



WEXFORD MARINEWATCH

HEALTH & SAFETY POLICY

Revision 5.1

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Section 1 – Policy

1.1 Safety Policy Statement

The Wexford MarineWatch Management Group has a legal duty to comply with all Health & Safety requirements that applies to the work that you carry out as part of Wexford MarineWatch.

The purpose of Marinewatch is to prevent loss of lives by prevention & intervention. In fulfilling this purpose(s), volunteers will sometimes find themselves in dangerous or volatile circumstances. Recognising this, the organisation attaches a high importance to personal safety and wellbeing, considering this to be a management responsibility, ranking equally with other management functions within the organisation.

Aim of the Policy

This safety policy cannot create a totally risk free environment - but strives to ensure that risk is properly assessed, addressed, managed and reduced in order that volunteers and third-parties are not adversely affected by the organisations activities.

In order to achieve these objectives, the organisation will;

- 1.) Ensure compliance with all relevant safety legislation to which we are duty bound.
- 2.) Carry out suitable & sufficient assessments of potential safety hazards of our working practices, implementing reasonably practicable controls.
- 3.) Implement systems to ensure that facilities, equipment and operational controls are in place to prevent injury and illness and ensure we drive through continuous improvements.
- 4.) Consult with volunteers on matters of their health, safety & wellbeing in order to improve and employ best practices.
- 5.) Define structures and governance relating to safety management within the organisation so that everyone understands their duties & responsibilities under the Health & Safety at Work Act(s).
- 6.) Provide adequate training to all volunteers to promote a thorough awareness of safety issues and appropriate levels of competence to enable them to perform their tasks.
- 7.) Carry out regular inspections and audits of our processes and activities to ensure continuous improvement.

Roles & responsibilities

Wexford Marinewatch expects the involvement of ALL volunteers in Health & Safety matters. All Management, Supervisors and individuals have a responsibility for their own and for others safety & wellbeing.

Signed :Frank Flanagan....(Chairman).....

Date : ...01/01/15.....

Safety Statement

1.2 Safety Statement Contact Details

Business Name: Wexford MarineWatch
Address: P.O Box 81, Whitemill Ind. Est., Wexford
Business Activity: Suicide Prevention & Safety Patrols
Business Telephone No.: 087-9523899

Emergency Contact Details

Contact	Name	Phone No/Ext
Chairman	Frank Flanagan	087 7602828
Secretary	Conor Barry	087 1366684
Treasurer	Michael Hanton	086 3097886
Medical Officer	Michael Hanton	086 3097886
Emergency Services	Emergency Services	112 or 999
Doctor – Normal Hours	Dr. Stephen Bowe	053 9141280
Doctor – Out of hours	Care Doc	1850 332 999
Local Gardai	Wexford Gardai	053 9165200
Irish Coast Guard	MRCC	01 6620922

1.3 Safety Organisation and Responsibilities

Wexford MarineWatch have a Management Group who are responsible for strategic development. The day to day operations are managed by a committee of 12 persons.

Organisational responsibilities in relation to safety are outlined below:

1.2.1 Director **Name:** Frank Flanagan

Safety begins at Board of management level and so the Director must demonstrate his commitment by ensuring safety and health is an integral part of the operational strategy and he will drive compliance with health and safety requirements through allocation of resources as appropriate.

1.3.1. Chairman **Name:** Frank Flanagan

Safety compliance and culture is lead by the committee, specifically by the chairman and so he is responsible for leading by example. It is the responsibility of the chairman to:

- 1.3.1.1 Liaise with the management group to ensure that there are available, sufficient funds and facilities to enable the requirements of this **Safety Statement** to be fully implemented.
- 1.3.1.2 Ensure that all accidents or injuries involving lost time, and dangerous occurrences (near misses) brought to his attention are investigated and when required, reported to the Health and Safety Authority if required, by completion of Forms IR1 or IR3 on www.hsa.ie.
- 1.3.1.3 Ensure the Safety Statement is brought to the attention of all volunteers and kept up to date and reviewed on a regular basis.
- 1.3.1.4 Ensure consultation takes place in relation to all safety related matters

Safety Statement

- 1.3.1.5 Ensure adequate fire protection and prevention measures are provided and that Fire Drills are carried out at least every 6 months (if applicable).
- 1.3.1.6 Ensure volunteers only carry out tasks in which they are competent and trained and only safe systems of work are used.
- 1.3.1.7 Ensure the hazards are brought to the attention of all affected
- 1.3.1.8 Ensure all required controls are implemented to eliminate hazards where possible, or to reduce the risk to an acceptable level.

1.3.2 Equipment officer Name:...Michael Hanton.

It is the responsibility of the equipment officer to:

- 1.3.2.1 Ensure all equipment is in good repair and maintained in accordance with manufacturers instructions.
- 1.3.2.2 Ensure a system is in place for removing broken or damaged equipment from use until it is repaired or replaced.
- 1.3.2.3 Ensuring equipment access is controlled and restricted to authorised personnel only.

1.3.3 Training Officer Name:..Philip Creane.

It is the responsibility of the training officer to:

- 1.3.3.1 Ensure a suitable training programme is in place for all volunteers.
- 1.3.3.2 Ensure training is assessed and only those who are suitably trained are signed off as being trained.
- 1.3.3.3 Ensure all volunteers have passed Garda Vetting & any other requirements.

1.3.4 Medical Officer Name:...Mick Hanton.

It is the responsibility of the medical officer to:

- 1.3.4.1 Ensure first aid is available and adequate first aid supplies are maintained.
- 1.3.4.2 Ensure first aid training is up to date for all qualified first aiders.
- 1.3.4.3 Ensure all new candidates receive basic training.

1.3.5 Coxwain (Currently not applicable)

During all active call outs, the Coxwain is responsible for:

- 1.3.5.1 Ensuring all safety rules and procedures are followed.
- 1.3.5.2 Volunteers and those involved are only requested to carry out tasks in which they are competent.

1.3.6 Volunteers

Wexford MarineWatch expects all volunteers to co-operate fully in all arrangements and procedures designed to ensure their safety, health and welfare.

Volunteers should be aware of their duties under Section 13 of Safety, Health and Welfare at Work Act 2005 which obliges them to:

- 1.3.6.1 Comply with relevant statutory provisions as appropriate, and take reasonable care to protect own safety, health and welfare and the safety, health and welfare of any other person who may be affected by their acts or omissions when on duty.
- 1.3.6.2 Ensure that he/she is not under the influence of any intoxicant to the extent that they endanger their own or others safety, health and welfare while on duty.

