



HEALTH AND SAFETY
AUTHORITY



Code of Practice for Managing Safety and Health in Forestry Operations

Working to create a
National Culture of
Excellence in Workplace
Safety, Health and
Welfare for Ireland

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Foreword

The Health and Safety Authority, with the consent of Mr Dara Calleary TD, Minister of State at the Department of Enterprise, Trade and Employment, and following public consultation, publishes this Code of Practice, titled *Code of Practice for Managing Health and Safety in Forestry Operations*, in accordance with section 60 of the Safety, Health and Welfare at Work Act 2005 (No. 10 of 2005).

The Code of Practice provides practical guidance on observing the provisions of the **Safety, Health and Welfare at Work Act 2005** (called the “2005 Act” after this) and the **Safety, Health and Welfare at Work (General Application) Regulations 2007 (S.I. No. 299 of 2007)** as amended by the **Safety, Health and Welfare at Work (General Application) (Amendment Regulations) 2007 (S.I. No. 732 of 2007)** (called the “General Application Regulations 2007” after this) for forestry operations.

In particular, but not exclusively, this Code of Practice provides practical guidance about observing the following provisions of the 2005 Act:

- Chapter 1 of Part 2: sections 8 to 12 in relation to the general duties of employers
- Chapter 2 of Part 2: sections 13 to 15 in relation to the general duties of employees and persons in control of places of work
- Part 3: sections 19 and 20 in relation to hazard identification and risk assessment and safety statements and section 21 in relation to the duties of employers to co-operate

This Code of Practice comes into operation on December 1st 2009. From that date, it replaces the *Code of Practice for Managing Safety and Health in Forestry Operations*, which was issued by the Health and Safety Authority in May 2003 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 2003 Code of Practice, was published in the *Iris Oifigiúil* of Friday 27th November 2009.

On 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.

(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.

- (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.”

This Code of Practice is complementary to the Health and Safety Authority *Code of Practice for Preventing Injury and Occupational Ill Health in Agriculture*, which came into effect on 1st November 2006.

Robert Roe
Assistant Chief Executive Officer and Secretary to the Board
Health and Safety Authority



1. Introduction

THE forestry industry in Ireland has evolved in recent years to a situation where contracting is the norm. There may now be many links in the chain between 'forest owner' and 'forest worker'. Whether you are a timber grower or purchaser, contractor or subcontractor (operator), you have legal duties to fulfil in order to ensure that people's safety and health is not put at risk during, or as a result of, forestry operations.

The law requires that, during the planning and carrying out of forestry operations, a number of safety and health duties be fulfilled, including:

- Preparing written risk assessments
- Selecting suitable equipment for the job
- Protecting public safety and health
- Setting out safe working procedures
- Ensuring operators are competent
- Supervising and monitoring the work

Depending on the contractual relationship, different role-holders may share duties. To successfully manage safety and health, you need to co-ordinate your activities with others and pass information up and down the contract chain. To help this flow of information and to ensure that the right people carry out the right tasks, the Code sets out four management roles. These roles, which are not an attempt to describe the actual contractual relation in forestry contracts, are:

- The Landowner role
- The Forestry Work Manager (FWM) role
- The Contractor role
- The Sub-contractor role

Within any forestry contract you need to identify which of these roles falls to you and carry out the appropriate tasks. **Depending on how the contracts are organised for a particular work-site, you may pick up more than one role.**

1.1 Defining the roles

Table 1: The four management roles, with definitions and examples

Role	Definition	Examples of who may take on this role
Landowner	The person or company in control of the land on which the forestry work takes place	<p>Timber growers such as farmers or estate owners with forested land</p> <p>State and state-sponsored bodies and local authorities</p> <p>Forestry management companies and land agents working on behalf of private and public owners</p>
Forestry Work Manager	The person or company who commissions work on a forestry site	<p>Anyone in the landowner role directly engaging forestry contractors as part of their business</p> <p>Timber purchasers such as traders, processors and contractors</p>
Contractor	The provider of a forestry service	<p>Contracting companies with their own employees or who take on sub-contractors</p> <p>Owner-operators</p> <p>Hauliers</p>
Subcontractor	Anyone engaged by a contractor other than by direct employment	<p>Anyone working under contract to a contractor</p> <p>Anyone in any of the other roles above who works on the site</p>

Within each role, the effort demanded by a particular task depends on the complexity and extent of the risks involved. The greater the risks, the greater the effort needed. The following guidance sets out the key duties and tasks under each of the roles.

Remember, depending on how the contracts are organised, you may pick up more than one role.

Examples showing how these roles fit with some of the more common forestry contract arrangements are shown in Appendix 1.

2. Landowner role

The person or company in control of the land on which the forestry work takes place

Examples are: farmers, estate owners, forestry management companies and management companies engaged by the owner, etc.

Where a farmer, for example, engages a forestry management company to manage his or her forestry operations, both farmer and management company take up the landowner role. In this case the farmer must select a company with the competence to discharge the duties associated with the landowner role.

2.1 General duties

- Co-ordinate the activities of the overall forest environment to ensure safety and health
- Gather information about hazards on and around forestry work-sites and pass on to the Forestry Work Manager (FWM)
- Ensure that the work on a particular work-site does not affect the safety and health of other people

2.2 Duties explained

2.2.1 Co-ordinate the activities of the overall forest environment to ensure safety and health

If the landowner role falls to you, you have the task of maintaining an overall view of what is happening on your forested land and on land that provides access to forested areas.

You must plan the forestry work on land under your control and organise work to ensure that, from the outset, risks are as far as possible avoided.

Where possible, ensure that work is scheduled to avoid public access peaks. Communicate with and inform, so far as is reasonably practicable, other groups that use the forest who might be affected by the work activities. Plan the movement of plant and/or timber on and off the site to minimise risks to the safety and health of people working in or visiting the forest.

2.2.2 Gather information about hazards on and around forestry work-sites and pass on to the Forestry Work Manager (FWM)

The FWM has to plan the work on the site. He or she will require information from the landowner about hazards on and around the site that could give rise to safety and health risks. This information can be presented in a map.

