary workers, and gig workers.

The purpose of this guidance is to raise awareness around the identification of vulnerable workers in the workplace, and their occupational safety and health needs. Some people may not want to be referred to as a 'vulnerable worker'. The intention of using the term 'vulnerable' is to protect this group of people, and to provide them with guidance and advice.



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Introduction to Vulnerable Workers

Vulnerable workers are people who may be particularly sensitive or over exposed to potential health and safety risks in comparison to the general working population.

Vulnerable workers can be found in all work sectors spanning different business types and sizes.

Every person has the right to a safe workplace where any risks to their health and safety are properly controlled. Some people are more vulnerable to occupational safety and health (OSH) risks due to a variety of personal and job factors.

For example, a person may be at greater risk of work-related accidents and/or ill-health because they:

- Undertake work and/or work in an environment that is by nature more hazardous (for example, construction, mining, agriculture, and fishing).
- Cannot access occupational health and safety information and/or training (i.e., it is not provided in a format or language that is accessible to them).
- Are new to the job and not aware of the hazards and/or have not had safety training.
- Work for companies who have not acted on/learnt from the safety feedback provided by their staff (i.e., poor safety leadership and culture).
- Work for a company who do not consult with their workers regarding occupational safety and health matters.

What is a Vulnerable Worker?

The European Agency for Safety and Health at Work defines vulnerable workers as ‘certain groups who may be more at risk from occupational accidents or ill-health than others or those that have special considerations that may need to be taken account of in a health and safety context’ (2022).

A person may have **several different vulnerabilities linked to a variety of personal and job factors**. People can be vulnerable before they start work, or they may become vulnerable during their working life. All people reflect a **spectrum of vulnerability** – with some workers having higher or lower levels of vulnerability.



Examples of vulnerable workers include:

- Young people at work*
- Pregnant, postnatal, and breastfeeding workers*
- Night and shift workers*
- Older workers
- Workers who are new to the job
- Inexperienced workers, including apprentices
- Migrant workers
- Gig/platform workers
- Agency and temporary workers
- Workers with disabilities
- Workers with underlying health issues
- Lone workers
- Low-qualified workers
- Workers for whom English is not a first language