Safety Statement

- 1.3.6.3 If reasonably requested by a supervisor, submit to any appropriate, reasonable and proportionate tests by a competent person as may be prescribed .
- 1.3.6.4 Co-operate with Management to enable MarineWatch to comply with the law.
- 1.3.6.5 Not engage in any conduct or behaviour likely to endanger your own, or others safety, health or welfare when on duty, or that may bring the organisation into disrepute.
- 1.3.6.6 Attend such training as may be reasonably required by Wexford MarineWatch, or prescribed relating to safety, health and welfare at work, or relating to the work carried out by volunteers.
- 1.3.6.7 Having had instruction/training, make correct use of any article or substance provided for use by volunteers, or for the protection of his/her safety, health and welfare at work including protective clothing/equipment.
- 1.3.6.8 Report, as soon as practicable;
 - any task being carried on that potentially endangers themselves or other persons;
 - any defect in the place or systems of work, or article or substance which might endanger themselves or other persons;
 - any health and safety contraventions which might endanger themselves or other persons of which they are aware.
- 1.3.3.9 Shall not misrepresent themselves to Wexford MarineWatch with regard to their level of training.

1.4 General Provisions

Wexford MarineWatch are committed to providing:

- 1.4.1. A Safe Place for Work – No-one will be requested to Patrol in an unsafe environment or in a situation where they do not feel comfortable.
- 1.4.2 Safe Plant – regular maintenance programmes are in place so that when equipment is damaged or broken it is taken out of use until repaired or replaced.
- 1.4.3. Safe Systems – Wexford MarineWatch provide systems of work that are planned, organised, performed and maintained so as to be, so far as is reasonably practicable, safe and without risk to health. Work practices, equipment and training are all elements of our safe system of work and daily activities of those involved as part of Wexford MarineWatch.
- 1.4.4. Adequate Training - All volunteers receive an induction on commencement of involvement to ensure that they fully understand the hazards involved and the safety precautions and procedures required to conduct their work in a safe manner, this will include training on this Safety Statement.
- 1.4.5. Emergency Planning - Wexford MarineWatch recognise our responsibilities under the Safety, Health and Welfare at Work Regulations (General Applications) 2007 and the Fire Service Act 1981;

Fire Detection and Fire Prevention Equipment

Fire Prevention Equipment has been supplied by certified companies where relevant and these are maintained under contract.

The emergency facilities also include lighting and first aid supplies.

The emergency fire action, in the vehicle or in any Lock-up used by the Scheme is outlined below:

Discovery of fire

Anyone detecting smoke or the smell of burning should investigate immediately and raise the alarm if fire is expected.

Raising the alarm

Raise the alarm immediately by alerting all in the vicinity

Calling the Fire Brigade

On any outbreak of fire, call the fire brigade by dialling 999 or 112

Fighting the fire

Tackle the fire with appropriate fire fighting equipment if you consider it safe to do so.

Evacuation

Evacuate the vehicle/premises and assemble at a safe distance.

Await instructions of emergency service personnel, and do not re-enter until deemed safe to do so by emergency services.

Safety Statement

- 1.4.6 Personal Protective Equipment (PPE) – The following specific PPE requirements have been identified:

PPE	Used for
Life jacket (En1095) – PFD – 275n	All Harbour patrol activity
High Visibility Jacket/vest	All Activities & Training
Fladen Floatation suit (EN393)	All Harbour patrol activity

PPE should be replaced when damaged or torn. In addition when carrying out an unusual task, the need for further PPE will be identified by risk assessment and the appropriate PPE provided should be worn.

- 1.4.7 Provide an environment free from Bullying, Intimidation or Abuse - The HSA Code of Practice on Bullying at Work has been adopted by Wexford MarineWatch – a copy is contained in the appendix of this Safety Statement for reference.
- 1.4.8 Occupational Health and Welfare Facilities – N/A. Wexford MarineWatch currently only has a storage facility, not an actual building or premises. Meetings etc. are held in a local hotel or similar where suitable welfare facilities are available.
- 1.4.9 Accident/Dangerous Occurrence Reporting - An accident is an unplanned event which causes, or has the potential to cause damage to people, equipment, products or the environment. It is our policy that all accidents, no matter how slight, should be reported so that an investigation of the root causes may take place with a view to preventing it happening again. All accidents are investigated and recorded.
- The Incident/Accident Record Log is stored by the Chairperson.
- 1.4.10 Visitors patrolling with MarineWatch will be informed of all existing hazards prior to their patrol, which may affect their health and safety - and will be made aware of the safety policy of Wexford MarineWatch. **All visitors who wish to patrol with MarineWatch (such as Media etc.) must be approved by the chairman (or designee) prior to commencement and undergo a full Safety briefing.**
- 1.4.11 Public - We recognise our duties to visitors and members of the public under the Safety, Health and Welfare at Work Act 2005 and the 1995 Occupier's Liability Act.
- Visitors and members of the public are not allowed access to, or to be carried in the Marinewatch vehicle.
- 1.4.12 As part of our continuous commitment to health and safety, we will carry out regular safety inspections. At the beginning of every inspection, the results of the previous inspection and any action taken will be reviewed.

1.5 Safety Statement Review

As an active document, this Safety Statement will be kept up to date to take account of any significant changes which may require inclusion, i.e.:

- Names of responsible persons
- Changes in risks
- New procedures or services
- New equipment, machinery, tools, premises or chemical substances
- New personal protective equipment
- New legislation, regulations or standards
- Annual Review

Section 2.

2.1 Risk Assessment

This section outlines the hazard and risk methods used when assessing & Calculating the hazards and risks for the various activities.

This is a 'live' document and should be continually reviewed and updated in light of new or additional tasks and/or information.

Definitions:

Hazard:	A hazard is anything with the potential to cause harm - including human injury or ill health, damage to the environment, damage to equipment and buildings.
Risk:	A risk always has two elements, the likelihood that a hazard will cause harm and the severity of the potential harm caused.
Risk Assessment:	This is the process of evaluating and ranking the risks to health and safety at work arising from hazards at the workplace. It involves estimating the magnitude of risk and deciding whether the risk is acceptable or whether or more precautions need to be taken to prevent harm.
Control Measures	The basis for ensuring that workplace precautions are provided and maintained. Controls should be appropriate to the hazards and risks involved.

