
	<h1>Frequently Asked Question</h1>				
Ref: FAQ 017:02	RE: Sensitive Risk Groups- Young Persons				
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Note:	<i>This information/advice has been issued in response to frequently asked questions around a specific topic and may not cover all issues arising, should you require more specific advice please contact the Health & Safety Help Desk. The management of any occupational safety and health issue(s) remains the responsibility of local management.</i>				

Please note the following FAQ is written in the context of Safety, Health and Welfare at Work (General Application) Regulations 2007, Chapter 1 of Part 6: Protection of Children and Young Persons and does not cover questions in relation to the Protection of Young Persons (Employment) Act 1996.

What is the definition of a Young Person?

A young person is defined as a person who has reached 16 years of age but is less than 18 years of age. Note: Ensure that a birth certificate has been produced and verified.

Does the employer have to carry out a Risk Assessment?

Yes, Under the Safety, Health and Welfare at Work (General Application) Regulations, 2007, Chapter 1 of part 6: Protection of Children and Young Persons), it is the duty of every employer to carry out a risk assessment prior to a Young Person commencing employment* and when there is a major change in the place of work or the work to be carried out which could affect the safety or health of the young person.

The employer must assess any risk and any specific risks to the safety, health & development arising from:

- lack of experience, absence of awareness of existing or potential risks or lack of maturity
- work activities likely to involve a risk of harmful exposure to the physical, biological and chemical agents specified in Part A of Schedule 7, (Refer to second last question in this document for list) the processes and work specified in Part B of Schedule 7 (Refer to last question in this document for list) and take the necessary preventive and protective measures

*“For the purposes of the relevant statutory provisions, a person who is training for employment or receiving work experience, other than when present at a course of study in a university, school or college, shall be deemed to be an employee of the person whose undertaking (whether carried on

by him or her for profit or not) is for the time being the immediate provider to that person of training or work experience” (Safety, Health and Welfare at Work Act, 2005).

Is there any further information that a Manager requires to consider when completing this risk assessment?

In addition to the above, the risk assessment must address the following:

- the fitting-out and the layout of the place of work and of the workstation
- the nature, degree and exposure to any physical, chemical or biological agent at the place of work
- the form, range and use of work equipment, in particular agents, machines, apparatus and devices, and the way in which they are handled
- the arrangement of work processes and of work operations at the place of work and the way in which these may be organised in combination for the purposes of carrying out work
- the training, instruction and level of supervision provided to the young person at the place of work

Young persons must be informed of any risks identified by the assessment, and any preventive and protective measures taken.

Are there any circumstances which could prohibit the employment of a young person?

Yes, Young persons must not be employed if the risk assessment shows that the work:

- is beyond the physical or psychological capacity
- involves harmful exposure to agents which are toxic, carcinogenic, cause heritable genetic damage or harm to the unborn child or which in any other way chronically affects human health
- involves harmful exposure to radiation
- involves the risk of accidents which may be assumed cannot be recognised or avoided by a young person due to insufficient attention to safety or lack of experience or training
- presents a risk to health from exposure to extreme heat or cold or to noise or vibration

Are there any restrictions on the hours they can work, as a HSE employee?

- The young person is not permitted to work between the hours of 10pm and 6am
- The young person does not work for more than 8 hours in any day or 40 hours in any week
- The young person receives a 30 minute break after working 4.5hrs
- The young person is given an uninterrupted period of 12 hours rest in every 24hr period worked
- The young person receives 2 days off in every 7 (as far as practicable are consecutive)

Is Health Surveillance required?

If a risk to the health, safety, or physical or mental development of a young person is identified, health surveillance must be made available. The young person should also be informed of the results of any health surveillance or health assessment undertaken.

What is the list of Agents, processes and work specified in Part A of Schedule 7, which requires to be considered as part of the risk assessment process?

Part A — Guide list of agents, processes and work

1. Physical Agents

- (a) Ionising radiation;
- (b) Work in a high-pressure atmosphere such as in pressurised containers or diving.

2. Biological agents

Biological agents of risk groups 3 and 4 within the meaning of Regulation 2(1) of the Safety, Health and Welfare at Work (Biological Agents) Regulations 1994 (S.I. No. 146 of 1994) as amended by the Safety, Health and Welfare at Work (Biological Agents) (Amendment) Regulations 1998 (S.I. No. 248 of 1998);

3. Chemical Agents for HSE employees

(a) Substances and mixtures which meet the criteria for classification under Regulation (EC) No. 1272/2008 of the European Parliament and of the Council in one or more of the following hazard classes and hazard categories with one or more of the following hazard statements:

- (I) acute toxicity, category 1, 2 or 3 (H300, H310, H330, H301, H311, H331);
- (II) skin corrosion, category 1A, 1B or 1C (H314);
- (III) flammable gas, category 1 or 2 (H220, H221);
- (IV) flammable aerosols, category 1 (H222);
- (V) flammable liquid, category 1 or 2 (H224, H225);
- (VI) explosives, categories “Unstable explosive”, or explosives of Divisions 1.1, 1.2, 1.3, 1.4, 1.5 (H200, H201, H202, H203, H204, H205);
- (VII) self-reactive substances and mixtures, type A, B, C or D (H240, H241, H242);
- (VIII) organic peroxides, type A or B (H240, H241);
- (IX) specific target organ toxicity after single exposure, category 1 or 2 (H370, H371);
- (X) specific target organ toxicity after repeated exposure, category 1 or 2 (H372, H373);
- (XI) respiratory sensitisation, category 1, subcategory 1A or 1B (H334);
- (XII) skin sensitisation, category 1, subcategory 1A or 1B (H317);
- (XIII) carcinogenicity, category 1A, 1B or 2 (H350, H350i, H351);
- (XIV) germ cell mutagenicity, category 1A, 1B or 2 (H340, H341);

(XV) reproductive toxicity, category 1A or 1B (H360, H360F, H360FD, H360Fd, H360D, H360Df);

(b) Substances and mixtures referred to in the Safety, Health and Welfare at Work

(Carcinogens) Regulations 2001 (S.I. No. 78 of 2001) (amended by the Safety, Health and Welfare at Work (Carcinogens) (Amendment) Regulations 2015 (S.I. No. 622 of 2015));

(c) Lead and compounds thereof, in as much as the agents in question are absorbable by the human organism;

(d) Asbestos.

What is the list of processes and work specified in Part B of Schedule 7, which requires to be considered as part of the risk assessment process?

Part B — Processes and work for HSE employees

1. Processes at work referred to in the Safety, Health and Welfare at Work (Carcinogens) Regulations 2001 (S.I. No. 78 of 2001). Processes at work referred to in the Safety, Health and Welfare at Work (Carcinogens) Regulations 2001 (S.I. No. 78 of 2001) (amended by the Safety, Health and Welfare at Work (Carcinogens)
2. Work involving the handling of equipment for the production, storage or application of compressed, liquefied or dissolved gases
3. Work with vats, tanks, reservoirs or carboys containing chemical agents referred to in item 3 of Part A of this Schedule
4. Work the pace of which is determined by machinery and involving payment by results.

Additional Resource Information:

Legislation:

The Safety, Health and Welfare at Work Act, 2005

The Safety, Health and Welfare at Work (General Application) Regulations 2007, [Chapter 1 of Part 6: Protection of Children and Young Persons](#).

Useful Contacts and References:

[Guide to the Safety, Health and Welfare at Work \(General Application\) Regulations 2007, Chapter 1 of Part 6: Protection of Children and Young Persons](#).