* Sensitive risk groups

Understanding Vulnerability & Risk Factors

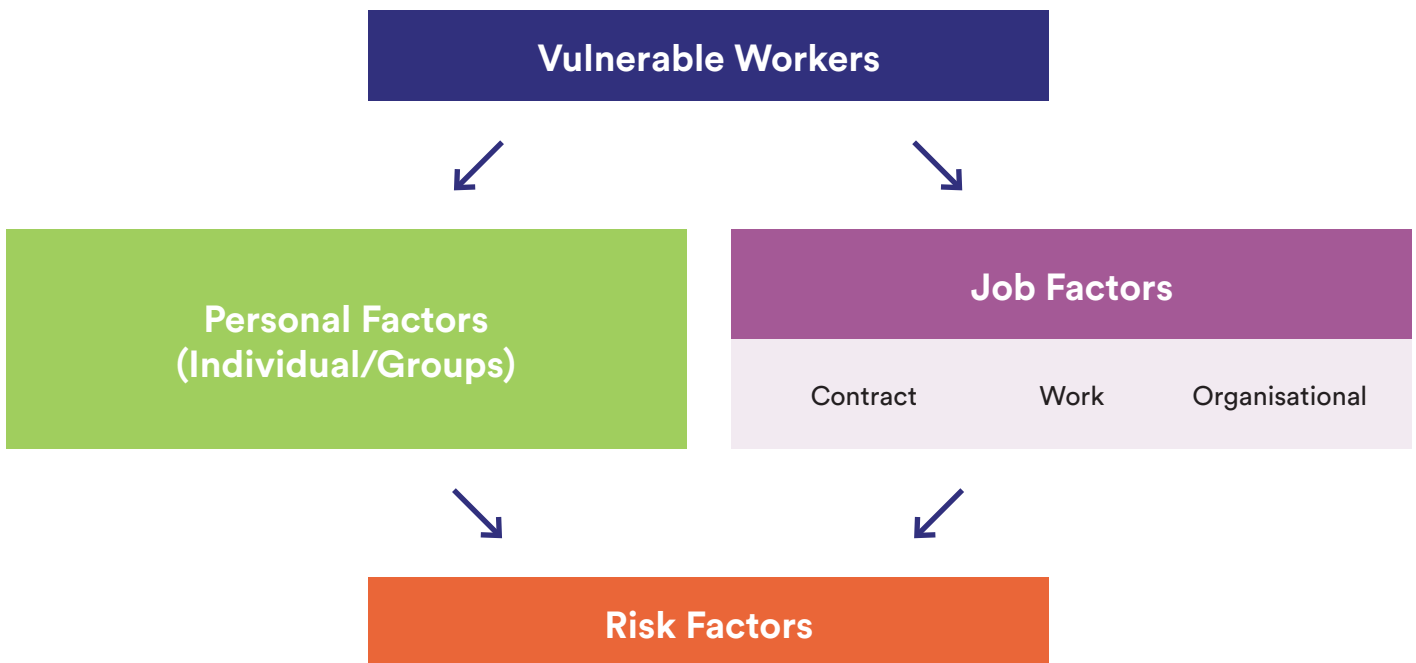
Overview

Vulnerable workers are more susceptible to injury or ill health because of specific personal or job factors.

1 **Personal factors** include biological, social, and cultural characteristics.

2 **Job factors** are associated with the person's status in the enterprise and their work contract, the nature of the work, and certain characteristics of the organisational they work for.

A combination of personal and job factors can lead to specific risk factors, that increase the chance of unsafe behaviour, occupational injury and occupational illness.



Risk factors include:

- Lack of experience or newness to the job
- Poor safety awareness
- Stress
- Lone working
- Presenteeism
- Job or income insecurity
- Job dissatisfaction
- Low job engagement
- Fatigue and overwork
- Poor mental health
- Social isolation
- Bullying, harassment, exploitation, and abuse
- Physically demanding and repetitive work
- Violence and aggression
- Failure to provide for representation by a Trade union

Workers should familiarise themselves with the different personal and job factors which can create 'vulnerability'. The diagrams below provide a summary of the different (1) personal and (2) work factors that contribute to vulnerability.

Personal Factors

The diagram below provides a summary of the different personal factors which can contribute to vulnerability.



Job Factors

The diagram below provides a summary of the different job factors which can contribute to vulnerability.



Vulnerable Workers Profiles

Overview



Vulnerable workers include a wide variety of people.

The definition of vulnerable workers is very broad and includes (1) 'sensitive risk groups' and (2) other groups of workers who can be considered vulnerable. There are specific occupational safety and health considerations for 'sensitive risk groups', along with other groups of vulnerable workers. These are outlined below.

Vulnerable Workers

Sensitive Risk Groups

e.g., young workers, night and shift workers, and pregnant, postnatal, and breast-feeding employees.

Other Vulnerable Workers

e.g., older workers, migrant workers, gig workers, workers new to the job, workers with disabilities, workers with underlying health conditions etc.

Sensitive Risk Groups

As detailed in the Safety, Health, and Welfare at Work (General Application) Regulations 2007 and the guidance provided by the HSA, 'Sensitive Risk Groups' include:

- 1 young workers,
- 2 night and shift workers, and
- 3 pregnant, postnatal, and breastfeeding employees.

Young Workers

A young person is a person who has reached 16 years of age but is less than 18 years of age.

Young workers may be more at risk because:

- they lack experience,
- they are continuing to develop physically and psychologically, and
- they may lack the confidence to speak out about unsafe systems of work.

It is important that employers provide training and supervision for all young people at work.

Risk assessment should consider risks for all persons in the workplace, including risk factors for young workers.

Night & Shift Workers

Many workers undertake night and shift work as part of their work contract.

Night work refers to work carried out during night-time (i.e., between 12am and 7am on the following day). Night workers are people who normally work at least three hours of their normal working day between midnight and 7am. the following day for at least a half of their annual working time.

Shift work refers to any method of organising work in shifts whereby workers succeed each other at the same workstations according to a certain pattern.

A shift worker is any worker whose work schedule is part of shift work. There are many different types of shift work that vary in terms of:

- shift duration
- number of shifts,
- shift rotation,
- rest periods between shifts, and
- days off.

Often, the hours of work are outside or partly outside normal working hours (i.e., 9am to 5pm).

