

National Irish Safety Organisation

NISO Annual Health and Safety Conference and Awards Presentation

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President George Brett

The Health & Safety Authority's Annual Report 2006 and analysis of injury, illness and fatality statistics issued during this summer highlight that over 1.6 million workdays lost in 2005 were due to occupational injury and illness. This is a sobering thought for all owners and managers of business, and OSH professionals.

It is against this backdrop that this year's Annual NISO Conference in Killarney on 11th and 12th October 2007 will offer important insights into practical and effective approaches to managing workplace health and safety risks, across a wide range of industries.

The theme of the NISO conference, 'Is Your Business at Risk? – Protecting Your People and Your Assets', recognises that businesses today operate in an environment of increasingly complex and far-reaching health and safety requirements. Innovative and strategic perspectives are required more than ever to ensure that effective risk management and compliance are central to managing businesses successfully.

Running a successful business depends on managing these risks within a practical focus of getting the business done. I highly recommend this year's conference to members, as it brings together speakers with a wealth of knowledge and with the ability to apply this knowledge practically.

NISO Conference Tackles Health and Safety Business Risks

Entries to this year's 16th Annual Occupational Safety Awards are up 17% on last year and places at the Awards ceremony, to be held on the final evening of Conference, on Friday 12th October 2007, are already in hot demand. Ensure you book your place early.

Two key trends are revealed in the most recent HSA analysis. Firstly, injury rates in Irish workplaces have levelled out over the past number of years, neither improving nor dis-improving. Secondly, occupational illness rates in Irish workplaces show an overall increase.

This challenge is all the more urgent, when put in the context of the ambitious target set in the new 5-year EU strategy for safety and health at work, of reducing by 25% the total incidence rate of injuries and illnesses per 100,000 employees in the period 2007-2012. A particular focus of the new European strategy is on reducing occupational illness rates. This arises because of the disturbing finding of the recent Fourth European survey of working conditions that 35% of employees feel that their jobs puts their health at risk.

In this context, the new National Strategy, which seeks to broaden the focus from safety in the workplace to all round health and well-being, and expected to be launched by the HSA, is to be welcomed. Such national strategies are identified in the latest 5-year EU plan as vital to tackling rising trends in the rate of occupational illness.

This summer also saw the coming into law of the new General Application Regulations under the Safety, Health and Welfare Act 2005. The new Regulations include, in one text, virtually all of the specific safety and health laws which apply generally to all employments. NISO was early off the blocks, with a series of briefing seminars held during the summer months on the new Regulations across the Regional network. The briefing seminars were well attended by NISO members and indeed non-members. Feedback from those participating at the sessions was that the changes arising from the consolidation of the previous Regulations and secondary legislation, while subtle, were hugely beneficial overall. It is widely acknowledged as bringing greater clarity and reinforcement to the substantive requirements and prohibitions of the Regulations.

The European Week for Safety and Health at Work takes place from 22-26 October 2007 this year and focuses on backache and muscular pains. The campaign theme is, appropriately, 'Lighten the Load'. Some 25% of employees complain of backache and 23% report muscular pains, according to EU analysis. In support of this year's initiative, NISO is issuing a special resource pack to members. A key feature of the resource pack will be the provision of material to companies to assist them run internal quizzes on health and safety as part of the EU week.

Such quizzes help raise health and safety awareness in the workplace, reinforce health and safety standards and behaviours and are great fun for participating teams. Winners from each company partaking in the NISO EU week quiz will automatically go forward into their NISO Regional Health and Safety Quiz, set for later in the year. I would encourage all member companies to actively consider joining in this important campaign and organising an in-company quiz night. NISO is here to assist with getting you started. Visit www.niso.ie

Finally, as of the end of August this year, 43 people died as a result of accidents in Irish workplaces. Let this motivate, and challenge, each of us, each day, to manage our businesses safely.

Enjoy this issue and let us hear your views

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NISO CONFERENCE: protecting your people from risk

Long recognised as Ireland's premier annual health and safety event, the NISO conference will this year be addressed by a panel of business leaders, who will deliver what promises to be an information-packed and thought-provoking series of presentations, as they address the most important business issue of all: protecting people.

The highlight of the conference promises to be the presentations by Professor Peter McKie, chairman of the Health & Safety Executive Northern Ireland, former managing director of Du Pont UK and a member of a number of high profile company boards. Professor McKie, who is a renowned safety leader, will deliver a safety leadership master class workshop on the eve of the conference and on day of the conference he will deliver the keynote address on leadership in health and safety.

Speaking to the theme of the conference – Is Your Business at Risk? Protecting Your People and Your Assets – recently appointed HSA chief executive Martin O'Halloran will look ahead at the health and safety performance outlook for Irish organisations, while Helsinn Irish Operations General Manager, Padraid Somers, will explain why integrated safety management makes good business sense.

Solicitor Aisling Butler, who heads up the health and safety unit in one of Ireland's leading law firms, William Fry, and who chairs the Health & Safety Lawyers Association of Ireland, will speak about the practical application of the law. NISO chief executive Pierce Martin will present the NISO perspective on protecting people and assets.

Speaking after details of the conference programme were announced by the Minister for Labour Affairs, Billy Kelleher, T.D., Pierce Martin told NISO UPDATE that as economic conditions become tighter, the challenge is to ensure that health and safety is maintained as "a core competence" in the workplace.

If the business leaders provoke thought, the presentations by safety practitioners and business managers from the hotel/tourism, property management, financial services and local authority sectors will be packed with practical information. This information will be reinforced by a series of workshops on construction, farming and fishing. Among the speakers are some of the country's best known health and safety practitioners, including Sean Corrigan from Bank of Ireland and Daniel O'Connell of Laing O'Rourke Ireland.

For many delegates, the essential feature of the conference will be the eve of conference paper on the REACH Regulation, which will be presented by HSA assistant chief executive Sharon McGuinness.

With over 500 people expected to attend the conference, early booking is advisable. To reserve a place, visit the NISO website, <u>www.niso.ie</u>, click on the annual conference icon on the home page and book your place



Minister for Labour Affairs, Billy Kelleher, TD, pictured at the launch of NISO's annual conference on the new Mitchelstown bypass

Picture - Patrick Hogan/Provision

HSA chief executive warns on not reporting accidents

The HSA chief executive, Martin O'Halloran, has warned employers who fail to report accidents that that the Authority's inspectors will be "zeroing in" on them.