2.2 Risk Assessment Explanation:

Both Likelihood & Severity are measured on a scale of 1 to 5.

Likelihood:

1. Improbable. So unlikely that probability is close to zero.
2. Remote. Unlikely, but conceivable.
3. Possible. Could occur sometime.
4. Probable. Not surprised, will occur sometime.
5. Frequent. Occurs repeatedly, only to be expected.

Severity:

1. Negligible injury, no absence from work or Patrols.
2. Minor injury requiring First Aid treatment.
3. Injury leading to a 'lost-time' accident. (Absence from work/patrols).
4. Serious injury or single death.
5. Multiple deaths.

Safety Statement

“RISK” is calculated by:

RISK = LIKELIHOOD X SEVERITY.

(E.G: Volunteer falling over on Woodenworks: Likelihood 3, Severity 2). **RISK: (3x2)= 6.**

RISK LEVEL RESULTS SCALE:

1-4 Risk may be acceptable – but should be checked to see if any way to reduce further.

5-8 List remedial actions/steps taken to reduce risk as low as reasonably practical. (Matrix).

9-16 Immediate action required to reduce risk. List same. (Hazard-specific).

20-25 Activity must NOT proceed. Immediate measures need to be put in place & double-checked.

2.3 - SPECIFIC ACTIVITY ASSESSMENT FOR WEXFORD MARINWATCH:

Date of assessment: 01/09/14.

Reviewed 01/01/15.

Activity 1: Volunteers on Patrol in Public areas.

Hazard(s): In direct contact with intoxicated persons and suicidal people.

Person(s) at risk: All volunteers on Foot patrol

Possible injury(s): Stabbing. Assault. Verbal Abuse. Pulled/pushed into water.

Likelihood: 3

Severity: 4

RISK level established: 12

Remedial Action required: No physical contact permitted with casualties. All volunteers to wear PFD's. Volunteers to avoid areas of large gatherings and areas of potential conflict. Volunteers to check-in via radio with Sitreps every 15mins.

Reduced Risk Rating: 4

Approved Date: 01/09/14

Review Date: 01/04/15

Activity 2: Volunteers Patrolling at Night.

Hazard(s): May not be seen easily. Could get attacked in quiet areas. May fall on obstacles.

Person(s) at risk: All volunteers on Foot patrol

Possible injury(s): Could be knocked down. Could be attacked / assaulted. Injury from falling.

Likelihood: 3

Severity: 3

RISK level established: 9

Remedial Action required: All Volunteers to carry a torch/searchlight. All Volunteers to wear High visibility clothing at all times. Volunteers to check-in via radio with Sitreps every 15mins.

Reduced Risk Rating: 6

Approved Date: 01/09/14

Review Date: 01/04/15

Safety Statement

Activity 3: Volunteers Patrolling in close proximity to water.

Hazard(s): May fall in accidentally. May get pushed in. May get pulled in with casualty.

Person(s) at risk: All volunteers on Foot patrol

Possible injury(s): Panic attack. Cardiac Arrest. Hypothermia. Drowning. Impact with solid objects.

Likelihood: 3

Severity: 4

RISK level established: 12

Remedial Action required: All Volunteers to wear PFD's. Volunteers to be aware of their surroundings and avoid conflict areas and large groups of revelers. Volunteers to keep colleagues updated via radio of any 'potential' incidents BEFORE they develop.

Reduced Risk Rating: 3

Approved Date: 01/09/14

Review Date: 01/04/15

Activity 4: Volunteers Patrolling in close proximity to a main Road/Live traffic.

Hazard(s): May be hit by oncoming traffic. May slip off kerb into path of vehicle.

Person(s) at risk: All volunteers on Foot patrol

Possible injury(s): Could be knocked down. Serious injury. Death.

Likelihood: 3

Severity: 4

RISK level established: 12

Remedial Action required: All Volunteers to wear High Visibility clothing whilst on patrol. Volunteers not permitted to walk more than two-abreast when on Footpaths.

Reduced Risk Rating: 8

Approved Date: 01/09/14

Review Date: 01/04/15

Activity 5: Volunteers Patrolling Stationary in vehicle in quiet areas.

Hazard(s): Could be approached by undesirables. Crew could be attacked.

Person(s) at risk: Volunteers confined to Vehicle observations.

Possible injury(s): Assault. Abuse. Damage to Vehicle. Arson.

Likelihood: 2

Severity: 3

RISK level established: 6

Remedial Action required: Volunteers in vehicle should position vehicle in a sufficiently well lit-up area, but at the same time not to impede their visibility of patrol route. Volunteers should lock themselves in vehicle and keep keys in ignition so vehicle can be moved quickly. Any suspicious activity should be reported to the Gardai.

Reduced Risk Rating: 2

Approved Date: 01/09/14

Review Date: 01/04/15

Safety Statement

Activity 6: Volunteers driving WMW Vehicle(s).

Hazard(s): Could be involved in a road traffic accident. Could cause obstruction to other traffic.

Person(s) at risk: Volunteers authorised to drive WMW vehicles.

Possible injury(s): Serious injury. Death.

Likelihood: 3

Severity: 5

RISK level established: 15

Remedial Action required: Only named authorised Volunteers are permitted to drive WMW vehicles. All drivers must produce a copy of their Driving Licence before being approved to drive. Drivers must obey all rules of the road, even in an emergency. Seatbelts must be worn at all times and any vehicle defects reported immediately to the Supervisor.

Reduced Risk Rating: 10

Approved Date: 01/09/14

Review Date: 01/04/15

Activity 7: Volunteers using Throw-bags.

Hazard(s): May not know how to use bag. May not deploy bag properly. May fall/pulled in to water.

Person(s) at risk: Volunteers attempting to assist a casualty. The casualty.

Possible injury(s): Panic attack. Cardiac Arrest. Hypothermia. Drowning. Impact with solid objects.

Likelihood: 3

Severity: 4

RISK level established: 12

Remedial Action required: Any volunteer who carries a Throw-bag must be proficient in its use. The rope should never be physically attached to the Volunteer. All Volunteers must wear PFD's on patrol.

Reduced Risk Rating: 2

Approved Date: 01/09/14

Review Date: 01/04/15

Activity 8: Volunteers using Ringbuoys.