Employers should carry out a suitable and sufficient assessment of the risks associated with night and shift work and the potential for fatigue. Shifts, particularly night and early morning shifts, can lead to disruption of the internal body clock, sleeping difficulties, and fatigue. This can have a negative effect on performance and increase the likelihood of errors and accidents at work. In addition, it can have a potential negative impact on health and wellbeing.

Night and shift workers should be aware of the signs of fatigue – such as:

- losing focus and forgetting things,
- lacking energy and motivation,
- increased risk-taking,
- slower reactions,
- feeling irritable, and
- tiredness even after sleep.



Individuals can vary in relation to their tolerance to night and shift work. Some may feel alert at different times of the day (i.e., being a 'night owl' or 'morning lark'). This can also depend on health, fitness, age, lifestyle, and other responsibilities (i.e., home/domestic responsibilities).



Fatigue risk management is a shared responsibility; both the employer and the employee have a role to play. All employees should take steps to manage sleep, diet, and exercise.

Pregnant, Post Natal and Breastfeeding Employees

Being pregnant and giving birth causes physiological and emotional changes that may or may not interfere with a person's ability to perform their work duties in the usual manner. Furthermore, some work activities/processes can put the pregnant person and/or their baby at risk of harm.

A **pregnant employee** means an employee who is pregnant. A **postnatal employee** means an employee who has given birth not more than 14 weeks preceding. **An employee who is breastfeeding** means an employee who has given birth not more than 26 weeks previously and is breastfeeding.

There are hazards in the workplace that may affect either the the health of the pregnant person and/or the developing child. When an employee knows they are pregnant they should, as soon as is possible, notify their employer of their condition, and provide an appropriate medical certificate to their employer. The employer must then assess any risks to the health and safety of the pregnant person and the unborn child. Employers must identify the type, quantity, and duration of exposure to any agent, process or working condition that may cause harm. Schedule 8 of the General Application Regulations (2007) lists physical, biological, chemical agents, processes and working conditions known to endanger pregnant or breastfeeding employees and the developing child. If the assessment reveals a risk, then the employer must inform the employee of the risk and take the appropriate steps to eliminate the risk. In addition, an employer must provide appropriate rest facilities for the pregnant employee to lie down in appropriate conditions.

Other Vulnerable Workers

Older Workers

Older workers are workers aged 55 years or older. HSA accident data indicates that older workers are less likely to have non-fatal accidents than other workers. However, they are more likely to experience a workplace fatality than other workers.

The expertise, job experience, education and motivation of older workers may compensate for the different potential changes in worker ability arising from the natural aging process. This includes changes in physical ability (i.e., mobility, muscular strength, and range of joint movement) and changes in sensory ability (i.e., sight and hearing). It is important that employers and managers consult and involve older workers in the design of control measures, so that health and safety is managed in a collaborative way.

Migrant Workers

A migrant worker is a person who is engaged or has been engaged in a remunerated activity in a state of which they are not a national. This includes documented and undocumented workers. Seasonal workers are considered short-term migrants. Many migrant workers undertake work that is considered dirty, difficult and/or dangerous.

The number of non-Irish citizens accounts for approximately 12% of the population (CSO, 2022). For some, literacy levels may be low both in their native language and in English. Of the 751,507 people who reported speaking another language at home (i.e., not English), 57% indicated that they spoke English very well, 11% indicated that they did not speak English well, and 2% did not speak it at all.

For some migrant workers, language barriers can make accessing information about their rights and safe working practices more difficult. Occupational safety and health induction training and information should be accessible to all persons. It should be presented in a user-friendly format and in a language that they can understand.

Many migrant workers from outside the European Union (EU) are employed under the employment permits system which can make it more difficult to speak out about unsafe work practices. Migrant workers are more likely than the general workforce to face discrimination. Discrimination can cause stress and negatively impact mental health.

Gig Workers, Digital Platform Workers, and Gig Economy

A gig worker is a person who works in the gig economy. They are also known as a freelancer or independent contractor. Gig work typically covers short-term, informal working relationships where work is 'on-demand' and delivered on a task-by-task basis.

Digital platform work is defined as all paid work provided through and/or on an online platform. An online platform is a digital marketplace that allows the demand and supply of work to be matched to carry out specific tasks. As such, work can be performed completely online and/or on location.

The gig economy refers to a situation where a person (gig worker) is hired through an app or website to undertake a role for a third party. The gig economy is also referred to as the 'platform economy' or the 'share economy'. The app or website is produced and managed by an organisation or platform. For example, a food delivery platform provides food delivery services marketed to food outlets, usually through a mobile device application. The platform engages delivery riders to deliver the food produced by the food outlet.