Speaking at the launch of the HSA's annual and statistical reports, O'Halloran said that from October 1st, inspection activity will be focused on targeting employers who fail to report accidents. The Authority has identified the agriculture and fishing sectors, the self-employed and smaller organisations as being particularly at fault in not reporting accidents. Specifically, the Authority singles out petrol stations and micro-enterprises in the wholesale/retail trades as ones that submit relatively few reports.

O'Halloran's warning came as the HSA published figures from the Central Statistics Office showing that 1.6m workdays are lost each year owing to occupational accidents and illnesses. While he welcomed the fall in fatalities – down from 74 in 2005 to 50 in 2006 – he said that the "other indicators are not as good".

The Authority's figures, which are set out in the Annual Report 2006 and the Summary of Injury, Illness and Fatality Statistics 2005/2006, show that 7,844 accidents were reported to the Authority in 2006, compared to the 23,900 three day plus absences from work reported to the CSO. In addition, 22,900 people told the CSO that they were out of work for more than three days because of an occupationally related-illness during 2006

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Boiler explosions: HSA safety alert

Following a hot-water boiler explosion, which occurred while a unit was being installed as part of a heating system, the HSA has issued a safety alert.

The Authority is stressing: the importance of proper isolation and lock-out procedures when commissioning or maintaining plant and the need to ensure that relief valve settings are appropriate for the application.

It also points out that such boilers are classed as work equipment by the General Application Regulations. Such equipment is subject to periodic inspection by a competent person. Also, regular checks need to be carried out in accordance with recommended maintenance procedures. Inspection records should be kept and be available for inspection by an inspector from the Authority for a period of five years. According to the Authority, an investigation of the explosion incident revealed it occurred because of a breakdown in communication, which led to the boiler being fired up whilst isolated from its safety devices, an incorrectly set safety valve and missing temperature controls.

The hot water boiler had a maximum operating pressure of six bar and a water capacity of approximately 1500 litres. Prior to the explosion, it was still under commissioning and had not been handed over to the building operator. The boiler was leaking and a representative of the mechanical contractor came to fix it. He isolated the unit from the system, removed the water temperature probes, as they were close to the source of the leak and left the job with the intention of returning later.

However, a person from another company who also had some jobs to complete on the boiler came and started it up, unaware of the actions that already had been taken. Afterwards it was found that the safety relief valve was not correctly adjusted, in that instead of opening at six bar, it operated at 17 bar.

The HSA advises that as a general rule there are a few points to bear in mind in relation to this type of work, where there is more than one person involved. Prior to a job starting, it is necessary to have in place an agreed scheme of communication between workers and/or contractors, with particular attention to isolations. Such a scheme should not depend on "word of mouth" Where there is plant capable of being operated but is unsafe for operation, the power should be isolated and



information provided to potential users. Padlocks may be necessary to prevent accidental start-ups.

In some situations, where systems are complex and hazards are high, formal permit to work systems are appropriate. Safety relief valves received on site should be checked against the job specification before being put into use

Chemical Agents Code of Practice 2007 published

The *Chemical Agents Code of Practice 2007*, which came into force on August 27th, replaces the 2002 Code.

The Code, which is published by the HSA, provides practical guidance on compliance with the Chemical Agents Regulations (SI 619/01)

It incorporates the provisions of Directive 2006/15/EC, which set out a second set of occupational exposure limit values. As part of

the revision of the Code, a CAS number index has been added for all substances included in the Code. Also, substances which have been assigned an indicative occupational exposure limit value from Directive 2000/39/EC are now indicated in the notes column in schedule 1.

The Authority has given notice that it intends to review the Code in 2009 and to assist that review, the third schedule to the Code includes a list of chemical agents, which are under review by international groups. The Chemical Agents Code of Practice 2007 has been published on the Authority's website, www.hsa.ie. It is also available in hard copy for €10. To order, go to 'publications' on the website and follow the links ■



Manual handling case studies

The HSA has published a series of nine manual handling case studies and videos.

The studies and videos, which can be accessed and downloaded from the home page of the Authority's website, www.hsa.ie, deal with a range of manual handing tasks, from barrel handling through meat packing to handling of reels. Their aim is to provide risk assessment guidance and to illustrate how the risk assessment process can be applied at the workplace to review existing systems of work, identify risk factors and develop new systems of work.

The film clips graphically illustrate the difference between bad practice, shown first, and then good practice

Robert Roe appointed HSA ACE



One of the best known HSA inspectors, Robert Roe, has been

appointed an assistant chief executive at the Authority.

Roe, who joined the Authority in 1994 as an inspector, has been appointed assistant chief executive of corporate services. In that role,

Roe, who succeeds the recently-appointed chief executive Martin O'Halloran, will have managerial responsibility for finance, human resources, statistics/research, information/communications technology, and the strategic planning and evaluation functions in the Authority.

Before joining the Authority, Roe, who is a civil engineer by profession, worked in Canada on railway projects for eight years. Roe was appointed last week, following a competition open to both internal and external applicants

REACH: HSA seminars

The HSA will be holding a series of REACH seminars at venues throughout the country during September and October.

The seminars are designed, as the seminar title *Get Ready for REACH* suggests, to help businesses to prepare for the REACH Regulation. These came into force in June, but will in reality become effective in June 2008. It has been estimated that as many as 36,000 Irish businesses will be affected by REACH. Those attending the seminars will hear from the HSA's REACH experts. They will learn how REACH will impact on their businesses, be they a chemicals producer or a downstream user.

Seminars will be held in Cork on September 26th and in Sligo (October 2nd), Athlone (October 4th), Limerick (October 11th), Dundalk (October 16th), Waterford (October 18th), and Dublin West on October 24th. For details contact Geraldine Nolan, email <u>geraldine_nolan@hsa.ie</u>

Britain adopts Corporate Manslaughter law

The new British Corporate Manslaughter and Corporate Homicide Act 2007 will come into force in April 2008.

The Act will be known as the Corporate Homicide Act in Scotland and as the Corporate Manslaughter Act in Northern Ireland, England and Wales. Because the Act applies to Northern Ireland, organisations working in the North will need to be aware that the Act applies to them, even if they are based in the Republic of Ireland.

The legislation decrees that an organisation will be guilty of the offence of corporate manslaughter if the way its activities are managed amounts to a gross breach of a relevant duty of care which causes a person's death.