Look at the proposed work-site and the access to it and identify the location of hazards such as:

- Overhead power lines
- Underground services
- Areas of steep or particularly hazardous terrain (e.g. cliff edges, etc)
- Areas of windblown or diseased trees
- Mine shafts, etc

Identify areas of increased risk, such as routes or areas of public access, including licensed access agreements for shooting, hunting, etc.

The landowner should specify the access roads to the site from the nearest public road and provide information about the condition, gradients and carrying capacity of those roads and the carrying capacity of any bridges and culverts over which those roads pass.

2.2.3 Ensure that the work on a particular work-site does not affect the safety and health of other people

Discuss and agree with the FWM for the site how, together, you are going to protect the safety and health of other people who might be affected by the work. Those affected may include the public, your own employees, employees of others (contractors) and other contractors. Decide on:

- Measures to control the risks on the site affecting others – for example, the levels of training and supervision the FWM will require for workers on the site
- Measures to control access to the site, such as:
 - Providing information to the public at the entrances to the forest
 - Applying for temporary diversion or closure of public footpaths
 - Erecting warning and prohibition signs or barriers
 - The use of banksmen when working near areas of public access
- Who will check the measures to ensure that they are working
- What action to take if measures to protect members of the public are not working

Signs/Barriers Refer to the FASTCo Guide '*Managing Public Safety on Harvesting Sites*'

For **roadside sale sites** (non-standing sales sites), the landowner will be responsible for:

- Deciding the type and location of control measures (signs, barriers, etc) to protect the safety and health of members of the public
- Erecting, maintaining and monitoring the effectiveness of these controls

For **standing sales work-sites** (landowner sells timber to an FWM), the landowner and FWM both have duties.

The landowner is responsible for:

- Identifying the best location for *threshold signs, and erecting these around the proximity area (the area surrounding or adjacent to a work-site)
- Identifying and locating warning and prohibition signs on points of access leading to work-sites, and maintaining this signage

For the FWM's duties in relation to signage for standing sales work-sites, see the section titled "FWM Duties Explained – Liaise with Landowner".

*Threshold signs: Signs erected at known access points to the proximity area informing the public about the work.

2.3 Construction work

2.3.1 Safety, Health and Welfare at Work (Construction) Regulations 2006

The Safety, Health and Welfare at Work (Construction) Regulations 2006 (S.I. No. 504 of 2006)¹ are statutory requirements to be observed while carrying out construction work.

The regulations apply to construction of forest roads. A person who commissions or procures the carrying-out of a construction project for the purpose of his or her trade, business or trade (undertaking) will have "Client Duties".

Before work begins, a client must appoint:

- A competent **project supervisor for the design process (PSDP)**
- A competent **project supervisor for the construction process (PSCP)**

See the list of useful reference material in Appendix 3.

¹ As amended by the Safety, Health and Welfare at Work (Construction) (Amendment) Regulations 2008 (S.I. No. 130 of 2008) and by the Safety, Health and Welfare at Work (Construction) (Amendment) (No. 2) Regulations 2008 (S.I. No. 423 of 2008).

3. Forestry Work Manager (FWM) Role

The person or company that commissions work on a forestry site

Examples are: anyone in the landowner role directly engaging forestry contractors as part of their business, and timber purchasers including traders, processors and contractors.

3.1 General duties

If the FWM role falls to you, you have duties to:

- Use the information from the landowner to prepare an outline risk assessment for the work on the site
- Select competent contractors who have made adequate provision for safety and health
- Specify the safety and health measures for contractors working on and visiting the site (Site Safety Co-ordinator),
- Liaise with the landowner
- Monitor safety and health on the site

As an FWM, you must select a competent contractor for the job, specify the measures for the contractor to do the work safely, and make sure those measures are followed during the work.

The extent of the effort required of you to fulfil these duties will depend on the size and resources of your business and your relationship with the contractor.

For example, landowners who directly engage a contractor for a one-off job pick up the FWM role. They should select a competent contractor who has made adequate provision for safety and health. They need to do this because, for a one-off job, it is not reasonable to expect them to obtain all the knowledge to specify safety and health measures for the contractor.

On the other hand, large estates with their own forestry expertise, timber purchasers who use contractors as part of their business, or people who provide professional forestry management services are expected to know the standards to which contractors should work and specify those standards.

3.2 Duties explained

3.2.1 Use the information from the landowner to prepare an outline risk assessment for the work on the site

The landowner, having identified the hazards on and around the site, will pass this information on to the FWM. The FWM must use this information to prepare an outline risk assessment for the activities on the work-site, decide on any protective measures to be taken and, if necessary, the protective equipment to be used.

You will need to decide:

- The equipment and materials (e.g. pesticides) suitable for the terrain and the work
- The level of training and competencies needed to work the site safely
- The physical control measures (signs, barriers, etc) and safe working practices to protect the safety and health of those working on the site or those who might be affected by the work on the site

When considering the merits of two different systems, check whether one system is inherently safer than another. For example, where suitable, use a tree harvester instead of a chainsaw operator to clear windblown trees.

Your written risk assessment must be passed on to others in the contract chain. This will help contractors to understand the standards they will have to meet. It will also help the landowner to see how work on your site may affect others in the wider forest environment.

3.2.2 Select competent contractors who have made adequate provision for safety and health

You will need to make reasonable inquiries to determine whether the contractors have the skills, resources and knowledge of forestry work. The degree of inquiry should be in proportion to the nature, size and level of risk involved in the forestry work.

When selecting contractors you will be considering a number of factors such as price, availability, etc. Safety and health performance must be treated as equally important. Establish the contractor's competence in terms of forestry safety skills needed for the site and their ability to manage the safety and health of themselves and others.

When engaging new contractors, or ensuring that your regular contractors are up to standard, you may find some of the following questions useful.

Regarding **contractors' forestry safety skills**:

- What experience do you have?
- What training have you had – where and when?
- Have you had any safety and health awareness or first-aid training?
- Do you, or your employees, hold any certificates (e.g. chainsaw certificates) relevant to your work on this site?
- Do you use safety guides (AFAG-Arboriculture & Forestry Advisory Group leaflets) for your work and the work of your sub-contractors?
- Can you supply references?

Regarding **contractors' safety management skills**:

- What features will machines need to work the site safely?
- What other tools and personal protective equipment will be needed on site?
- How is your equipment maintained?
- How do you ensure that your sub-contractors are competent?
- How do you prepare sub-contractors for working safely on the site?
- Do you have a safety statement?