Hazard(s): May not deploy correctly. Volunteer may fall in to water.

Person(s) at risk: Volunteers attempting to assist a casualty. The casualty.

Possible injury(s): Panic attack. Cardiac Arrest. Hypothermia. Drowning. Impact with solid objects.

Likelihood: 3

Severity: 4

RISK level established: 12

Remedial Action required: Volunteers are required to practice throwing Ringbuoys on a weekly basis at training. Ringbuoys should not be thrown DIRECTLY at casualty. All Volunteers must wear PFD's on patrol.

Reduced Risk Rating: 4

Approved Date: 01/09/14

Review Date: 01/04/15

Safety Statement

Activity 9: Volunteers administering First Aid.

Hazard(s): Blood – Disease, Aids, etc. May not be trained. May injure casualty even more.

Person(s) at risk: Volunteers attempting to assist a casualty.

Possible injury(s): Assault. Stabbing. Virus. Disease.

Likelihood: 2

Severity: 2

RISK level established: 4

Remedial Action required: All volunteers must undergo a First-Aid training course prior to administering aid to a casualty. An Ambulance should be called immediately if the injury is deemed serious.

Reduced Risk Rating: 2

Approved Date: 01/09/14

Review Date: 01/04/15

Activity 10: Using a Defibrillator Machine (AED)

Hazard(s): Electricity. High Voltages.

Person(s) at risk: The casualty. Volunteers attempting to resuscitate a casualty. The Public.

Possible injury(s): Electrocution.

Likelihood: 3

Severity: 4

RISK level established: 12

Remedial Action required: Any Volunteer using the AED machine MUST be qualified and proficient in its use. A minimum of two volunteers must be present, one to operate the machine and one to keep the public clear.

Reduced Risk Rating: 8

Approved Date: 01/09/14

Review Date: 01/04/15

Activity 11: Volunteers working in close proximity to a Helicopter.

Hazard(s): Dust/Downdraught. General Public. Rotor Blades.

Person(s) at risk: All Volunteers.

Possible injury(s): Serious injury. Death. Blindness.

Likelihood: 1

Severity: 4

RISK level established: 4

Remedial Action required: Volunteers to be briefed on procedures for dealing with incidents which require Helicopter assistance.

Reduced Risk Rating: 4

Approved Date: 01/09/14

Review Date: 01/04/15

Safety Statement

Activity 12: Volunteers using Base to get ready.

Hazard(s): Electricity. Unfamiliar with equipment locations. Incorrect items taken for Patrol.

Person(s) at risk: All Volunteers.

Possible injury(s): Electrocution. Death. Unable to assist a casualty correctly.

Likelihood: 2

Severity: 4

RISK level established: 8

Remedial Action required: Any electrical work to be carried out by qualified and certified personnel. Checklists must be used to ensure all required equipment is taken for patrol. All Volunteers to familiarize themselves with the Base and the location of each device.

Reduced Risk Rating: 4

Approved Date: 01/09/14

Review Date: 01/04/15

Safety Statement

Section 3
3.1 - Safety Statement Acknowledgement

I, the undersigned, have read and understand the complete content of this Health & Safety Policy and am aware of my responsibilities for both my own Safety and that of my fellow Team members; I further agree to uphold all regulations regarding Health & Safety and report any dangers immediately.

Name (PRINT): _____

Signature: _____

Position: VOLUNTEER _____

Date: _____

APPENDIX:

HSA Code of Practice for 'bullying in the workplace'.

FOREWORD;

The Health and Safety Authority, at the request of, and with the consent of, the Minister for Labour Affairs, Tony Killeen, T.D. and following public consultation, including with the social partners, publishes this Code of Practice entitled 'Code of Practice for Employers and Employees on the Prevention and Resolution of Workplace Bullying', in accordance with section 60 of the Safety, Health and Welfare at Work Act 2005 (No. 10 of 2005), called the "2005 Act" after this.

This Code of Practice provides practical guidance for employers on identifying and preventing bullying at work arising from their duties under section 8 (2) (b) of the 2005 Act as regards 'managing and conducting work activities in such a way as to prevent, so far as is reasonably practicable, any improper conduct or behaviour likely to put the safety, health and welfare at work of his or her employees at risk'. It also applies to employees in relation to their duties under section 13 (1) (e) of the 2005 Act to 'not engage in improper conduct or behaviour that is likely to endanger his or her own safety, health and welfare at work or that of any other person'.

This Code of Practice comes into effect on 1st May 2007 and from that date it replaces the Code of Practice entitled "Code of Practice on the Prevention of Workplace Bullying" which was issued by the Authority in March 2002 in accordance with the Safety, Health and Welfare at Work Act 1989. Notice of issue of this Code of Practice, and the withdrawal of the 2002 Code of Practice, was published in the *Iris Oifigiúil* of Friday, 30th March, 2007.

As regards the use of Codes of Practice in criminal proceedings, section 61 of the 2005 Act provides as follows-

61.

(1) Where in proceedings for an offence under this Act relating to an alleged contravention of any requirement or prohibition imposed by or under a relevant statutory provision being a provision for which a code of practice had been published or approved by the Authority under section 60 at the time of the alleged contravention, subsection (2) shall have effect with respect to that code of practice in relation to those proceedings.

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(2) (a) Where a code of practice referred to in subsection (1) appears to the court to give practical guidance as to the observance of the requirement or prohibition alleged to have been contravened, the code of practice shall be admissible in evidence.

(2) (b) Where it is proved that any act or omission of the defendant alleged to constitute the contravention:

(i) is a failure to observe a code of practice referred to in subsection (1), or
(ii) is a compliance with that code of practice, then such failure or compliance is admissible in evidence.

(3) A document bearing the seal of the Authority and purporting to be a code of practice or part of a code of practice published or approved of by the Authority under this section shall be admissible as evidence in any proceedings under this Act.”

M. O’Halloran

Assistant Chief Executive and Secretary to the Board

Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work

1. INTRODUCTION

This Code of Practice, under the Safety, Health and Welfare at Work Act 2005, is aimed at preventing and dealing with bullying where it happens in Irish workplaces. It is a code for both employers and employees.