The Act provides that an organisation will be guilty of an offence if the way in which its activities are managed or organised causes a person's death and amounts to a gross breach of a relevant duty of care owed by the organisation to the deceased. A breach of a duty of care will be deemed to be a gross breach if the conduct alleged amounts to a breach that falls below what can reasonably be expected of an organisation in the circumstances.

A relevant duty of care means any of the duties owed under the law of negligence to its employees or to other persons working for the organisation or providing services to it. It also means the duty owed as an occupier of a premises and duties owed in connection with the supply of goods and services, the carrying on of construction work or maintenance operations and the use of any plant or vehicle.

An organisation will only be guilty of an offence if the way its activities are managed or organised by its senior management is a substantial element in causing the death of a person and amounts to a gross breach of a relevant duty. Senior management is defined as meaning persons who play significant roles in making decisions about the whole or substantial parts of the way an organisation's activities are managed or organised, or the actual managing or organising of the whole or a substantial part of those activities.

An organisation which is convicted of an offence is liable to an unlimited fine



HSA launches education initiative

The HSA last month launched a new module in workplace health and safety for students.

The new module, aimed at Transition Year, Leaving Cert Applied and Leaving Cert Vocational Programme students, will be piloted in the South East and Western regions during the coming school term.

During August, co-ordinators of the pilot project from five centres, together with others from the education sector involved in delivery of the programme, attended a training day run by the Health and Safety Authority in Kilkenny. At the training day, the new student workbook, entitled 'Choose Safety' was unveiled, along with an accompanying teachers' handbook and a DVD.

Jim Lyons, the Chairman of the Health and Safety Authority, said, "Incorporating health and safety education at second level is a key goal of the HSA. The initiative, which we are rolling out today, has the potential to make a huge difference so that our next generation enjoys a safe and healthy working life. This initiative couldn't have been achieved without the wholehearted support of our partners in the education sector and we look forward to developing this programme in partnership with them over the coming months. The 'Choose Safety' workbook is interactive and engaging. Not only does it impart vital information, it encourages students to think about issues such as bullying, risk assessment and communications and provides a range of individual and group exercises to enhance the learning experience.

Mary Dorgan, Assistant Chief Executive of the HSA, stated, "The health and safety workbook for students is a great resource. It has been developed in consultation with the education sector. The HSA is excited about the piloting of the programme in the South East and West over the coming months and in particular, we look forward to the feedback from both students and teachers on the health and safety module."

Energy regulator to set safety standards

The energy regulator, the Commission for Energy Regulation, has launched two consultation papers setting out proposals for achieving high safety standards amongst electrical contractors and natural gas installers.

On gas installers, the Commission is proposing to establish an independent Gas Safety Supervisory Body, which will oversee the actions of gas installers on a day to day basis. Gas installers will be expected to hold appropriate qualifications and insurance and complete a competence assessment every five years.

In relation to electrical contractors, the Commission is planning to implement a new system for regulating the electrical contracting industry.

While the scope of the Commission's proposals range across the entire field of safety relating to natural gas installation and electrical contractors operations, the Commission's consultation documents specify that one of the maters to be considered are responsibilities under the Safety, Health and Welfare at Work Act 2005 and other relevant safety regulations

Prison officers concerned about safety

An employee opinion survey of work conditions in the Prison Service reveals that prison officers are concerned about health and safety.

The survey, which was commissioned by the Prison Officers Association and carried out by Professor Patrick Gunnigle and Christina Cross of the University of Limerick, found that:

- 85.9% of prison officers believe the Service provides them with insufficient support to ensure their safety at work
- 66% of prison officers are dissatisfied with their physical working conditions
- 65.5% report that they feel unsafe when interacting with service users as part of their job
- 42.8% report encountering physically challenging behaviour on a weekly or daily

basis, while 61.2% reported experiencing verbally challenging behaviour

• 60% of prison officers are unhappy with the Service's work-life balance arrangements.

The report's authors also identify stress as an issue amongst prison officers, with 55.8% reporting feelings of anxiety. Qualitative comments quoted suggest the Prison Service management do not want to admit that stress is an issue.



NEWSFLASH!

At the September meeting of the NISO Executive, George Brett was selected as president of NISO and Jim Jeffers was elected to be vice-president.



Shannon tunnel: cutting edge trench support

The decision by Roadbridge to use Groundforce's MP250 struts for temporary trench support during excavation work for the Limerick Shannon tunnel project is a prime example of cutting edge construction technology being used to ensure safety.

Work on the Shannon tunnel at Limerick, which is part of the €570m southern ring road around Limerick, commenced last December. The tunnel project comprises ten kilometres of dual carriageway and the 900 metres of the tunnel. When the project is completed in 2010, it is expected that 40,000 fewer vehicles will use the streets of Limerick every day.

The tunnel is one of the most complex engineering projects ever undertaken in the mid-west. Roadbridge, who are part of the Direct Route consortium responsible for the project, were faced with extremely poor ground conditions, which might be expected on the banks of a river soft with alluvial soils.

To overcome the safety challenges posed by the soil conditions, Roadbridge, who won the NISO Supreme Safety Award in 2005, teamed up with Groundforce Shorco, one of the UK's leading suppliers of trenching and shoring equipment to the construction industry.

Roadbridge decided to use the Groundforce MP250 hydraulically operated struts for temporary trench support during the excavation of the casting basin. The casting basin is approximately 555 metres long, 32.5 metres wide and ten metres deep. It will be used for the construction of the six tunnel units which will later be floated out into the river to form the tunnel. Sixty percent of the casting basin was excavated in extremely bad ground: the soft alluvial soil.

This required driving sheet piles to depths of up to twenty metres. The propping of these sheet piles during the excavation sequence would require complicated and extensive planning and design. The use of the Groundforce MP250 prop allowed Roadbridge to replace a lot of complicated and obstructive temporary propping.

A number of the props were used in a rolling sequence until the permanent base prop could be installed at -10m. The props were backed up by site-specific design calculations by Groundforce's Technical Services Department, taking into consideration local ground conditions from site investigation.