Your outline risk assessment will have already led you to decide on some specific safety and health requirements your contractors will have to meet, for example:

- Certain levels of training for chainsaw operators on the site
- Particular standards of protection for machines on the site
- Certificates for pesticide application

Make sure the contractors you select can deliver what you want.

3.2.3 Specify the safety and health measures for contractors working on and visiting the site

Once you have selected competent contractors who can meet your initial safety and health requirements, you will need to specify the safety and health measures for the site.

To do this, you and your contractors need to exchange information. You must provide information about the work-site (a site map from the landowner showing hazards and your outline written risk assessment).

You will need information from your contractors detailing how they are going to work the site safely. Get them to provide you with their safety statement and the significant findings of written risk assessments for their activities on site.

Following these discussions, agree with your contractors the control measures that need to be applied on the site, including the safety rules to be observed.

Site safety rules must be relevant to the work on the site. Some rules will be common to many sites and operations. However, these may need to be supplemented by other rules specific to the particular site or work on the site. They will usually need to cover:

- Measures to protect public safety (e.g. signs, taped-off areas)
- The risk zones due to machines and other hazardous work (e.g. tree felling)

- Suitable personal protective equipment to be worn generally and for specific work (e.g. using chainsaws or applying pesticides)
- Systems of work to deal with specific dangers (e.g. hung-up trees, hazardous terrain, overhead power lines or windblow)
- Lone working restrictions and communications
- Measures to deal with emergencies – first-aid arrangements on the site and access by the emergency services
- Reporting of incidents (e.g. accidents and near misses)
- Notifying changes to agreed systems of work
- Enforcement of the site safety rules

Make a written record of the rules and provide copies for your contractors (including hauliers) and their sub-contractors.

3.2.4 Site safety co-ordinator

While the site is being worked, an individual – a site safety co-ordinator – must be designated to ensure that the agreed standards of safety and health are being met and to act as a point of contact for visiting contractors such as hauliers. Where there is a sole contractor for the site, the job of site safety co-ordinator will be theirs. Where there are a number of separate contractors engaged for the work, the job will be yours as FWM.

Unless you are picking up both the FWM and contractor roles, it is unlikely that you will be on the site all the time. When you have engaged more than one contractor, you need to appoint someone on the site as your deputy and tell them exactly what you expect them to do – for example, stopping any work that breaches the site safety rules.

The person you select to be site safety co-ordinator must be someone with a good knowledge of safety and health practices in forestry. It is important that everyone working on and visiting the site understands that they are acting on your authority.

3.2.5 Liaise with the landowner

As FWM you are required to have an overall picture of exactly how the site is to be worked. You need to pass to the landowner any information that may affect the safety and health of others working in or using the forest, and decide control measures that need their co-operation. Access routes for emergency services must be considered.

In the case of a standing sale, the FWM will be responsible for supplying and erecting warning and prohibition signs at entrances to the work-site, and for maintaining these signs. (See the section *Landowner Duties Explained – Signs/Barriers.*)

Other control measures to be finalised with the landowner may include:

- Measures to control access to the site during the work
- Arrangements for reporting the failure of measures to protect the public and others
- Movement of plant and equipment on and off the site
- Movement of timber away from the site
- Arrangements for dealing with hazards left on the site after the work has finished (e.g. timber stacks)
- Arrangements for hauliers working on the site after the forestry work has finished

3.2.6 Monitor safety and health on the site

This is an essential task in managing safety and health. You must look critically at what is happening on the work-site and take action if contractors fail to meet safety and health standards.

It is not possible to give precise guidance on how often you should check on your contractor's work. A critical check needs to be made at the start of work on the site. You should satisfy yourself that contractors are working safely and that the agreed control measures on the site are effective.

The frequency of further site visits will depend on your knowledge of the contractor, the experience of the type of work for which they have been engaged, and the standards shown at your previous visits during the contract. There may also be some areas of work on the site that require you to make more frequent visits for a time, e.g. work near a public road.

Keeping records of your monitoring is a useful way of assessing – at the end of the contract for future reference – the overall safety and health performance of contractors.



4. Contractor Role

The provider of a forestry service

Examples are: owner-operators, hauliers, contracting companies with their own employees or who take on sub-contractors.

If the contractor role falls to you, you have the following duties.

4.1 General duties

- Work with the FWM to ensure compliance with safety and health standards
- Select sub-contractors who are competent and have made adequate provision for safety and health
- Manage your sub-contractors to promote good safety and health practices

4.2 Duties explained

4.2.1 Work with the FWM to ensure compliance with safety and health standards

The FWM will specify certain safety and health conditions that you and your sub-contractors must meet (e.g. levels of training, protection on machines, etc) and provide you with information about the site.

In exchange, you, as the contractor, must provide the FWM with information about how you are going to work the site. You may refer to relevant AFAG Safety Guides.

Provide the FWM with a copy of your safety statement and the significant findings of your written risk assessments for the site, including arrangements for co-operation and exchange of information.

These discussions with the FWM will help to finalise appropriate control measures that need to be applied on the site, including the safety rules to be observed.

Contractors and sub-contractors sharing the work-site must co-operate in implementing the necessary safety and health measures specified by the FWM. They must co-ordinate their actions in relation to protection from and prevention of risks. Contractors must inform each other and their respective employees of any risks associated with their work activities.

As the contractor you are expected to ensure that you and your sub-contractors:

- Meet the safety and health conditions specified by the FWM
- Apply the control measures agreed with the FWM
- Work to site safety rules

If you are the sole contractor for the site, you will take on the job of site safety co-ordinator. If you leave a site where sub-contractors are working, appoint a deputy to be the site safety co-ordinator. Give them your authority to enforce the site safety rules.

When you are engaged with other contractors, the FWM will appoint the site safety co-ordinator.

Hauliers and others visiting the site should make contact with the site safety co-ordinator, be made aware of the site safety rules, and follow those rules.

4.2.2 Select sub-contractors who are competent and have made adequate provision for safety and health

Just as the FWM has to select competent contractors, you must select sub-contractors who are competent and have made adequate provision for safety and health. Make reasonable enquiries to determine their suitability.

