

Labour Inspection Structure and organization

Name of institution that manager work issues

Within the [Department of Enterprise, Trade and Innovation](#) (DETI) falls the [Employment Rights and Industrial Relations Division](#) who's role is to establish and protect employment rights and to provide the industrial relations policy, legislative and institutional framework.

Department(s) responsible for Labour Inspection

The [National Employment Rights Authority](#) (NERA) is an Office of the DETI and its mission is to achieve a national culture of employment rights compliance through providing information, supported by enforcement. The NERA has three main areas: (i) Employment Rights Information Service, (ii) Inspection, and (iii) Enforcement and Prosecution.

The Health and Safety Authority (HSA) (<http://www.hsa.ie/eng/>) is an Agency within the DETI and has the overall responsibility for the administration and enforcement of health and safety at work.

Scope of labour inspection

The NERA inspectors monitor and enforce compliance with certain employment conditions for all categories of workers. They are responsible for enforcing the Industrial Relations Act, Protection of Young Workers Act, Organisation of Working time Act, Parental Leave Act, Carers Leave Act, and the Employees (Provision of Information and Consultation) Act.

The HSA inspectors enforce all relevant statutory provisions set out in safety, health and welfare legislation; promote, encourage and advise employers and employees in relation to health and safety training, promote and encourage measures aimed at the prevention of accidents, dangerous occurrences and personal injury at work; provide information and advice on matters relating to safety, health and welfare and promote the implementation of best practice methodologies and processes.

Occupational safety and health legislation applies to all sectors including non-commercial activities.

Local divisions

NERA's Inspection Services are regionalised. The central offices are based in Carlow and four sub-regional offices are distributed in the regions.

The HSA has its headquarters in Dublin and 7 field offices.

Programming and communication

NERA Regional Managers have responsibilities over strategy and planning within their respective regions. The National Social Partnership Agreement, Towards 2016, provides for greater co-ordination between organisations concerned with employment rights compliance. In particular it provides that NERA Inspectors will also join with the Department of Social Protection and the Revenue Commissioners to work together in Joint Investigation Units (JIUs).

The HSA develops four year work plans in order to identify priority areas of inspection and accident prevention programs. These plans are designed through a consultation process which includes field inspectors. The plan is also approved by the HSA Board.

Human Resources and career development

Permanency of inspectors

NERA personnel are civil servants.

Selection process

The HSA selects candidates based on the qualifications, attributes and skills required to undertake the duties and responsibilities. Tests and interviews are part of the recruitment process. New recruits receive a one-week induction course on the role of the Inspectorate and the legal framework in which it operates. A one-year formal basic training programme has also been set up which includes training courses and on-the-job training and accompanying a senior inspector for six months.

Background required

Inspectors at the HSA need to be graduates in a technical or scientific discipline or have an equivalent professional or technical qualification. Previous health and safety experience is not required but it is an advantage to have it. The HSA identifies inspectors' technical, management and communicating needs and provides them with the training required to perform their functions.

Visits and functions

Types of visits

NERA inspections can be initiated in cases of complaints, as part of NERA's compliance campaigns, which focus on compliance in a specific sector or a specific piece of legislation, or routine inspections. Inspectors undertake both announced and unannounced inspections.

HSA inspectors also carry out reactive and pro-active inspections of workplaces. Reactive inspections may arise following an accident, incident or complaint. Pro-active inspections may be routine or targeted. Inspectors in general are allocated a geographical area rather than a specific industry sector.

Role of preventive measures

The HSA inspectors' primary focus is a preventative one, which is to raise awareness among employers and workers on their responsibilities under the 2005 Safety and Health Act. Different campaigns are carried out annually. Inspectors also deliver conferences and seminars and develop Guidelines or Codes of Practice on different areas. The HSA website also provides information and tools to help employers implement legislation and make workplaces safer. Inspectors spend a lot of their time during the inspection visit providing advice and information to workers and employers.

NERA also provides an information service to employers. Their website has comprehensive information available to workers and employers on their rights and responsibilities.

Programming

With respect to NERA, Inspector Team Managers (ITM's) are responsible for the allocation and supervision of all inspection cases in their areas of responsibility. Regional Managers are responsible for the allocation and supervision of all inspection cases to be undertaken by ITM's. Complaints have priority. In relation to campaign cases, ITM's will provide individual inspectors with details of cases, taken from the Revenue Lists and other information sources, in respect of which inspections must be carried out.

The HSA set out their inspection priorities in their annual plans. The choice of individual workplaces to be visited is left to the Grade 1 inspector to decide in consultation with his/her inspectors. The industrial sectors which have significant health and safety problems receive most attention e.g. agriculture and forestry, construction, mines and quarries, major accident hazard activities, factories with hazardous processes and hospitals. Other sectors are inspected on a limited sample basis.

Registries and reporting of accidents/diseases at work

By law, employers must report workplace accidents to the Health and Safety Authority, as soon as possible. The HSA has set up a system to allow employers to report accidents online through their website. All accident investigations are recorded in a computer based enforcement system called SAFE.

The Social Welfare and Pensions Act, 2007 provides for the exchange of relevant employment data between the Revenue Commissioners, the Department for Social Protection and the DETI which enhances day-to-day inspectorate, prosecution and enforcement activity within NERA.

Sanction and administrative processes

HSA inspectors can take different actions where statutory contraventions are observed or where there is a risk of serious personal injury. They may: (i) issue an Improvement Direction and the employer must respond with an Improvement Plan; (ii) issue an Improvement Notice requiring that the contravention be addressed within a certain time period; (iii) issue a Prohibition Notice where an inspector is of the opinion that an activity is likely to involve a risk of serious personal injury to any person; (iv) issue an Information Notice requiring a person to present to the HSA any information specified; (v) take of summary proceedings in the District Court; (vi) prepare evidence so that the Director of Public Prosecutions can initiate proceedings on indictment for hearing in the Circuit Court; (vi) to apply ex-parte to the High Court to seek an interlocutory Order to restrict or prohibit work activities at part or all of a workplace.

NERA inspectors may undertake one or more of the following actions: (i) issue a letter to the employer requesting them to rectify the breaches; (ii) refer the matter to Legal Services for prosecution; (iii) undertake a further inspection.

Social dialogue and labour inspection

The HSA is a tripartite body with there is regular discussion with the social partners at Board level on national policy concerning health and safety.

Joint advisory committees are also setup for individual industry sectors for different activities, amongst them to assess and advise on a balanced approach to enforcement in the sector having regard to information, advisory, inspection and legal sanction possibilities.

ILO Conventions ratified

Ireland ratified Convention No. 81 in 1951.