One in fourteen people reported having been bullied at work in a survey published in 2001 by the ESRI (O’Connell and Williams) for the Department of Enterprise, Trade and Employment. Survey Reports of Bullying Experiences in the Workplace (2007), conducted by the ESRI for the Department of Enterprise, Trade and Employment puts this incidence rate at almost one in thirteen with higher rates reported for female employees.

Bullying is a cost for both employers and employees. The cost can be both financial and human. If not sorted out internally, a serious case could bring an employer before a tribunal, the Labour Court and/or the civil courts.

If destructive behaviour is tolerated and continues, it affects performance and general health and wellbeing of individuals and/or groups. The negative effects can last a long time. Bullying can be carried out by supervisors, managers, subordinates, fellow employees, customers, business contacts or members of the public.

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The Code explains what bullying means and deals with the responsibilities of employers and employees to prevent or resolve it. The Code reflects the legal requirement that employers carry out a risk assessment, and where bullying is identified as a hazard, they ensure that it is included in the safety statement.

The Code recommends dealing with cases internally through the following processes which are explained in the Code:

- informal resolution by a responsible person
- a formal complaints procedure.

Only if the internal processes fail, should it be necessary to get outside support. Finally, the Code helps those involved to recognise the possible findings which result from the follow up and investigation of a bullying complaint where,

- the complaint is upheld as bullying behaviour
- the complaint is deemed to be unfounded as a bullying behaviour
- the complaint is deemed to be vexatious.

Health and Safety Authority

2. STATUS AND SCOPE OF THE CODE

This Code of Practice provides practical guidance for employers on identifying and preventing bullying at work arising from their duties under section 8 (2) (b) of the 2005 Act as regards 'managing and conducting work activities in such a way as to prevent, so far as is reasonably practicable, any improper conduct or behavior likely to put the safety, health and welfare at work of his or her employees at risk'. It also applies to employees in relation to their duties under section 13 (1) (e) of the 2005 Act to 'not engage in improper conduct or behavior that is likely to endanger his or her own safety, health and welfare at work or that of any other person'.

Extracts from the 2005 Act which are relevant are set out in Appendix 1:

section 8. General duties of employer

section 9. Information for employees

section 10. Instruction, training and supervision of employees

section 13. Duties of employee

section 14. Interference, misuse, etc

Safety Statement

section 19. Hazard identification and risk assessment

section 20. Safety Statement

section 60. Codes of practice

section 61. Use of codes of practice in criminal proceedings

Schedule 3. General Principles of Prevention.

This Code outlines some of the more common behaviours associated with bullying at work

- identifies situations where bullying commonly occurs at work
- describes how to prepare a Bullying Prevention Policy
- sets out procedures for resolving bullying complaints at work.

Failure to follow this Code is not an offence but the Code is admissible in evidence in criminal proceedings under section 61 of the 2005 Act.

This Code applies to all employments in Ireland whether employees work at a fixed location, at home or are mobile.

Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work

3. BULLYING AT WORK

3.1. What is Bullying at Work?

Bullying at work has been defined as 'repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment, which could reasonably be regarded as undermining the individual's right to dignity at work'

An isolated incident of the behaviour in this definition may be an affront to dignity but as a once-off incident is not considered to be bullying.

Bullying puts at risk the safety, health and welfare of people at work.

A pattern of the following behaviours are examples of types of bullying.

Safety Statement

Exclusion with negative consequences

Verbal abuse/insults

Physical abuse*

Being treated less favourably than colleagues

Intrusion – pestering, spying or stalking

Menacing behaviour

Intimidation

Aggression

Undermining behaviour

Excessive monitoring of work

Humiliation

Withholding work-related information

Repeatedly manipulating a person's job content and targets

Blame for things beyond the person's control.

This list is not exhaustive.

*This Code does not aim to address physical assault at work. The Authority advises that where it may be a risk, employers have a dedicated policy on violence and assault with no tolerance of such behaviour.

It is important to distinguish bullying from other inappropriate behaviours. For example, a once off incident of bullying behaviour may be an affront to dignity at work but is not considered to be bullying.

Harassment is closely related to bullying and whilst it is illegal and should not be tolerated in the workplace, it does not fit the definition. To assist in differentiating the two it is worth considering that harassment is governed by Equality legislation and is predicated on the person being a member of one of the nine categories specified within the anti-harassment legislation. Bullying is legally distinct from harassment as bullying behaviour is not predicated on membership of any distinct group.

Bullying at work does not include reasonable and essential discipline arising from the good management of the performance of an employee at

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work or actions taken which can be justified as regards the safety, health and welfare of the employees. For example, an employee whose performance is continuously signalled at a level below required targets may feel threatened and insecure in their work but this in itself does not indicate bullying.

1. Report of the Task Force on the prevention of workplace bullying, 2001. Also used in the 2005 Report of the Expert Advisory Group on Workplace Bullying and in the Surveys conducted by the ESRI to determine the incidence of workplace bullying.

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Bullying at work can involve people in many different work situations and at all levels:

manager/supervisor to employee

employee to supervisor/manager

one employee to another (or group to group)

customer or business contact to employee

employee/supervisor/manager to customer/business contact.

Factors which are known to signal a risk of bullying at work are:

High turnover of staff, high absenteeism or poor morale

Employment tenure

A bully may regard new, casual or contract employees as easier targets than permanent employees;

Hierarchies

Hierarchies involving, for example, technical or non-professional employees working to professionally qualified employees which can sometimes present higher levels of bullying;

Changes in the workplace

Workplace changes which can increase the risk include change in ownership, new manager or supervisor, introduction of new work performance measures or of new technology or internal re-organisation;

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Management of relationships in the workplace;
Bullying may be more likely to happen in workplaces that do not have an effective management system which respects persons and monitors and supports work relationships;

Personality differences

– petty jealousies, personal biases, taking advantage of vulnerable or less ‘street-wise’ individuals can contribute to bullying;

Gender/age imbalance

–bullying may be more likely where there is an age or a gender imbalance in the workplace;

Other factors

- include the composition of the workforce, interface with the public, history of tolerance of unacceptable behaviour, lack of or inadequate procedures or disregard of procedures for dealing with bullying.

3.2. Who bullies at work?

It is not possible to describe all bullies but persons who engage in bullying at work may have certain personal characteristics such as poor communication skills, difficulty in working with others, difficulty in delegating responsibility, poor organisational skills or low self-esteem. Good job design, training and supervision can help overcome these difficulties.