For example, if engaging chainsaw operators, check that they:

- Have relevant certificates of competence for the work
- Have knowledge of safe work practice for taking down hung-up trees
- Have the right felling aids to fell and handle timber safely
- Wear the correct chainsaw personal protective equipment (PPE)
- Have a safety statement and written risk assessments

4.2.3 Manage your sub-contractors to promote good safety and health practices

You need to manage the work of your sub-contractors on the site:

- Inform them of the working methods, control measures and safety rules that must be observed
- Arrange their work so that they do not put each other or anyone else at risk
- Check that they are working safely and complying with the site safety rules

5. Sub-contractor role

Anyone engaged by a contractor, other than by direct employment, including anyone in any of the other roles who works on the site, e.g. contractor, FWM

If the role of the sub-contractor falls to you, you have the following duties:

5.1 General duties

- Co-operate with the arrangements for safety and health on the site
- Manage your own safety and health

5.2 Duties explained

5.2.1 Co-operate with the arrangements for safety and health on the site

You are required to co-operate with these arrangements for safety and health on the site. There is a legal obligation on you to follow the instructions given by the contractor and to abide by the site safety rules. Inform your contractor or site safety co-ordinator of any accident, near miss or change to the agreed system of work.

5.2.2 Manage your own safety and health

Everyone who works on a forest site (no matter what other roles they have) has a duty to meet the requirements of relevant health and safety legislation. Check that your machines have:

- Proper guarding
- Suitable protection against rolling over, falling branches and trees, and penetrating objects such as branches, breaking cables and chain shot
- Brakes, tyres, steering and other control systems that are in good working order

There is a duty for you to wear and maintain the correct personal protective equipment specified in the site safety rules.



Appendices

- Appendix 1 Examples showing how the various roles covered in this Code of Practice relate to some of the more common forestry contract arrangements.
- Appendix 2 contains extracts from some relevant legislation.
- Appendix 3 contains a list of recommended sources of further information.

Appendix 1: Examples of some typical forestry roles/contracts

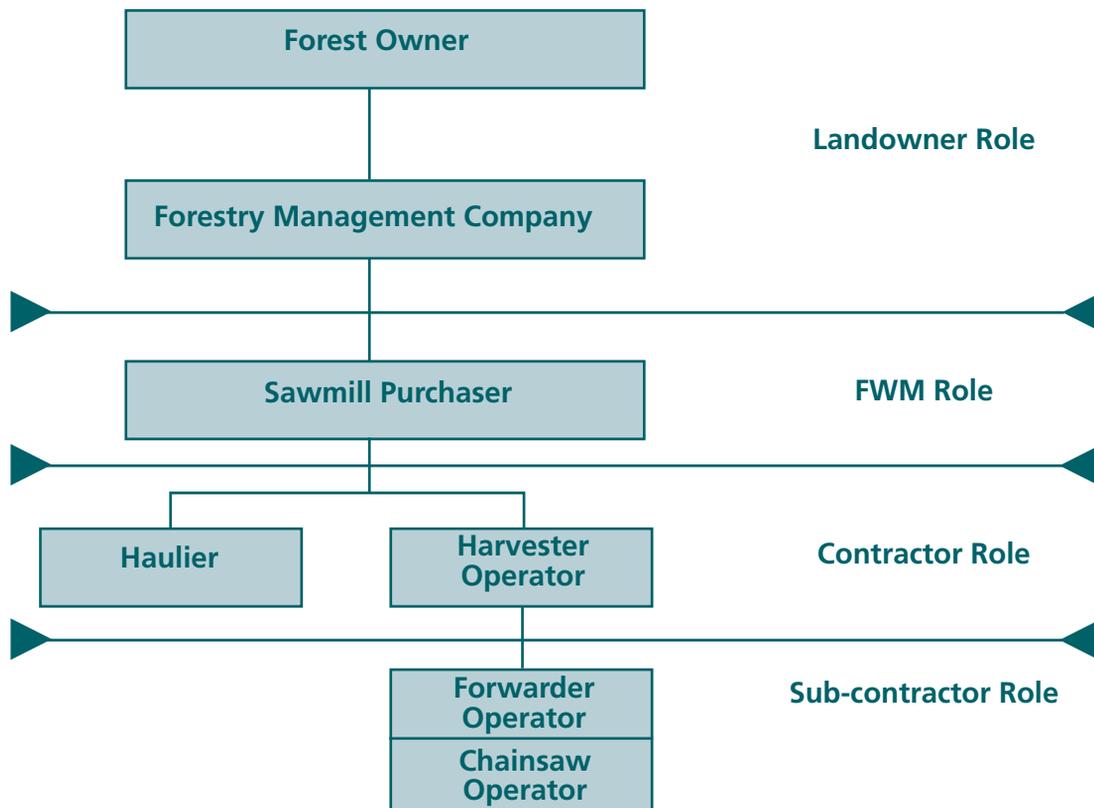
Example A – Standing sale

Example A shows a standing sale. The owners use a forestry management company to manage their forests. Both owner and management company take up the landowner role.

The forestry management company put a stand of trees up for auction and it is bought by a sawmill. The sawmill puts out contracts for harvesting the site and haulage to the mill. The sawmill takes up the FWM role.

The harvesting contract goes to a harvester operator who sub-contracts the extraction to a forwarder operator and the brashing to a chainsaw operator. The haulage contract goes to a local contractor.

Your business and your relationship with others in the contract chain determine your role.