'IMMENSE' CASTING BASIN

For Groundforce the key challenges in the construction of the casting basin for the huge tunnel segments all stemmed from its immense size. The basin has to accommodate five tunnel elements at once. To complicate matters, the ground conditions are very poor, as might be expected on the banks of a river with soft alluvial soils to a depth of up to 20 metres below original ground level. The construction sequence starts with the piles being driven down to firm strata and a row of raking ground anchors installed at between two and a half metres and three metres below original ground level. The cofferdam is then excavated to approximately six metres below ground level to allow a fabricated steel walling beam to be welded inside the piles' walls. The 34 metre long Super MP250 struts are then lifted into position by cranes and hydraulically pressurised between the walling beams.

Excavation then continues to formation level, typically nine metres deep, where the alluvium gives way to a more competent gravel material. As the excavation reaches full depth, permanent steel and concrete composite Ubeams are dropped into the basin to carry the lateral loads. The Super MP250 struts can then be lifted out and moved onto the next section to be excavated.

The use of the MP250 struts has helped to speed up work on the tunnel and has been an aid in ensuring safe construction



Limerick Shannon Tunnel: Groundforce MP250 struts - temporary trench support

New General Application Regulations 2007

Having waited several years for the new General Application Regulations, health and safety practitioners have broadly welcomed them as they include, in one text, virtually all of the specific safety and health laws which apply generally to all employments. Mary Darlington highlights the new provisions in the Regulations.

The text is designed to be user-friendly and to assist those making reference to safety and health regulations, by having most of the general safety provisions in one document. The Regulations were signed by the outgoing Minister for Labour Affairs, Tony Killeen T.D., on 14th June, with an implementation date of 1st November 2007.

The new Regulations replace and largely repeal the 1993 General Application Regulations and also replace a wide list of secondary health and safety legislation, as well as re-transposing a number of EU Directives.

Interestingly, some of the most recent regulations signed only last year have been included and they are: Noise Regulations, Vibration Regulations and Working at Height Regulations. The Construction Regulations 2006 have been kept separate, which makes sense, as they are so vast in themselves.

On a first read, the Regulations appear user-friendly and are set out in an accessible way. Comparing them to the 1993 Regulations, which they largely replace, the number of Schedules have been reduced from 12 (in 1993 Regulations) to 10 (in 2007 Regulations). In some cases, previous Schedule information has been incorporated into the text and in other cases, the Schedules have been listed at the back. Much of the guidance on 1993 Regulations has been included in the full text.

As a practitioner reading them for the first time, one wonders just what substantive changes there are and the changes only become apparent on a second, third or fourth reading, when one compares the 1993 Regulations text to the 2007 Regulations text, line by line. In this article I will attempt to point out the changes as I can identify them. I may have missed some and readers may wish to take me to task on that and I welcome feedback on that basis.

The Health & Safety Authority has indicated that they will produce detailed guidance before the implementation date of 1st November 2007 and all practitioners will welcome such guidance. This is now stated policy, as confirmed by Martin O'Halloran, CEO, Health and Safety Authority in his interview recently with Health and Safety Times.



The Safety, Health and Welfare at Work (General Application) Regulations 2007





Part 2

CHAPTER 1 - WORKPLACE

Regulation 4 -Place of Work

4 (b) includes the term "temporary or mobile sites" for the first time as a type of place of work. This obviously comes from the Temporary or Mobile Sites directive, which form the basis of our Construction Regulations.

Regulation 7 – Room Temperature

7 (b) includes the minimum temperature of 17.5 degrees for sedentary work, again this had been in the previous guidance. Within the old guidance there was a recommendation of a minimum temperature of 10 degrees for manual work – this has not been included in the new text.

Regulation 12 – Emergency routes and exits

This section is entirely new and takes chunks from Fire Services Acts 1981 and 2003 and other relevant legislation. I am delighted that these provisions have been included, because for many years Fire and Emergency Planning was almost seen as on the periphery of what HSA regulated, leaving these areas mainly to Local Authority Fire Officers. As a practitioner I always included Fire Prevention and Emergency arrangements in all Management Training, Safety Audits and Safety Statements, but I think there were some who did not.

Regulation 13 -

Fire detection and fire fighting

Equally this section is new and I welcome it in the same way as the section above.

Regulation 16 – Loading bays and ramps

In the light of the fatalities and injuries occurring in the transport area, I feel it is timely that specific regulations were stipulated here. The new addition here is in (d), where it requires "loading bays longer than the width of 5 vehicles, to have an exit point at each end etc".

Regulation 18 – General welfare requirements

18 (c) here mentions " reasonable opportunities for sitting", which is new. This goes back to the days when Eithne Fitzgerald was Minister for Labour Affairs, when I was a Board member of HSA, when she requested that a study be carried out on sitting opportunities for employees within the retail sector.

Regulation 19 – Rest rooms and rest areas

This section used to mention protecting nonsmoking employees from smoking but this reference, quite naturally, has been removed, as workplaces are now non-smoking zones.

Regulation 20 – Sanitary and washing facilities

Again the details here, now included in the Regulations, have been taken from 1993 guidance.

Regulation 22 –

Accommodation areas at a place of work

This section is entirely new and spells out the basic hygiene requirements needed to satisfy this regulation when supplying accommodation to workers. It is regrettable that in 2007 we need to be this specific about the basic requirements for those unscrupulous employers who, without it, would exploit their workers.

Regulation 25 – Employees with disabilities

The details contained here were mentioned in previous regulations but have been expanded here, to include: doors, passageways, staircases, showers, washbasins, lavatories and workstations used by them.

Regulation 26 – Agreements as to premises used as a place of work

This section deals with the breakdown in agreements between landlords and tenants who rent or lease premises to use as workplaces and is to be welcomed. I am aware, as I know many practitioners are, of situations where bad landlords simply do not provide a safe building in terms of its structure, for example electrics and floors. Where, in the past, tenants had nowhere to go to get remedy.

CHAPTER 2 – USE OF WORK EQUIPMENT

Regulation 27 – Interpretation

This section now includes lifting equipment, hoists and lifts and accessories, as the HSA took the view that lifting equipment, previously dealt with separately, should be blended into the general Work Equipment chapter. In this connection, some of the definitions are new to this section but have been taken from previous regulations dealing specifically with lifting equipment.

The following Regulations Nos: 28, 29, 30 and 31 re-enact what was legislated for before.

Regulation 32 – Control devices

32 (h) includes a new clause "and are chosen making appropriate allowances for the failures, faults and constraints to be expected in the planned circumstances of use". This links very well to the concept of "what is foreseeable is manageable".

Regulations 33 to 58 are re-enacting old legislation with some subtle changes.