Bullying is recognised as being present in other walks of life such as in schools and in the home and bullying at work may be part of a wider cultural background.

3.3. Why deal with Bullying at Work?

Recent research suggests that almost one in every twelve people have reported being bullied at work. Bullying can have serious effects for both the person bullied and for the employer. Stress, ill health, loss of confidence and self esteem and career difficulties can result for a victim. For the employer, a dysfunctional workplace, reduced productivity, poor morale, lost time, industrial relations problems and litigation can follow. (Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work)

3.4. Role of Employees – Prevention

Employees have rights and duties as regards safety, health and welfare at work under the 2005 Act.

Employees have rights to be treated with dignity and respect at work and not to have their safety, health or welfare put at risk through bullying by the employer, by other employees or other persons. They have a right to complain to the employer if bullied and not to be victimised for so doing. They have a right under safety and health laws to be represented in raising this with the employer.

Employees have duties to behave and conduct themselves so as to respect the right of employers and other employees to dignity, courtesy and respect at work and the right not to be placed at risk as regards to their safety, health and welfare from bullying at work. Employees should also cooperate by providing any relevant information when an allegation of bullying at work is being looked into whether in an informal or formal stage.

3.5. Role of Employer – Prevention

Every employer has a duty to manage and conduct work activities in such a way as to prevent any improper conduct or behaviour likely to put at risk employee's safety, health or welfare at work. The prevention of bullying must therefore be part of the management system.

Employers must prepare a Safety Statement under section 20 of the 2005 Act, based on an identification of the hazards to safety, health and welfare at the place of work, an assessment of the risks involved and setting down the preventive measures necessary to protect safety, health and welfare. Risk is the likelihood of a hazard causing harm and the extent of that harm. The employer must consider if bullying at work is likely to be a hazard, the extent of risk involved and what preventive measures are necessary.

3.6. How to identify if bullying is a hazard at work

The following will help the employer to identify if bullying is a hazard at work:

If unacceptable conduct or behaviour has been observed - see the examples under 3.1 above -

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If substantiated complaints of bullying at work have been made by employees or on their behalf;

If the human resources unit, the company doctor, nurse, welfare officer or similar person reports bullying at work;

If, perhaps taken with the above, there is sick leave above the norm, particularly with work related stress certified.

3.7. How to assess the risk

The risk assessment should be based on:

The factors listed above under 3.1-

What is bullying at work? and any information from these factors which signal risks to safety, health and welfare if bullying exists;

Information derived from organisational climate or work environment assessments or similar feedback mechanisms that may exist in the company;

Views gathered from consulting with employees and their representatives.
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3.8. What preventive measures are recommended?

Measures to prevent bullying at work include:

Having in place a Bullying Prevention Policy which adequately addresses the risks that have been assessed. The policy should be clear in how it will measure implementation. (Where bullying has been identified as a risk, this policy must be referenced or included in the Safety Statement)

Providing appropriate training and development at all levels but particularly for line manager roles;

Ensuring clarity of individual and department goals, roles and accountabilities;

Ensuring access to relevant competent and supportive structures both internal and external.

Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work

4. HOW TO PREPARE A BULLYING PREVENTION POLICY

Prevention is the best way to avoid the risk of bullying at work. An effective policy, and a strong commitment to implementing it is required. The purpose of an effective policy is not simply to prevent improper conduct and behaviour but also to encourage best practice and a safe and harmonious workplace where such behaviour is unlikely to occur. Employers should therefore adopt, implement and monitor a comprehensive, effective and accessible policy on bullying at work.

4.1. Preparing the Policy

Strategies to create and maintain a working environment in which the dignity and respect of employees are appreciated and upheld are most likely to be effective when they are jointly agreed. In this way, employers and other parties to the employment relationship can create an anti-bullying culture and share a sense of responsibility for that culture. In very small businesses which may not have an employee representative structure, the policy and strategy should be advised to all employees.

The policy and complaints procedure should be adopted, where appropriate, in so far as is practicable with clients, customers and other business contacts after consultation or negotiation with trade union or employee representatives, on its content and implementation. Simple direct language should be used in the policy.

Information given to employees should be in a form, manner and, as appropriate, language that is reasonably likely to be understood by the employees concerned. The policy document should be written, dated and signed by a responsible person at senior management level and updated when appropriate, for example following a change that might impact the validity of the original risk assessment.

As required under safety and health laws and in keeping with normal industrial relations practice, there should be prior consultation, and participation where appropriate, regarding the policy and its implementation, with employees or their representatives, including the Safety Representative or the Safety Committee.

The policy should set out a complaints procedure as recommended within this Code. It is prudent to keep a record of consultation actions in case of future requirement.

4.2. Core Elements and Implementation Steps

Employer's declaration

The Bullying Prevention Policy should declare:

The employer's commitment to ensuring that the place of work is free from bullying at work and that the work environment is aimed at providing a high quality product or service in an atmosphere of respect, collaboration, openness, safety and equality;

That all employees have the right to be treated with dignity and respect at work;

That the risk of bullying has been assessed and preventive measures included, where necessary, in the Safety Statement;

That consultation with employees or their representatives, including the Safety Representative and the Safety Committee, as appropriate, has taken place as regards the risk of bullying at work and preventive measures;

That employees also have responsibility in creating and contributing to the maintenance of a work environment free from bullying or from conduct likely to contribute to bullying;

That complaints by employees of bullying at work will be treated with fairness, sensitivity, respect and confidentiality for all parties concerned;

That a person or persons alleged to have bullied will be afforded natural justice and treated with fairness, sensitivity and respecting the need for confidentiality with all parties concerned;

That bullying at work by the employer, by employees and by non-employees, such as clients, customers, sub contractors and business contacts, will not be tolerated and the appropriate employing organisation should deal with the complaint in line with these procedures, which could lead to disciplinary procedures being applied;

That a complaint of bullying which is found, following investigation, to be vexatious will be dealt with through the disciplinary procedure;

That human resource management policies and practices will strive to prevent bullying at work;

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that the policy will be updated to reflect the company's experiences in implementing it, relevant changes in the workplace and any external factors that are relevant.