In this case:

- The forest owner (through their agent) is growing timber for sale
- The sawmill is having timber harvested and hauled
- The harvester operator is harvesting the timber and sub-contracting the extraction and brashing
- The forwarder operator is extracting timber for the harvester operator
- The chainsaw operator is brashing the trees for the harvester operator

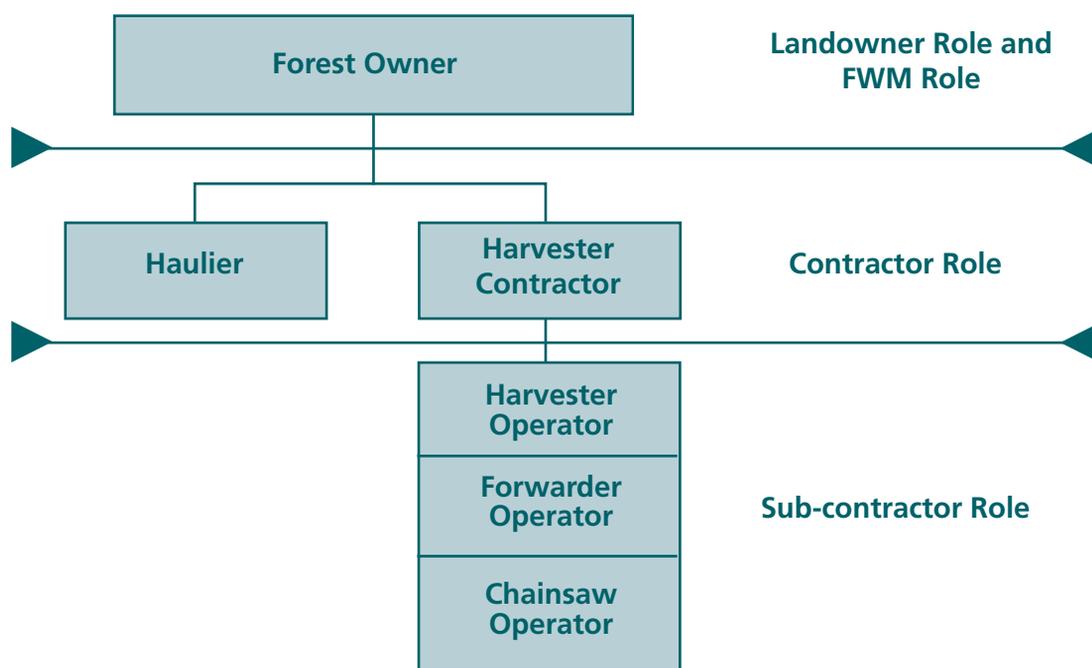
Anyone working on the site, no matter what other roles they have, automatically picks up the sub-contractor role i.e. managing their own safety and health.

Example B – Direct contracting

Example B shows how the roles are set out under direct contracting. The forest owner puts out the contracts for work. Here the forest owner picks up both the landowner role (as the controller of the land) and FWM role (as the person who commissions work on a forestry site).

The harvesting contractor who won the contract has sub-contracted all the harvesting work. The haulage contract goes to a local contractor.

When picking up both roles, the forest owner will need to integrate the tasks of each role.



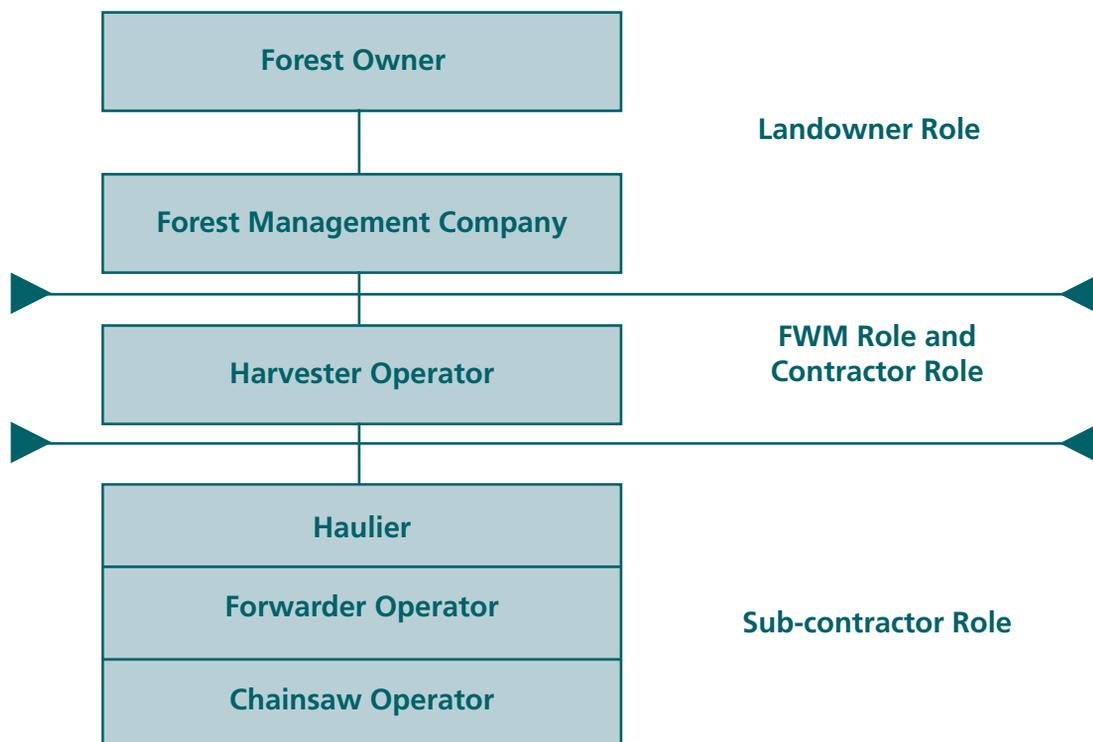
Example C – Contractor purchasing and working on site

Example C shows another standing sale. The owner engages a forestry management company to manage their forests. Both owner and management company take up the landowner role. The timber was bought by a local contractor who operates a tree harvester. The contractor sub-contracts the rest of the work on site to other contractors.

In this instance the contractor is the person who commissions the work on the site and the provider of a forestry service, so picks up both the FWM and contractor roles.

As the contractor is working on the site, he or she also picks up the sub-contractor role.

Examples B, C and D show how a person (or a company) can pick up more than one role.