Regulation 39 – Fork-lift trucks

This ties in with the Code of Practice on Forklifts, which was introduced in January 2001 and is almost identical in wording to Requirement 27 dealing with overturning risks taken from Extract 4.

Fifth Schedule [As amended from 2 May, 2001, by S.I. No. 188 of 2001] (Regulation 20) - Requirements for Work Equipment.

Regulation 59 – Duty of persons who hire lifting equipment to others

This is entirely new and is to be welcomed. Many practitioners in the field are aware of unsuitable - even unsafe - lifting and other equipment being hired out to unsuspecting users. In many cases, no questions are asked about the competence of those hiring the equipment in erecting or using it. In other cases, I am aware that no checks are made about the hirer's access to relevant personal protective equipment, where it is essential that it be worn.

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Regulation 60 -

Duty of the master of a ship in respect of examination of lifting equipment

This is new and removes any ambiguity about who has what responsibilities.

Regulation 61 -

Duty of the owner of a fishing vessel in respect of examination of lifting equipment

This is also new and clarifies who has this responsibility. Fishing remains one of the most dangerous occupations in Ireland today and we have had a 10 fatalities so far this year (as at 2nd September 2007), so any regulation which clarifies responsibilities and provides guidance for owners is positive.

CHAPTER 3 – PERSONAL PROTECTIVE EQUIPMENT

Regulation 67 -

Information, training and instruction

67 (c) introduces a new requirement to "inform the employee of the level of protection afforded by the personal protective equipment provided for his or her use". This would be best practice anyway, but it is very useful to have it so clearly stated.

CHAPTER 4 – MANUAL HANDLING OF LOADS

Regulation 69 – Duties of an employer

Almost all of this is already familiar to us from previous regulations and guidance, but certain clauses are new:

69 (c) (ii) which refers to "particularly sensitive groups" and requires them to be protected against dangers which specifically affect them. Sensitive groups would include: young persons (who lack experience); those with a disability; pregnant or nursing women; and those with a known medical condition which impacts on their ability to carry out manual handling tasks.

69 (c) (iii) requires employers to "take his or her capabilities into account".

69 (c) (iv) requires employers to take account of appropriate risk factors set out in Schedule 3 when carrying out health surveillance.

These new requirements add to the already extensive factors to be considered when carrying out risk assessments of manual handling tasks and those performing them. It is not unexpected, when we look at the statistics on manual handling related accidents reported to HSA during 2006, where they constituted 34.4% of all reported accidents.

From the European Agency website we learn that one in four workers reported suffering from back pain in 2005, and a smaller number complained of muscular pains. Musculoskeletal disorders (MSDs) remain the most common of all reported work-related health problems in the EU15 (53%).

CHAPTER 5 – DISPLAY SCREEN EQUIPMENT

Regulation 70 – Interpretation

This has been updated and references to "diskette, telephone, modem etc." have been removed and replaced with "optional accessories and peripherals".

Regulation 72 – Duties of employer

This brings a few new concepts into the Regulations, namely:

72 (1) (a) "ensure that the general use of the equipment is not a source of risk for the employee"

72 (1) (b) which adds at the end "on the basis of that evaluation, take appropriate measures to remedy any risks found". This ties in with Part 3 – Protective and Preventive Measures, Section 19 (4) of Safety, Health and Welfare at Work Act, which requires employers to take steps to implement any improvement considered necessary on issues arising from risk assessments. 72 (1) (f) which requires employers to "perform a further analysis of the workstation where an employee (i) transfers to a new workstation or (ii) significant new work equipment, change of equipment or new technology is introduced". This could create problems where several employees share a workstation as in "hot-desking".

Part 3

ELECTRICITY

Regulation 74 -Interpretation for Part 3

Some definitions have been added to and there are some new ones – "overhead line" has had "voltage exceeding 80 volts to earth" added.

Definitions of "switch room" and "underground cable" are new and are important.

Regulation 75 – Application of Part 3

75 (1) the word "design" has been added here.

75 (10 (a) is new and refers to " an electrical installation or part of an electrical installation in a place of work".

Regulation 76 – Suitability of electrical equipment and installations

76 (a) includes (i) "designed".

76 (b) refers to all electrical equipment and installations to be suitably protected from moisture, particles, foreseeable impacts.

Regulation 77 -

Adverse or hazardous environments

77 (d) is new and outlines what an explosive atmosphere is, "including any mixture of air and a flammable substance in the form of gas, vapour, mist or dust". It continues on at the bottom of the paragraph to add new words, including "maintained and modified".

Regulation 78 – Identification and marking

78 (b) referring to "equipment to display the maker's name and all ratings" is new78 (c) referring to all electrical circuits being

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suitably identified at their source, to allow for safe de-energisation and isolation, is new also.

Regulation 80 -

Protection against electric shock in fault conditions

80 (b) is new and refers to precautions being taken to prevent the transmission of dangerous voltage levels in the installation, caused by a fault upstream of the protective device and

80 (c) is also new and refers to all electrical circuits supplying (i) electric water heating devices and (ii) electrically heated showers and (iii) pumps for electrically operated showers are protected by a RCD having a tripping current not exceeding 30 milliamperes operating within such a period of time so as to provide protection to any persons coming into direct or indirect contact with any live part of the circuit.

Regulation 81 – Portable equipment

81 (1) (a) also refers to circuits being protected by a RCD having a tripping current not exceeding 30 milliamperes operating within such a period of time so as to provide protection to any persons coming into direct or indirect contact with any live part of the circuit.

Almost all of the rest of Regulation 81 is new, with technical differences written into 81 (c) (i) and (ii).

Regulation 82 – Connections and Cables is entirely new.

Regulation 84 – Auxiliary generator and battery supply is entirely new.

Regulation 86 – Precautions for work on electrical equipment

86 (1) (b) is new and refers to work being made dead before work is carried out on it.

86 (2) is entirely new and refers to issues such as suitability, maintenance and proper use.

Regulation 87 –

Working space, access and lighting

87 (b) is new and refers to emergency lighting to be fitted in all switchrooms, so there is light in the event of a loss of electrical supply.

Regulation 89 – Testing and inspection

89 (c) is new and refers to the advice of an inspector or competent person re further testing is acted upon

89 (d) refers to rectifying all defects found during testing and inspection.

Regulation 91 -

Substation and main switch room The concept of a main switchroom is new in

itself in these regulations.