Algorithmic management refers to the use of algorithms and data-driven systems to make decisions, allocate tasks, direct work, and manage workflows in organisations.

Gig and platform workers are exposed to similar hazards in the workplace as other workers. However, the risk may be higher due to the way work is organised (for example, social isolation), and/or specific features of their work contract (for example, job insecurity arising from contract or temporary work). In addition, psychosocial risks linked to algorithmic management for gig workers need to be considered.

Workers with Disabilities

There are many types of disability. The definition of disability includes physical, intellectual, learning, cognitive, emotional, and medical conditions. Some employees may have a disability, while others may acquire a disability during their working life. Some people may have more than one disability. About four out of five people with disabilities acquire their disability in adulthood.

Some forms of disability are not immediately visible, for example, epilepsy or mental health conditions like depression or anxiety. Employees with a 'hidden disability' may choose not to disclose it because they are concerned that their employer will focus on their disability rather than their ability. It is good practice for a company to plan and manage for health and safety on an inclusive basis, and to have a Disability Policy in place. Further, workers with disabilities should be encouraged to avail of the services of occupational health, if this is available at their company. This will ensure that issues can be managed appropriately and that all workers are aware of workplace requirements.

Workers with Underlying Health Conditions

Some workers may have an underlying health condition. Chronic conditions (also termed long-term conditions) require ongoing medical attention and/or limit activities of daily living. Certain health conditions can be associated with symptoms and disabilities that affect a person's ability to carry out their work. For example, a heart condition can mean that someone can no longer carry out certain physical tasks. With the right accommodations and support, people can continue to work and/or return to work after a period of illness.

Following a period of illness, employees should engage with their employers and relevant medical providers to ensure that appropriate return to work arrangements are in place. This may involve a partial or graded return to work, and changes to duties. 'Return to work' plans will consider restrictions or accommodations that may be temporary or long-term. They should also consider who will support the employee's return to work. 'Return to work plans' should be reviewed at agreed intervals to ensure a safe and sustainable return to work after a period of sick leave. Returning to work is not only beneficial for the employer, but also for the employee.

It is good practice to train line managers to take a proactive approach to the management of health and wellbeing. Training should include enabling quality conversations and trust between workers and managers about working with a health condition. This can set the scene for optimal worker health and productivity.

Workers Who Are New to the Job

Workers are more likely to have an accident in their first six months at work. This increased risk may be because of:

- lack of experience in the new workplace and/or industry,
- being unfamiliar with the job,
- being unfamiliar with the work environment,
- being eager to impress managers and colleagues, or
- not wanting to raise concerns and/or not knowing how to raise concerns.

All new employees should undergo induction training, which should include information about occupational safety and health. It is very important that all workers who are new to the job access training and information about the risks they may be exposed to, and the precautions they will need to take to avoid them.

Vulnerable Workers – The Facts

Vulnerable workers are more likely to be hurt or made sick by the job. The following statistics reflect HSA incident data for the period 2013 to 2022.



Male workers account for **95%** of fatalities but represent **53%** of the workforce.



Non-Irish nationals represent a **fifth** of all non-fatal injuries reported (workforce participation non-Irish nationals is also approximately a fifth).



Workers over the age of 35 years are almost **twice** as likely to experience a workplace non-fatal injury than younger workers.



Self-employed workers account for **43%** of fatalities but account for approximately **15%** of the workforce.



Workers over the age of 65 years are **three times** more likely to experience a workplace fatality than younger workers.

Introduction to the Health and Safety Authority and the Law

The Health and Safety Authority (HSA) is responsible for enforcing and promoting safety and health at work. HSA inspectors are authorised to carry out inspections or investigations for the purpose of monitoring and enforcing health and safety legislation.

The Safety, Health, and Welfare at Work Act, 2005, places responsibility for occupational health and safety on all stakeholders. It sets out the roles and responsibilities of employers, employees, and others.

Employers are responsible for creating and maintaining a safe and healthy workplace.