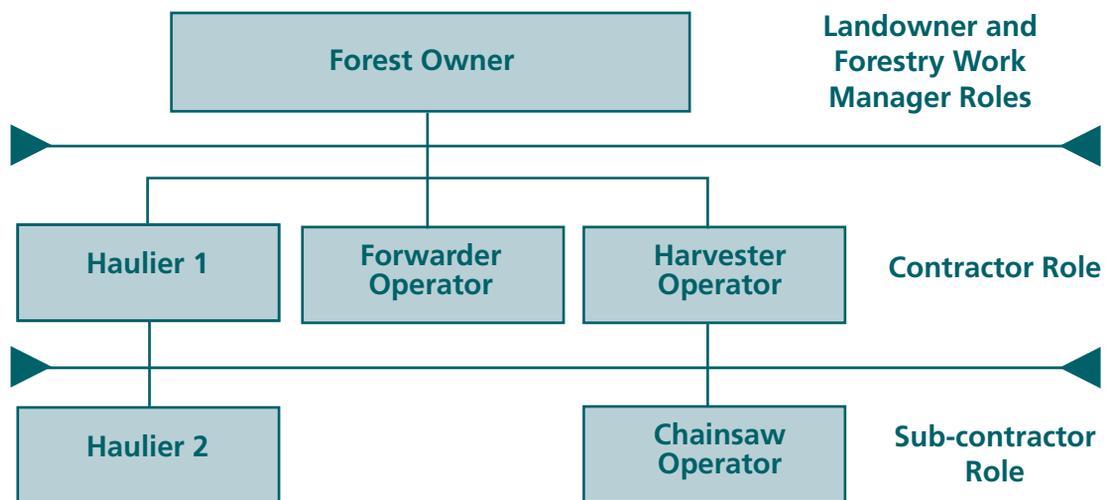
Example D – Separately engaged contractors

Example D shows another direct contract. Again the forest owner picks up the landowner and FWM roles. However, this time the forest owner has engaged the haulier, forwarder operator and harvester operator on separate contracts. The haulier has sub-contracted some of the work to a friend. The harvester operator has sub-contracted the brushing to a chainsaw operator.

All the contractors pick up the sub-contractor role as they are all working on the site. The forest owner as the FWM will be responsible for appointing one of the contractors as a site safety co-ordinator to enforce the site rules when the FWM is not on site.

Where there is a single contractor for the site (see examples B and C), they will be the site safety co-ordinator. If they leave the site, they should appoint a deputy to be the co-ordinator in their absence.

On all sites, someone must always be charged with ensuring that the site safety rules are being followed.



Appendix 2: Extracts from some relevant legislation

Safety, Health and Welfare at Work Act 2005 (No. 10 of 2005)

Part 2 – General duties: chapter 1, general duties of employer

Section 8 – General duties of employer

- 8.— (1) Every employer shall ensure, so far as is reasonably practicable, the safety, health and welfare at work of his or her employees.
- (2) Without prejudice to the generality of *subsection (1)*, the employer’s duty extends, in particular, to the following:
- (a) managing and conducting work activities in such a way as to ensure, so far as is reasonably practicable, the safety, health and welfare at work of his or her employees;
 - (b) 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 or welfare at work of his or her employees at risk;
 - (c) as regards the place of work concerned, ensuring, so far as is reasonably practicable—
 - (i) the design, provision and maintenance of it in a condition that is safe and without risk to health,
 - (ii) the design, provision and maintenance of safe means of access to and egress from it, and
 - (iii) the design, provision and maintenance of plant and machinery or any other articles that are safe and without risk to health;
 - (d) ensuring, so far as it is reasonably practicable, the safety and the prevention of risk to health at work of his or her employees relating to the use of any article or substance or the exposure to noise, vibration or ionising or other radiations or any other physical agent;
 - (e) providing systems of work that are planned, organised, performed, maintained and revised as appropriate so as to be, so far as is reasonably practicable, safe and without risk to health;

- (f) providing and maintaining facilities and arrangements for the welfare of his or her employees at work;
 - (g) providing the information, instruction, training and supervision necessary to ensure, so far as is reasonably practicable, the safety, health, and welfare at work of his or her employees;
 - (h) determining and implementing the safety, health and welfare measures necessary for the protection of the safety, health and welfare of his or her employees when identifying hazards and carrying out a risk assessment under [section 19](#) or when preparing a safety statement under [section 20](#) and ensuring that the measures take account of changing circumstances and the general principles of prevention specified in [Schedule 3](#);
 - (i) having regard to the general principles of prevention in [Schedule 3](#), where risks cannot be eliminated or adequately controlled or in such circumstances as may be prescribed, providing and maintaining such suitable protective clothing and equipment as is necessary to ensure, so far as is reasonably practicable, the safety, health and welfare at work of his or her employees;
 - (j) preparing and revising, as appropriate, adequate plans and procedures to be followed and measures to be taken in the case of an emergency or serious and imminent danger;
 - (k) reporting accidents and dangerous occurrences, as may be prescribed, to the Authority or to a person prescribed under [section 33](#), as appropriate, and
 - (l) obtaining, where necessary, the services of a competent person (whether under a contract of employment or otherwise) for the purpose of ensuring, so far as is reasonably practicable, the safety, health and welfare at work of his or her employees.
- (3) Any duty imposed on an employer under the relevant statutory provisions in respect of any of his or her employees shall also apply in respect of the use by him or her of the services of a fixed-term employee or a temporary employee.
- (4) For the duration of the assignment of any fixed-term employee or temporary employee working in his or her undertaking, it shall be the duty of every employer to ensure that working conditions are such as will protect the safety, health and welfare at work of such an employee.
- (5) Every employer shall ensure that any measures taken by him or her relating to safety, health and welfare at work do not involve financial cost to his or her employees.

Section 9 – Information for employees

- 9.— (1) Without prejudice to the generality of [section 8](#), every employer shall, when providing information to his or her employees under that section on matters relating to their safety, health and welfare at work ensure that the information—

- (a) is given in a form, manner and, as appropriate, language that is reasonably likely to be understood by the employees concerned, and
- (b) includes the following information—
 - (i) the hazards to safety, health and welfare at work and the risks identified by the risk assessment,
 - (ii) the protective and preventive measures to be taken concerning safety, health and welfare at work under the relevant statutory provisions in respect of the place of work and each specific task to be performed at the place of work, and
 - (iii) the names of persons designated under *section 11* and of safety representatives selected under *section 25*, if any.
- (2) Where an employee of another undertaking is engaged in work activities in an employer's undertaking, that employer shall take measures to ensure that the employee's employer receives adequate information concerning the matters referred to in *subsection (1)*.
- (3) Every employer shall ensure that employees appointed under *section 18* and safety representatives, if any, have access, for the purposes of performing their functions relating to the safety, health and welfare of employees, to—
 - (a) the risk assessment carried out under *section 19*,
 - (b) information relating to accidents and dangerous occurrences required to be reported to the Authority or a person prescribed under *section 33* under the relevant statutory provisions, and
 - (c) any information arising from protective and preventive measures taken under the relevant statutory provisions or provided by the Authority, a person prescribed under *section 33*, or a person referred to in *section 34(2)*.
- (4) (a) Where an employer proposes to use the services of a fixed-term employee or a temporary employee, the employer shall, prior to commencement of employment, give information to the employee relating to—
 - (i) any potential risks to the safety, health and welfare of the employee at work,
 - (ii) health surveillance,
 - (iii) any special occupational qualifications or skills required in the place of work, and
 - (iv) any increased specific risks which the work may involve.
- (b) Where an employer proposes to use the services of a temporary employee, the employer shall—