Scope

The policy should;

describe what is meant by bullying at work as set out above under 'What is bullying at work'?

include a non-exhaustive list of examples of bullying behavior relevant to the particular employment(see also What is bullying at work?);

give the name or job title of the person who may be approached by a person wishing to complain of bullying at work;

state that the protection extends to:

bullying at work by management, fellow employees, subordinates, clients, customers and other business contacts;

beyond the place of work to off site and to work-related social events;

state that all complaints of bullying will be taken seriously and will be followed through to resolution;

employees who make a complaint will not be victimised.

Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work

4.3. Allocation of responsibilities as regards prevention of bullying at work

The policy should state that management, others in positions of authority and workplace representatives have a particular responsibility to ensure that bullying at work does not occur and that complaints are addressed speedily. The policy should state that in particular, management should:

provide good example by treating all in the place of work with courtesy and respect;

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promote awareness of the policy and complaints procedures;

be vigilant for signs of bullying at work through observation and through seeking employee feedback and take action before a problem escalates;

deal sensitively with employees involved in a bullying complaint whether as complainant or alleged bully;

explain the procedures to be followed if a complaint of bullying at work is made;

ensure that an employee making a complaint is not victimised for doing so;

monitor and follow up the situation after a complaint is made so that the bullying at work does not recur.

Trade Unions

The policy should address the contribution to be made by the trade union/s, as appropriate, including as regards the prevention of bullying in the workplace through their participation in the development and implementation of policies and procedures, through their information and training services, and through the collective bargaining process. Trade unions may also play a role in providing information, advice and representation to employees who have been bullied at work, and to employees against whom allegations of bullying at work have been made.

Employees

The policy should indicate that employees can contribute to achieving a work environment which does not tolerate bullying at work. This could also include co-operating with preventive measures introduced by management, and also through trade union strategies to eliminate or avoid bullying at work. Employees should recognise that a finding of bullying at work will be dealt with through the disciplinary procedure. Equally a finding that the complaint was vexatious will be dealt with through the disciplinary procedure.

Non-Employees

The policy should indicate that bullying at work by non-employees such as clients, customers and business contacts is not tolerated and may lead to termination of contracts or suspension of services, or to exclusion from a premises or the imposition of other sanctions, as appropriate.

4.4 Communication of Policy

The policy should include a commitment to effective communication of the policy. It should be communicated effectively to all those potentially affected by it, including management, employees, customers, clients and other business contacts, such as those who supply and receive goods and services. Effective means of communicating a policy could include newsletters, training manuals, training courses, leaflets, websites, emails, toolbox talks and notice boards.

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Communication to Employees

New employees, including those in management and all other positions of responsibility, should be made aware of the policy as part of any formal induction process to familiarise them with their job and their working environment and any rules and regulations that apply.

Where a staff handbook is distributed to employees as part of the induction process the Bullying Prevention Policy should be included.

Existing employees should receive updated and regular communication on the policy.

Communication to Non-Employees

A summary of the Bullying Prevention Policy should be prominently displayed where appropriate and as identified on the risk assessment, such as at places where members of the public, clients, and customers attend.

4.5 Monitoring

The policy should include a commitment to monitoring and recording incidents of bullying at work. Statistics and information gathered from such monitoring should be recorded and used to assist the employer take corrective action or achieve continuous improvement in their bullying prevention policy and procedure.

4.6 Training and Supervision

Employees should be provided with such information, training, development and supervision as is necessary to ensure the prevention of employer bullying. This should include:

making employees aware of the Bullying Prevention Policy

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information on the appropriate behaviour to comply with the terms of the policy;

training, if needed, in order to comply with the policy;

assistance, if necessary, to overcome a bullying incident, as well as adequate and informed supervision of the work environment.

The policy should include commitments to staff training and supervision as identified in the risk assessment on issues related to bullying at work, including the provision of training for managers, supervisors and for all staff, at induction or through appropriate awareness raising initiatives. Such training should identify the factors which contribute to a working environment free of bullying and familiarise participants with their responsibilities under the policy and any problems they are likely to encounter.

Such training is especially important for those members of staff responsible for supervision and for implementing the policy and responding to complaints. Best practice would ensure that records are kept by the employer of all such training.

4.7 Reviews

The policy should include a commitment to review on a regular basis in line with experience in the employment, changes in the law, relevant case law or other developments. A responsible person should be named in the policy to ensure that monitoring, training and reviews take place.

5. OTHER PREVENTIVE MEASURES

5.1. Role Clarity

As a matter of good practice, employers should define each employee's role and accountability as clearly as possible. This may include a written description of main duties and responsibilities and a clear line of supervision. This should be reviewed in a collaborative manner on an on-going basis and any changes in job content should be communicated clearly to the individual and those working alongside him/her.

5.2. Acknowledging responsibility - managers, supervisors and employees;

Managers, and supervisors, have a responsibility to manage in such a way as to protect the safety, health and welfare of employees. This means accepting responsibility for preventing bullying at work and for resolving alleged cases of bullying at work.

Every employee is responsible for safeguarding his/her own safety and welfare, and that of his/her colleagues who may be affected by his/her actions, or omissions, while at work. Therefore each employee has a duty not to place the safety, health and welfare of colleagues at risk by engaging in bullying or, where in a position of authority, to take the appropriate steps to stop bullying if or when it occurs.

5.3. Access to 'contact person' and to competent advisory services

As part of the Bullying Prevention Policy employers should name a 'contact person' who can listen and advise about complaints of bullying at work and explain the procedures in place to resolve it. These individuals should receive appropriate training. The Contact Person role is a voluntary role of facilitation to act as the first point of contact for someone who believes that he or she is being treated in a bullying manner. The Contact Person is nominated, through agreement with the employer. He/she has a listening brief and is a reference point for the complainant, and he/she could, for instance, provide the complainant with a copy of the policy, outline the routes available and explain the roles of personnel involved. The Contact Person does not get involved in any other way in the complaints procedure and is not an advocate for either party. In smaller organisations, this role may be provided by an outside agency, such as a representative body or an advisory body.

(1) Employers have a duty under safety and health laws to obtain the services of a competent person where necessary to help comply with such laws. There may be situations as regards bullying at work where an employer could benefit from expert assistance. This could be provided within the undertaking or sourced from outside. It could involve seeking help from an employer or other representative body which provides such advice or from relevant public bodies such as the Health and Safety Authority or the Labour Relations Commission. It could involve seeking the services of persons particularly qualified in mediation or counseling or training in this area.

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(2) For the purposes of carrying out a risk assessment under subsection (1), the employer shall, taking account of the work being carried on at the place of work, have regard to the duties imposed by the relevant statutory provisions.

