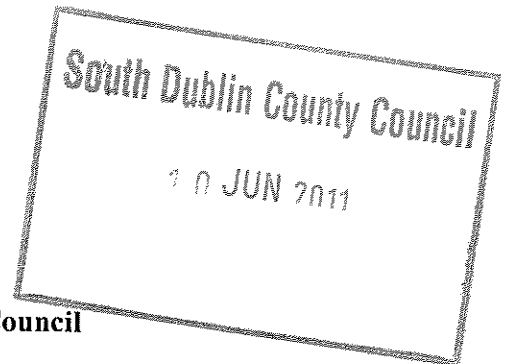


The Metropolitan Building, James Joyce Street, Dublin 1, Ireland.  
Telephone: 1890 289 389 Fax: 01 - 614 7020 Website: www.hsa.ie

**Your Ref: M2/0411**

9<sup>th</sup> June 2011

Ms. Mary Maguire  
Meetings Administrator  
Corporate Services Department  
South Dublin County Council  
County Hall  
Tallaght  
Dublin 24



**Re: Motion Passed at Meeting of South Dublin County Council**

Dear Ms. Maguire

Further to your letter of 20<sup>th</sup> April regarding the above.

From your letter and the motion passed it would appear to me that there is a misunderstanding in relation to the remit of the Health and Safety Authority and how it discharges this remit.

The Health and Safety Authority is the National body with responsibility for promotion of workplace safety and health. It operates under the Safety Health and Welfare at Work Act, 2005. The role of the Authority is set out in the Act under Sections 34. Additionally the Minister may confer other functions on the Authority under Section 35 of the Act.

The primary functions of the Authority for Occupational Safety and Health under the Act are to:

- Promote, encourage and foster prevention of accidents
- Promote, encourage and foster education and training of persons at work
- Encourage and foster measures promoting safety, health and welfare at work
- To make arrangements for enforcement of safety legislation
- To monitor, evaluate and make recommendations to the minister on:
  - Relevant statutory provisions
  - Best practice relating to safety and health and maintenance of records
- Promote, encourage and foster co-operation between employers and employees
- To make arrangements for providing of information
- To make arrangements for research and surveys as appropriate on safety and health for the purpose of:
  - Exchange of information
  - Publication of research

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EXCELLENCE  
THROUGH  
PEOPLE

HEALTH AND SAFETY AUTHORITY  
AN FÚDARÁS SLÁINTE AGUS SÁBHÁILTEACHTA



- To prepare and adopt a strategy statement
- To prepare and adopt a programme of work

As you will see from the foregoing, unlike the Local Authorities who have powers to pass by-laws, the Health and Safety Authority has no powers to make regulation. Your motion makes reference to HSA Regulations and Guidelines. The HSA cannot and does not make regulations but does from time to time advise the Minister in accordance with its legislative remit.

When legislation has been passed by the Houses of the Oireachtas or Statutory Instruments signed into law by the relevant minister under powers conferred on him in primary legislation the Authority has been involved in preparing and issuing guidance to employers and employees to assist them in achieving compliance. During the preparation and development of such guidance the Authority consults widely with employer and employee groups including the Local Government Management Agency (LGMA).

Local Authorities like every organisation public and private in the state are governed and bound by legislation and regulation across a very wide range of areas including taxation, environment, fire, building regulation, occupational safety and health etc. and are in many cases the enforcing body for many national regulatory provisions. It becomes a matter for the executive of that body to determine its policy in terms of compliance with any legislative provision and how it will do so.

The Health and Safety Authority therefore believes that presentation of any report to the chamber is a matter for the executive of the local authority. Your specific request is akin to asking the Revenue Commissioners to be accountable to the elected representatives of South Dublin County Council for how it (South Dublin County Council) chooses to implement relevant taxation law.

Specifically in relation to management of road works the primary guidance governing this work is "Traffic Signs Manual" of which Chapter 8 is "Temporary Traffic Measures and Signs for Roadwork's". This document was issued by the Department of Transport following lengthy consultation with the Local Authorities through the Local Government Management Services Board. This consultation included among many others the Health and Safety Authority.

Roadworks where there is construction or maintenance going on will also be required to comply with the Safety Health and Welfare at Work Construction Regulations 2006. The Authority has also produced guidance, drafted in conjunction with the Local Government Management Services Board and Local Authority representatives such as Safe System of Work Plans for Roadworks at the specific request of Local Authorities through LGMSB/LGMA.

The Health and Safety Authority has no role in advising South Dublin County Council on the impact or the interpretation by the City and County Managers Association in respect of any legislative provisions.

Consequently we believe the questions raised in your motion could more relevantly be addressed by the County Manager and/or representatives from the City and County Managers Association.

Therefore the Health and Safety Authority is not in a position to provide you with the report sought in your motion.

Yours sincerely



Martin O'Halloran  
Chief Executive  
Health and Safety Authority

Cc Mr. Joe Horan, County Manager, South Dublin County Council

Ms. Marie Corr, Mayor of the Council, South Dublin County Council