- (i) specify to the temporary employment business concerned the occupational qualifications necessary for and the specific features of the work for which such an employee is required, and
 - (ii) ensure that the temporary employment business gives the information referred to in *paragraph (a)* to the employee.
- (5) The temporary employment business referred to in *subsection (4)(b)* shall give to the employee the information referred to in *subsection (4)(b)(i)*.

Section 10 – Instruction, training and supervision of employees

- 10.—(1) Without prejudice to the generality of *section 8* and having regard to *sections 25* and *26*, every employer shall, when providing instruction, training and supervision to his or her employees in relation to their safety, health and welfare at work, ensure that—
- (a) instruction, training and supervision is provided in a form, manner and, as appropriate, language that is reasonably likely to be understood by the employee concerned,
 - (b) employees receive, during time off from their work, where appropriate, and without loss of remuneration, adequate safety, health and welfare training, including, in particular, information and instructions relating to the specific task to be performed by the employee and the measures to be taken in an emergency,
 - (c) in relation to any specific task assigned to an employee, that his or her capabilities in relation to safety, health and welfare are taken into account,
 - (d) in the case of—
 - (i) a class or classes of particularly sensitive employees to whom any of the relevant statutory provisions apply, or
 - (ii) any employee or group of employees exposed to risks expressly provided for under the relevant statutory provisions,the employees concerned are protected against the dangers that specifically affect them.
- (2) Training under this section shall be adapted to take account of new or changed risks to safety, health and welfare at work and shall, as appropriate, be repeated periodically.
- (3) Training under this section shall be provided to employees—
- (a) on recruitment,

- (b) in the event of the transfer of an employee or change of task assigned to an employee,
 - (c) on the introduction of new work equipment, systems of work or changes in existing work equipment or systems of work, and
 - (d) on the introduction of new technology.
- (4) Where, in respect of any particular work, competency requirements are prescribed, the employer shall provide for the release of employees, during working hours, where appropriate, and without loss of remuneration, for the purpose of attending training in matters relating to safety, health and welfare at work as regards the particular work.
- (5) Every employer shall ensure that persons at work in the place of work concerned who are employees of another employer receive instructions relating to any risks to their safety, health and welfare in that place of work as necessary or appropriate.
- (6) Every employer who uses the services of a fixed-term employee or a temporary employee shall ensure that the employee receives the training appropriate to the work which he or she is required to carry out having regard to his or her qualifications and experience.

Section 11 – Emergencies and serious and imminent dangers

- 11.—(1) Without prejudice to the generality of *section 8*, every employer shall, in preparing and revising as necessary adequate plans and procedures to be followed and measures to be taken in the case of an emergency or serious and imminent danger—



- (a) provide the necessary measures to be taken appropriate to the place of work for first aid, fire-fighting and the evacuation of employees and any other individual present in the place of work, taking account of the nature of the work being carried on and the size of the place of work,
 - (b) arrange any necessary contacts with the appropriate emergency services, in particular with regard to first aid, emergency medical care, rescue work and fire-fighting,
 - (c) for the purposes of implementing the plans, procedures and measures referred to in this section and *section 8*,
 - designate employees who are required to implement those plans, procedures and measures, and
 - (ii) ensure that the number of those employees, their training and the equipment available to them are adequate, taking into account either or both the size of and specific hazards relating to the place of work.
- (2) In the event of an emergency or serious and imminent danger, an employer shall—
- (a) as soon as possible inform all employees concerned of the risk involved and of the steps taken or to be taken to protect them from it,
 - (b) save in exceptional cases for the reasons specified in the plans and procedures referred to in *subsection (1)*, refrain from requiring employees to carry out or resume work where there is still a serious and imminent danger to their safety and health, and
 - (c) ensure that, in the absence of appropriate guidance or instruction and having regard to the knowledge of the employee and the technical means at his or her disposal, and where the employee's immediate superior responsible cannot be contacted, the employee concerned may take appropriate steps to avoid the consequences of the danger.
- (3) In the event of serious, imminent and unavoidable danger, an employer shall—
- (a) take action and give instructions to enable employees to either or both stop work and immediately leave the place of work and to proceed to a safe place, and
 - (b) ensure that an employee who leaves a place of work is not penalised because of such action.
- (4) An employer shall ensure that only employees who have received appropriate instructions have access to the area of the place of work where a serious, specific danger exists.
- (5) This section does not apply to the following persons when they are engaged in activities relating to civil emergencies, public order, security or an act of war where any such activity prevents compliance with this section:

- (a) members of the Defence Forces;
- (b) members of the Garda Síochána;
- (c) employees of a fire authority (within the meaning of the Fire Services Act 1981); or
- (d) persons engaged in the activities of civil protection or civil defence.

Section 12 – General duties of employers to persons other than their employees

12.— Every employer shall manage and conduct his or her undertaking in such a way as to ensure, so far as is reasonably practicable, that in the course of the work being carried on, individuals at the place of work (not being his or her employees) are not exposed to risks to their safety, health or welfare.