Regulation 93 -Overhead lines and underground cables

93 (a) is not entirely new – the new word included here is "connected". All of the rest of this Regulation is new and correctly reflects the real concern that the HSA - and I am sure the ESB - have about the identification, enclosure and protection of underground cables against accidental excavation or cutting by powered equipment.

93 (3) requires the owner of a new or known underground cable to determine the position of it and record that position on a plan. This is very similar to the idea of a safety file for a building which is prepared by PSDP with help from others and is held by the client when the project is finished.

Part 4

WORK AT HEIGHT

The new Regulations reprint the Work at Height Regulations 2006 in their entirety, with one new requirement regarding scaffolding at Regulation 107.

Regulation 107 – Scaffolding, additional requirements

107 (a) now requires employers to ensure that every scaffold - and every part of it - is of good design and construction, composed of suitable and sound material and is of adequate strength for the purpose for which it is used or intended to be used.

This may have an impact on the quality and type of scaffolding currently being hired by companies as, in some cases, what is hired is not of good design and is not ultimately suitable for the work involved. This neatly links back to Regulation 59.

Part 5

PHYSICAL AGENTS

CHAPTER 1 – CONTROL OF NOISE AT WORK

No real changes here

CHAPTER 2 – CONTROL OF VIBRATION AT WORK

No real changes here

Part 6

SENSITIVE RISK GROUPS

CHAPTER 1 – PROTECTION OF CHILDREN AND YOUNG PERSONS

No real changes here

Chapter 2 – Protection of Pregnant, Post Natal and Breastfeeding Employees

Regulation 147 -

introduces a new definition of Post Natal employee, who is a woman who has given birth not more than 14 weeks preceding a material date.

Regulation 148 -

This removes the protection normally given to Defence Forces with regard to many health and safety provisions, so basically women within the Defence Forces who become pregnant are covered by these Regulations in full.





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Regulation 149 -

(a) (i), (ii) and (iii) adds in the concepts of "nature, degree and duration of any employee's exposure to any agent, process or working condition" that may pose a risk to a pregnant, postnatal or breastfeeding woman.

Part 7 CHAPTER 1 – SAFETY SIGNS

These regulations move to completely eliminate signs containing words, insisting instead that they are purely visual. Many companies have already moved in this direction, replacing old "EXIT" signs with the relevant "Running Green Man", yet there are many examples of where this has not yet taken place. There are some significant "pockets of ignorance" out there about the need for signs to be above language, so there is more work to do.

Regulation 158 – Interpretation for Chapter 1

158 defines "signboards" for the first time and clearly requires them only to contain geometric shapes, colours and symbols but no words.

Regulation 160 – Provision of safety signs

160 (2) covers the issue that if a signboard does not meet the definition in Regulation 158, and contains words, then it may be left until 1st January 2011.

Regulation 162 –

Prohibition of unauthorised information on signs

This states that signs under this Chapter do not include information other than that authorised by the Chapter.

CHAPTER 2 – FIRST AID

Regulation 163 (b)

provides us with a new definition of a First Aider, as someone trained and qualified in first aid. This is slightly different to the old 1993 definition, which required someone to be trained and certified within the last 3 years by a recognised, approved first aid instructor. It is not clear if the guidance due before 1st November will clarify the "3 year rule" – we will have to wait and see.

Regulation 165 – Application of Chapter 2

165 (1) (d) (ii) now requires that the names, addresses and telephone numbers of the local emergency services are clearly displayed at each place of work.

165 (2) deals with instances when a designated first aider is not present in a workplace and states that it will be sufficient if the employer designates someone to take charge of the injured or ill person. This could be someone who is not trained in first aid who ultimately relies on a doctor or ambulance paramedic to come to their assistance.

Part 8

Explosive Atmospheres at Places of Work

This is more or less unchanged from the previous regulations, except for Regulation 169.

Regulation 169 – Assessment of explosion risk and explosion protection document

This requires the employer to include the document or make reference to it in the Safety Statement, having carried out an assessment in accordance with this Regulation.

SCHEDULES

Overall, there are small changes to some of the schedules as follows:

Schedule 2 – Personal Protective Equipment – Part A - Section 2

This includes a new section dealing with "Safety shoes fitted with toecaps", and states that they are required where there is a risk of impact on or crushing of the foot etc.

Schedule 2 –

Personal Protective Equipment Part B – Section 5 – Hand and Arm Protection Now includes Protective gloves.

Schedule 3 -

Risk Factors for Manual Handling of Loads - Section 3 - Characteristics of the working environment

This elaborates quite extensively on issues like: not enough room, uneven floors, loads cannot be handled at a safe height or with good posture, variations in floor levels, floor or footrest is unstable or temperature, humidity or ventilation is unsuitable.

Schedule 7 -

Protection of Children & Young Persons – Section 3 (ii) – Chemical Agents

This now lists specific Risk Phrases that may be used to describe or classify certain chemical agents.

Overall, the Regulations are comprehensive, specific and relatively easy to read. They are a welcome addition to the Health and Safety Practitioner's information tool kit. We look forward to reading the guidance when it is published on or before 1st November 2007

Mary Darlington B.Sc Occ. S&H, CFIOSH, FCIPD is an associate of NISO. www.niso.ie Email: info@niso.ie



The Safety, Health and Welfare at Work (General Application) Regulations 2007





It could fairly be said of Mary Keane-Broderick that she epitomises the spirit of NISO. A past president of the Organisation, Mary is now back in the Southern Region, where her NISO roots lie, working hard in preparing for this year's annual conference in Killarney.

As she spoke to *NISO Update* about the forthcoming conference, the role of NISO in promoting workplace safety, the safety issues of the day - and recalled how she became involved with NISO - Mary Keane-Broderick's words epitomise what NISO is about: it is a voluntary organisation.

THE SOUTHERN REGION AT WORK

NISO is the reason that Mary - who now works with the County Cork based but nationally active consultancy Health & Safety Services Training & Consultancy Ltd. became involved in health and safety. As she puts it, "I started my health and safety career in the quiz". That was way back in the 1980s, when she was working with Klinge Pharma in Killorglin, Co. Kerry.

Over 20 years on, Mary is still as keen a supporter of NISO's national health and safety quiz as ever. Looking forward to next year's quiz, the finals of which will be held in April, she says: "I would love to see more small companies taking part." She adds that since the quiz rules now allow individuals from different companies to form teams, it is easier for small companies to enter.