(3) The risk assessment shall be reviewed by the employer where—

(a) there has been a significant change in the matters to which it relates; or
(b) there is another reason to believe that it is no longer valid, and, following the review, the employer shall amend the risk assessment as appropriate.

(4) In relation to the most recent risk assessment carried out by an employer, he or she shall take steps to implement any improvement considered necessary relating to the safety, health and welfare at work of employees and to ensure that any such improvement is implemented in respect of all activities and levels of the place of work.

(5) Every person to whom Sections 12 or 15 applies shall carry out a risk assessment in accordance with this section to the extent that his or her duties under those sections may apply to persons other than his or her employees.

Section 20: Safety statement

(1) Every employer shall prepare, or cause to be prepared, a written statement (to be known and referred to in this Act as a “safety statement”), based on the identification of the hazards and the risk assessment carried out under section 19, specifying the manner in which the safety, health and welfare at work of his or her employees shall be secured and managed.

(2) Without prejudice to the generality of subsection (1), every employer shall ensure that the safety statement specifies:

- (a) the hazards identified and the risks assessed;
- (b) the protective and preventive measures taken and the resources provided for protecting safety, health and welfare at the place of work to which the safety statement relates;
- (c) the plans and procedures to be followed and the measures to be taken in the event of an emergency or serious and imminent danger, in compliance with sections 8 and 11;
- (d) the duties of his or her employees regarding safety, health and welfare at work, including co-operation with the employer and any persons who

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have responsibility under the relevant statutory provisions in matters relating to safety, health and welfare at work;

(e) the names and, where applicable, the job title or position held of each person responsible for performing tasks assigned to him or her pursuant to the safety statement; and

(f) the arrangements made regarding the appointment of safety representatives and consultation with, and participation by, employees and safety representatives, in compliance with sections 25 and 26, including the names of the safety representative and the members of the safety committee, if appointed.

(3) Every employer shall bring the safety statement, in a form, manner and, as appropriate, language that is reasonably likely to be understood, to the attention of:

(a) his or her employees, at least annually and, at any other time, following its amendment in accordance with this section;

(b) newly-recruited employees upon commencement of employment; and

(c) other persons at the place of work who may be exposed to any specific risk to which the safety statement applies.

(4) Where there are specific tasks being performed at the place of work that pose a serious risk to safety, health or welfare, an employer shall bring to the attention of those affected by that risk relevant extracts of the safety statement setting out:

(a) the risk identified;

(b) the risk assessment; and

(c) the protective and preventive measures taken in accordance with the relevant statutory provisions in relation to that risk.

(5) Every employer shall, taking into account the risk assessment carried out under section 19, review the safety statement where:

(a) there has been a significant change in the matters to which it refers;,

(b) there is another reason to believe that the safety statement is no longer valid; or

(c) an inspector in the course of an inspection, investigation, examination, inquiry under section 64 or otherwise directs that the safety statement be amended within 30 days of the giving of that direction; and, following the review, the employer shall amend the safety statement as appropriate to co-operate.

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(6) Every employer who is conducting activities, as may be prescribed in accordance with this subsection, who contracts with another employer for that employer to provide services to him or her shall require that employer is in possession of an up-to-date safety statement as required under this section.

(7) A copy of a safety statement, or relevant extract of it, shall be kept available for inspection at or near every place of work to which it relates while work is being carried out there.

(8) It shall be sufficient compliance with this section by an employer employing 3 or less employees to observe the terms of a code of practice, if any, relating to safety statements which applies to the class of employment covering the type of work activity carried on by the employer.

(9) Every person to whom section 12 or 15 applies shall prepare a safety statement in accordance with this section to the extent that his or her duties under those sections may apply to persons other than his or her employees.

Section 60: Codes of practice.

(1) For the purpose of providing practical guidance to employers, employees and any other persons to whom this Act applies with respect to safety, health and welfare at work, or the requirements or prohibitions of any of the relevant statutory provisions, the Authority:

(a) may, and shall if so requested by the Minister, prepare and publish codes of practice; and

(b) may approve of a code of practice or any part of a code of practice made or published by any other body.

(2) Before publishing or approving of a code of practice or any part of a code of practice under this section, the Authority:

(a) shall obtain the consent of the Minister;

(b) may publish in such manner as the Authority considers appropriate a draft of the code of practice or sections of a draft code of practice and shall give persons one month from the date of publication of the draft code or sections within which to make written representations to the Authority in relation to the draft code or sections of the draft code, or such further period, not exceeding 28 days, as the Authority in its absolute discretion thinks fit; and

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(c) following consultation and, where relevant, having considered the representations, if any, made, shall submit the draft code to the Minister for his or her consent to its publication or approval under this section, with or without modification.

(3) Where the Authority publishes or approves of a code of practice or approves of any part of a code of practice, it shall publish a notice of such publication or approval in

Iris Oifigiúil

and that notice shall:

(a) identify the code;

(b) specify the matters relating to safety, health and welfare at work or the relevant statutory provisions in respect of which the code is published or approved of; and

(c) specify the date on which the code shall come into operation.

(4) The Authority may with the consent of the Minister and following consultation with any other person or body

that the Authority considers appropriate or as the Minister directs:

(a) amend or revoke any code of practice or part of any code of practice prepared and published by it under this section; or

(b) withdraw its approval of any code of practice or part of any code of practice approved by it under this section.

(5) Where the Authority amends or revokes, or withdraws its approval of a code of practice or any part of a code of practice published or approved under this section, it shall publish notice of the amendment, revocation or withdrawal, as the case may be, in Iris Oifigiúil.

(6) The Authority shall make available for public inspection without charge at its principal office during normal working hours:

(a) a copy of each code of practice published or approved by it; and

(b) where a code of practice has been amended, a copy of the code as so amended.

(7) Notwithstanding the repeal of the Act of 1989 by section 4, a code of practice in operation immediately before the commencement of that section continues to be a code of practice as if prepared and published under this section.

Section 61: Use of codes of practice in criminal proceedings.

(1) Where in proceedings for an offence under this Act relating to an alleged contravention of any requirement or prohibition imposed by or under a relevant statutory provision being a provision for which a code of practice had been published or approved by the Authority under section 60 at the time of the alleged contravention, subsection (2) shall have effect with respect to that code of practice in relation to those proceedings.