Chapter 2, General duties of employee and persons in control of places of work

Section 13 – Duties of employee

13.—(1) An employee shall, while at work—

- (a) comply with the relevant statutory provisions, as appropriate, and take reasonable care to protect his or her safety, health and welfare and the safety, health and welfare of any other person who may be affected by the employee's acts or omissions at work,
- (b) ensure that he or she is not under the influence of an intoxicant to the extent that he or she is in such a state as to endanger his or her own safety, health or welfare at work or that of any other person,
- (c) if reasonably required by his or her employer, submit to any appropriate, reasonable and proportionate tests for intoxicants by, or under the supervision of, a registered medical practitioner who is a competent person, as may be prescribed,
- (d) co-operate with his or her employer or any other person so far as is necessary to enable his or her employer or the other person to comply with the relevant statutory provisions, as appropriate,
- (e) not engage in improper conduct or other behaviour that is likely to endanger his or her own safety, health and welfare at work or that of any other person,
- (f) attend such training and, as appropriate, undergo such assessment as may reasonably be required by his or her employer or as may be prescribed relating to safety, health and welfare at work or relating to the work carried out by the employee,

- (g) having regard to his or her training and the instructions given by his or her employer, make correct use of any article or substance provided for use by the employee at work or for the protection of his or her safety, health and welfare at work, including protective clothing or equipment,
 - (h) report to his or her employer or to any other appropriate person, as soon as practicable—
 - (i) any work being carried on, or likely to be carried on, in a manner which may endanger the safety, health or welfare at work of the employee or that of any other person,
 - (ii) any defect in the place of work, the systems of work, any article or substance which might endanger the safety, health or welfare at work of the employee or that of any other person, or
 - (iii) any contravention of the relevant statutory provisions which may endanger the safety, health and welfare at work of the employee or that of any other person, of which he or she is aware.
- (2) An employee shall not, on entering into a contract of employment, misrepresent himself or herself to an employer with regard to the level of training as may be prescribed under *subsection (1)(f)*.



Section 14 – Interference, misuse, etc

14.—A person shall not intentionally, recklessly or without reasonable cause—

- (a) interfere with, misuse or damage anything provided under the relevant statutory provisions or otherwise for securing the safety, health and welfare of persons at work, or
- (b) place at risk the safety, health or welfare of persons in connection with work activities.

Section 15 – General duties of persons in control of places of work, etc

15.—(1) This section applies to a person who has control to any extent of—

- (a) a non-domestic place of work that has been made available as a place of work to persons other than employees of the person to whom this section applies,
- (b) the means of access to or egress from that place of work, or
- (c) any article or substance provided for the use of persons at that place of work, other than employees of the person who has control of the article or substance,

including a person who has control of a place of work or part of a place of work in connection with the carrying on by him or her of a trade, undertaking or business (whether for profit or not).

(2) Where a person has, by virtue of any contract, tenancy, licence or other interest, an obligation to any extent—

- (a) to maintain or repair a place of work or the means of access thereto or egress therefrom, or
- (b) as regards the safety of, or the absence of risk to health arising from, any article or substance provided for use in, that place of work,

the person is deemed, for the purposes of this section, to be a person to whom this section applies to the extent of his or her obligation.

(3) A person to whom this section applies shall ensure, so far as is reasonably practicable, that the place of work, the means of access thereto, or egress therefrom, and any article or substance provided for use in the place of work, are safe and without risk to health.

Part 3 – Protective and preventive measures

Section 19 – Hazard identification and risk assessment

- 19.—(1) Every employer shall identify the hazards in the place of work under his or her control, assess the risks presented by those hazards and be in possession of a written assessment (to be known and referred to in this Act as a “risk assessment”) of the risks to the safety, health and welfare at work of his or her employees, including the safety, health and welfare of any single employee or group or groups of employees who may be exposed to any unusual or other risks under the relevant statutory provisions.
- (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

- 20.—(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 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.

- (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 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 21 – Duties of employers to co-operate

21.—Where employers share a place of work, they shall—

- (a) in relation to safety, health and welfare at work, co-operate in complying with and implementing the relevant statutory provisions,
- (b) taking into account the nature of the work carried on at the place of work concerned—
 - (i) co-ordinate their actions in matters relating to the protection from and prevention of risks to safety, health and welfare at work, and
 - (ii) inform each other and their respective employees and safety representatives (if any) of any risks to their safety, health and welfare arising from the work activity, including by the exchange of safety statements or relevant extracts therefrom relating to hazards and risks to employees.

Appendix 3: Sources of further information

Health and Safety Authority guidance and publications

The Health and Safety Authority publishes a wide range of guides and codes.

They can be downloaded for free from www.hsa.ie

Guide to the Safety, Health and Welfare at Work Act 2005

A Short Guide to the Safety, Health and Welfare at Work Act 2005

Guide to the Safety, Health and Welfare at Work (General Application) Regulations 2007

Safety Toolkit and Short Guide to the Safety, Health and Welfare at Work (General Application) Regulations 2007

Guidance for Directors and Senior Managers on their Responsibilities for Workplace Safety and Health

Agriculture Code of Practice Pack

Code of Practice on Preventing Accidents to Children and Young Persons in Agriculture

Guidelines on the Procurement, Design and Management Requirements of the Safety, Health and Welfare at Work (Construction) Regulations 2006

Summary of Key Duties under the Procurement, Design and Site Management Requirements of the Safety, Health and Welfare at Work (Construction) Regulations, 2006

Guide for Clients involved in Construction Projects

Using ladders safely – Information Sheet

Guidelines on Risk Assessments and Safety Statements

HSE (Health and Safety Executive,UK)

(HSE priced and free publications are available by mail order from HSE Books, PO Box 1999, Sudbury, Suffolk CO10 2WA. Tel: 01787 881165, Fax: 01787 313995).

Website www.hsebooks.co.uk

AFAG leaflets

HSE's Arboriculture and Forestry Advisory Group (AFAG) has produced a comprehensive set of leaflets on safe working practices for forestry and arboriculture operations.(These replace the old FASTCo safety guides which are no longer available).Members of the group are from across the forestry and arboriculture industry, with representatives from major industry bodies and organisations.

The new AFAG leaflets are designed to give the same practical guidance as the old FASTCo guides but are now revised and updated. The FASTCo numbering system has been retained, but with the prefix 'forestry and arboriculture' AFAG (eg AFAG301), so that everyone who was familiar with the old series should be able to easily identify the relevant new leaflets.

AFAG have made all their free training guides available on the HSE website for direct viewing. Single free copies of the leaflets are available from HSE Books. They are also available in priced packs of 15 or can be printed direct from HSE's website at

www.hse.gov.uk/pubns/forindex.htm

Managing public safety on harvesting sites (formerly a FASTCo priced publication) is now available from HSE Books, ISBN 0 7176 26711.

Code of Practice for Managing Safety and Health in Forestry Operations





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