But top of the agenda at the moment for Mary and her colleagues on the Southern Region Committee is the annual conference and NISO/NISG awards, which will be held in

Mary Keane-Broderick on the NISO spirit

Killarney in October (*for details see page16*). Mary is chairing the Region's conference sub-committee.

While NISO head office and the national executive play the major role in organising the conference, the regional organisation's role is to ensure enough voluntary members are there on the ground for the event to run smoothly. Mary says that the early bookings are good. Over 500 people are expected to attend the conference.

As she speaks about the conference, the strength of NISO's voluntary nature shines through. She explains that NISO is a voluntary organisation and "we all have our own jobs".

NISO is a great forum to meet people. If you are interested in health and safety and want to learn or need help in solving problems, you will meet "people who will bring you along".

The other big item on the Southern Region committee's agenda at the moment is organising the Foundation Certificate courses. As Mary spoke, the committee was busy organising courses in Cork and Tralee.

The other way that NISO at regional level serves its members interests is by organising seminars. The two most recent seminars were presented by central office, with strong local support. The Work at Heights seminar was, she says, "very well attended", while the recent General Application Regulations seminar "went very well".

NISO is, she says, "a great forum to meet people". If you are interested in health and safety and want to learn or need help in solving problems, you will meet "people who will bring you along".

NATIONAL ISSUES

At the national level NISO has, Mary says, "a big role to play in promoting health and safety". Re-echoing a view she expressed when she was president of NISO, she says the HSA and NISO should work more closely together. Then she advocated that the HSA should make greater use of NISO, with its unique regional structure, in promoting the safety message.

Turning her attention to policy and practical matters, Mary raises three issues:

- the new General Applications Regulations
- the Work at Height Regulations and
- manual handling training.

We need the guidance to see the "nitty gritty" of the General Application Regulations (the HSA will publish guidance before the Regulations come into force). Manual handling training is, she says, "a must for every company".

But when she speaks about the Work at Height Regulations, the listener can sense a degree of anger as she says, "I have strong feelings about the Work at Height Regulations". She makes it clear that as far as the small companies with whom she works are concerned, these Regulations (which are based on the Work at Heights Directive) were drafted with big companies in mind.

As an example, she says she is aware of situations where the HSA have issued Improvement Notices for work on trestles at 300mm from the ground that did not have a hand rail – this despite the fact that a risk assessment for the work involved had been carried out. Where is the "reasonably practicable" aspect to this?

Implementing the Work at Height Regulations is a big cost for small companies, she says, adding, "smaller companies are badly hit". For the safety practitioner, it can, she says, it can be hard to get the message across to small businesses, which often see work at height as a construction issue

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Answers to Questions

Since the NISO INFORMATION SERVICE was launched a year ago, health and safety advisor Mary Darlington has answered hundreds of queries from members. In this issue NISO UPDATE publishes a selection of questions and answers from the HELPLINE files.

Question

I am the manager of a not for profit project, providing services to young people who may have been involved in petty crime. We provide a range of services in the social and educational area for these young people Monday to Friday. While I am fully aware of my health and safety responsibilities as the manager of the centre, I am not at all sure what responsibilities and liabilities the board of management have. They formulate policies and allocate resources to me and my staff but they are all voluntary.

Answer

Whether they are voluntary or paid, your board of management have legal and moral responsibilities with regard to health and safety within your project, as they are:

- Determining policies within your centre
- Allocating resources (including budgets and staff)
- Directing you and other staff on operational matters

They should be briefed fully about their legal obligations as employers under the Safety, Health & Welfare at Work Act 2005. This briefing could be delivered by yourself, if you feel comfortable, or an external consultant.

They have a legal obligation to prepare or have prepared a detailed safety statement for the project, to include policy, roles and responsibilities, preventive and protective measures, arrangements for health and safety, risk assessments, emergency plan etc. They should be familiar with its contents and ultimately your chairperson should sign off on it. Whichever member of the board of management directs you should be fully briefed about their duties as an employer and how they can provide you with direction, resources and ultimately support. Ideally, you should include health and safety in your weekly/monthly report to the board, so they are kept fully up to date on what is going on.

Question

I have some trainee chefs in my commercial kitchen who use knives in the course of their work, preparing food. They cut themselves regularly and up to last week all the cuts were minor but then one of them seriously injured himself and has received six stitches and is off work. We cannot eliminate the use of knives, so what can we do to reduce injuries?

Answer

Knives by their very nature are dangerous, but they can be used and managed like any other hand tool.

Analyse the types of accidents you are having and look at the root causes – some of which I have included below. Discuss the accidents with those injured and other employees to get their ideas about how these injuries might be reduced and/or eliminated. Some key tips regarding knives include:

- 1. Have the right type of knife for the job
- 2. Buy the best quality your budget can afford
- Keep knives sharp (the sharper they are the easier they cut the product without glancing off)
- 4. Ensure that you have enough knives for those who need them
- Safe storage for both clean and dirty knives

 don't store knives in drawers, when they
 bang together they damage each other and

someone reaching into the drawer is guaranteed to touch off a blade, use magnetic strips for clean knives and open drawers for dirty ones – never put dirty knives into a filled sink, wash them individually, even putting them in the dishwasher can be dangerous as they can move during the washing cycle and someone putting their hand in can touch off a blade.

- 6. Provide specific training (specifically during induction of new staff)
 - Always cut away from you or know where the point of the blade is facing
 - If you drop a knife let if fall do not attempt to catch it
 - Never put a knife down on a worktop and then allow it to be covered with a tea towel or something else. It cannot be seen and injuries have occurred when tea towels are lifted up
- Consult with employees on the type of knives they find suitable for various uses
- 8. Reinforce correct use of knives
- 9. Consider using anti-slash gloves
- Consider the working environment (elimination of slippery floors, employees bumping into each other, enough space for each employee)
- 11. Provide first aid

Question

One of my staff is pregnant and I have carried out a basic Pregnancy Risk Assessment on her job and having made some minor changes, I believe it is safe for her to continue to work until her maternity leave begins in about 5 months time. However, she is suffering with severe morning sickness and constant backache and is almost unable to work. Does sending her home on health and safety leave apply in this case?



Answer

We need to be clear in this case about which of the following applies:

- 1. Is the work affecting the pregnancy? or
- 2. Is the pregnancy affecting the work?