Employers are required to:

- assess the risks to safety and health at work for **all workers (including vulnerable workers)**, to avoid workplace accident, injury, and ill health;
- develop and communicate a **safety statement** detailing all hazards and risks and associated controls, in a manner and format that workers can understand;
- provide information, instruction, training, and supervision regarding safety and health to workers;
- provide and maintain welfare facilities for workers at the workplace;
- consult with their workers on all matters relating to occupational health and safety; and
- facilitate the appointment of a safety representative (if a safety representative is selected by their employees).

The Law - Rights & Responsibilities

- Workers, whether they are Irish nationals or migrant workers, have equal rights under Irish health and safety law.
- Temporary or casual workers, whether they are Irish nationals or migrants, have equal rights under Irish health and safety law as full-time permanent workers.
- Employers have specific obligation to 'Sensitive Risk Groups' as defined in the Safety, Health, and Welfare at Work (General Application) Regulations 2007.
- Employers have specific obligation for persons with disabilities as defined in the Safety, Health, and Welfare at Work (General Application) Regulations 2007.
- Workers have a legal right to be represented by Safety Representatives or Trade Unions on health and safety issues in the workplace and these representations must be acted upon.



Some people work in the 'informal economy' and/or are 'undocumented'. Such workers may have limited legal protections, and it may be difficult to speak up about occupational safety and health concerns.



Addressing Psychosocial Hazards & Reporting



Psychosocial Hazards

Psychosocial hazards arise from areas within a workplace often called its 'working conditions'. There are varying degrees of these hazards, and they will affect people differently. Vulnerable workers, for a variety of reasons, are extra exposed or extra sensitive to these same hazards. Hazards from long working hours, workload, time pressures, poor relations, lack of support systems, conflict or bullying, and technology can increase pressures that lead to work-related stress. Work-related stress is a noted cause of health problems for everyone. Vulnerable workers should be a focus of the general risk assessment for psychosocial hazards as far as reasonably practicable. This risk assessment should include any extra controls that might be needed for vulnerable groups. The solutions should be tailored to the specific vulnerabilities identified.

Reporting

Workers (including vulnerable workers) have rights to protection under occupational safety and health law. All workers should report accidents at work and/or near misses to managers and/or those in charge.

Vulnerable workers may be reluctant to report health and safety incidents, accidents or concerns, because of the fear that they will lose their job.

Vulnerable workers can report safety concerns to safety representatives (if appointed at their workplace). Safety representatives can consult with management regarding any concerns raised.

Employers are legally obliged to report the injury of an employee arising from an accident while at work, where the injury results in the employee being unable to carry out their normal work for more than three consecutive days, excluding the day of the accident.





Top Tips to Keeping Safe for Vulnerable Workers

- Request and review information about the hazards that you may be exposed to in your job, and the precautions to take to avoid them, including:
 - how to use safety equipment,
 - how to access and use personal protective equipment (PPE), and
 - emergency procedures in the event of a fire.
- Check that training and safety toolbox talks are provided in an accessible format and seek translation (if required).
- Speak up about occupational safety and health concerns – this includes concerns regarding day-to-day safety and near misses.
- Report safety events and concerns to relevant managers and supervisors.
- Ensure issues affecting you and/or other vulnerable workers are brought up and addressed at safety committee meetings.
- Seek support from safety representatives and/or Trade Unions at your company if you have occupational health and safety concerns.



Key Questions to Ask

- Are there vulnerable workers at my company?
 - Am I a vulnerable worker?
 - Am I working with and/or alongside vulnerable workers?
- What job or personal factors contribute to this vulnerability?
 - For me
 - For others in my workplace
- Are there appropriate prevention and protection practices in place for all workers (including vulnerable workers) at my company?
- Are prevention and protection practices being followed at my company?
 - By employees (including vulnerable workers)
 - By managers and supervisors
- What can I do to support vulnerable workers at my company?
- Who do I need to consult with?
 - Is it clear who I should consult with about occupational safety and health issues at my company?
 - Have issues relevant to vulnerable workers been brought to the attention of the Safety Committee and/or Occupational Health at my company?
 - Have issues relevant to vulnerable workers been brought to the attention of safety representatives and/or Trade Unions (if available) at my company?

Further Information & Resources

For further information, please see the HSA Website.



Contact our HelpDesk:

Email: contactus@hsa.ie

Phone: 0818 289 389

or visit: https://www.hsa.ie/eng/enterprise_and_employee_supports/



An tÚdarás Sláinte agus Sábháilteachta
Health and Safety Authority