If the first of these situations applies and as a result of carrying out your Pregnancy Risk Assessment you have identified some aspects of her work that make it impossible for her to continue - and you have genuinely exhausted all other options about finding her safe alternative work – then Health and Safety Leave may apply.

If the second situation applies - and I believe it does in this case - then this lady is simply unfit for work due to her pregnancy and should be certified as unfit by her doctor and should then qualify for whatever sick pay entitlement your company provides. Health and safety leave does not apply.

> Date for nour

Question

We are planning some small scale maintenance work next month and this will involve the contractor using drills, creating noise, generating dust and having his employees and his tools on our site for about two days. What health and safety issues arise? What should I be doing as the Supervisor in the area to protect my own employees from the work of the contractor?

Answer

The planning for this small project should have started when the contactor was being considered for the work at the tender stage. If this is not already done, then you should liaise with your engineering manager to clarify if the contractor has produced his safety statement and a specific method statement.

The method statement will outline for you just how he intends to do the job, step by step with health and safety, hopefully thought about during each step. It will outline how long it is going to take, what tools or equipment he intends to bring on site, how many employees he intends to bring on to the site, what issues arise, such as noise, dust, fumes, rubble, waste etc. Once you have seen the method statement, then you will be in a much better position to consider how this small project will impact on your own employees. For instance, if there is going to be noise and dust, you might decide to shut down one section of your department to give the contractor full access and move your own employees to a quieter, dust-free area. You may insist that he seals off the area he is going to work in with a wall of plastic, to keep the dust in.

In all cases you should insist that he work safely (so hearing protection and dust masks should be worn by his employees) and that he poses no threat to your employees. Equally, if you cordon off the area where he is working, then your employees should not go in there and pose a threat to him either.

As part of his contract, he should be required to take away all of the waste he generates in his own skip and he should be required to comprehensively tidy up the work area when he is completely finished

NISO Annual Conference & Safety Awards Presentation

The Malton Hotel, Killarney;

11 - 12 October 2007

Venue: The Malton Hotel (formerly the Great Southern Hotel),

Killarney, Co Kerry

Contact: Ph: 01-4659760 Email: info@niso.ie



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NATIONAL IRISH SAFETY ORGANISATION - UPCOMING EVENTS - www.niso.ie

NISO Annual Conference & Safety Awards Presentation

The Malton Hotel, Killarney; 11 – 12 October 2007 Venue: The Malton Hotel (formerly the Great Southern Hotel, Killarney), Killarney, Co Kerry Contact: Ph: 01 4659760 Email: <u>info@niso.ie</u>

Basic Manual Handling Course

(4 Hour Course) Dublin, 20th September 2007 Dublin, 30th October 2007 Dublin, 27th November2007 Venue: NISO Training Centre, A11 Calmount Park, Ballymount, Dublin 12 Contact: Ph: 01 4659760 Email: info@niso.ie

Safe Pass Awareness Course

Dublin; 5th, 7th, 14th, 19th, 21st, 28th September 2007 Dublin; 3rd, 5th, 10th, 12th, 17th, 19th, 24th, 26th, 31st October 2007 Dublin; 2nd, 7th, 9th, 14th, 16th, 21st, 23rd, 28th, 30th November 2007 Dublin; 5th, 7th, 12th, 14th, December 2007 Contact: Ph: 01 4659760 Email: info@niso.ie

Occupational First Aid Course Refresher / Re-Certification Course

Dublin; 19th September 2007 Dublin; 18th October 2007 Dublin; 15th November 2007 Dublin; 7th December 2007 Venue: NISO Training Centre, A11 Calmount Park, Ballymount, Dublin 12 Contact: Ph: 01 4659760 Email: info@niso.ie

Occupational First Aid Course (3 Day Course)

Dublin; 25th, 26th, 27th September 2007 Dublin; 23rd, 24th, 25th October 2007 Dublin; 20th, 21st, 22nd November 2007 Dublin; 10th, 11th, 12th December 2007 Venue: NISO Training Centre, A11 Calmount Park, Ballymount, Dublin 12 Contact: Ph: 01 4659760 Email: info@niso.ie

Manual Handling Instructors Course (5 Day Course)

Dublin; 10th, 11th, 12th, 17th, 18th September 2007 Dublin; 15th, 16th, 17th, 22nd, 23rd October 2007 Dublin; 12th, 13th, 14th, 19th, 20th November 2007 Dublin; 3rd, 4th, 5th, 10th, 11th December 2007 Venue: NISO Training Centre, A11 Calmount Park, Ballymount, Dublin 12 Contact: Ph: 01 4659760 Email: info@niso.ie

Manual Handling Instructors Refresher Course (2 Day Course)

Dublin; 11th, 12th September 2007 Dublin; 16th, 17th October 2007 Dublin; 16th, 17th October 2007 Dublin; 13th, 14th November 2007 Dublin; 4th, 5th December 2007 Venue: NISO Training Centre, A11 Calmount Park, Ballymount, Dublin 12 Contact: Ph: 01 4659760 Email: info@niso.ie

NISO Certificate in Occupational Health & Safety -September and October Nationally

Cork Institute of Technology – 13th September 2007 Contact: Email: south@niso.ie or www.niso.ie

National University of Ireland, Galway – 18th September 2007 Contact: Email: west@niso.ie or www.niso.ie

Dun Laoghaire College of Further Education, Co Dublin – 26th September 2007 Contact: Ph: 01 4659760 Email: info@niso.ie or www.niso.ie

Institute of Technology, Tralee – 27th September 2007 Contact: Email: <u>south@niso.ie</u> or <u>www.niso.ie</u>

Limerick Institute of Technology – 27th September 2007 Contact: Email: <u>midwest@niso.ie</u> or <u>www.niso.ie</u>

Dundalk Institute of Technology – 2nd October 2007 Contact: Email: <u>northeast@niso.ie</u> or <u>www.niso.ie</u>

The Central Hotel Sligo – 2nd October 2007 Contact: Email: northwest@niso.ie or www.niso.ie

Institute of Technology Letterkenny – 4th October 2007 Contact: Email: <u>northwest@niso.ie</u> or <u>www.niso.ie</u>

NISO Training Centre Dublin 12 – 9th October 2007 Contact: Ph: 01 4659760 Email: info@niso.ie or www.niso.ie

Further details and a brochure on most of the events above can be found on the NISO Website WWW.NiSO.ie