



E-Handbook on Cross-border Enforcement

OSH for Mobile Workers

IRELAND

Republic of Ireland

Committee of Senior Labour Inspectors (SLIC)

Last version adopted at the 83rd SLIC Plenary in Stockholm, 10 May 2023

TABLE OF CONTENTS

FOREWORD	4
DIRECTORY	5
NATIONAL REPORT: IRELAND	9
1. THE LABOUR INSPECTORATE	9
1.1. ORGANISATION OF THE LABOUR INSPECTORATE.....	9
1.2. NATIONAL LEGISLATION AND ILO CONVENTIONS RATIFIED ON LABOUR INSPECTION	10
1.3. COMPETENCES OF LABOUR INSPECTORS	11
1.3.1. Occupational Safety and Health (OSH)	11
1.3.2. OSH or Labour Law Matters	12
1.3.3. Labour Law	12
1.3.4. Social Security	12
1.4. INSPECTORS' POWERS	13
1.5. MECHANISMS OF COOPERATION AND EXCHANGE OF INFORMATION WITH OTHER NATIONAL PUBLIC BODIES	13
2. POSTING OF WORKERS	15
2.1. NATIONAL LEGISLATION	15
2.2. ADMINISTRATIVE REQUIREMENTS AND CONTROL MEASURES	15
2.2.1. Deadline to submit the declaration.....	15
2.2.2. Content of the declaration of posting.....	15
2.3. SOCIAL SECURITY PROCEDURES.....	16
2.4. WORK RELATED ACCIDENTS / OCCUPATIONAL DISEASES OF POSTED WORKERS	17
2.5. NATIONAL AUTHORITIES INVOLVED IN POSTING OF WORKERS.....	17
3. COOPERATION AND MUTUAL ASSISTANCE	18
3.1. LEGISLATION ON MUTUAL ASSISTANCE.....	18
3.2. BILATERAL AND MULTILATERAL AGREEMENTS ON LABOUR INSPECTION ..	18
3.3. REQUEST AND RECEPTION OF INFORMATION FROM OTHER INSPECTORATES	18
3.4. TOOLS FOR EXCHANGING INFORMATION	19
3.4.1. IMI (Internal Market Information System) for Posting of workers...19	
3.4.2. KSS (Knowledge Sharing System)	19
3.5. FINES AND EXECUTION OF FINES PROPOSED OR IMPOSED BY THE LABOUR INSPECTORATE	19
ANNEX E-HANDBOOK (UPDATING 2023)	22
1. About the Directive (EU) 2020/1057 of the European Parliament and of the Council of 15 July 2020 laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the road	

transport sector and amending Directive 2006/22/EC as regards enforcement requirements and Regulation (EU) No 1024/2012	22
1.1. Transposition to National Legislation	22
1.2. Competences of the SLIC Member on road transport	22
2. About Article 20.2.c) of Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers regarding health and safety conditions of workers' accommodation	23
2.1. Transposition to National Legislation	23
2.2. Competences of the SLIC Member on health and safety conditions on workers' accommodation	23
3. About Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals	23
3.1. Transposition in National Legislation	23
3.2. Competences of the SLIC Member on sanctions and measures provided in this Directive	24
4. JOINT AND CONCERTED INSPECTIONS ON OSH MATTERS	24
4.1. Is it allowed to organise concerted and joint inspections on OSH matters with other inspectorates?	24
5. NATIONAL INFORMATION AND INITIATIVES FOR MOBILE WORKERS	24
5.1. Please describe the initiatives you have implemented (e.g.: website, flyers, documents...)	24
6. COOPERATION WITH ELA	24
6.1. Do you regularly collaborate with the national liaison officer?	24
6.2. Could you provide any useful information regarding your participation in working groups, campaigns, training, etc. ?	25

FOREWORD

The first version of the E-Handbook on Cross-border Enforcement was published in 2016 and updated in 2019. The last version was published in 2021 in the [Library of the SLIC public site](#) on the EU collaborative platform CIRCABC.

This last version had a format that enhances a better public disclosure of the organisation of the bodies and entities dealing with the inspection of occupational safety and health in EU Member States, as well as in Norway and Switzerland. The purpose of that E-Handbook was to provide labour inspectorates with informative tools to facilitate cooperation and mutual assistance with competent bodies from other countries.

The new working group on Mobile Workers on OSH matters, which replaced the previous working group dedicated to cross-border enforcement, was mandated to update the content of the E-Handbook for several reasons.

First, it was necessary to add new regulations such as the new Directive (EU) 2020/1057 laying down specific rules for posting of drivers in the road transport, a sector which moreover includes aspects related to the enforcement of working time under Directive 2006/22/EC, a matter that is considered a part of OSH legislation in many Member States.

Secondly, it was necessary to enlarge the content of that handbook following the new scope of the working group dedicated to mobile workers. A mobile worker is someone who works in more than one Member State or travels to other Member States as part of his job (posted workers, cross-border workers, seasonal workers, temporary workers, migrant workers...).

Therefore, the handbook should include information on the competence of SLIC Members on legislation about Third Country National workers. This includes Directive 2014/36 on seasonal workers in aspects related to the health and safety conditions such as workers' accommodation and Directive 2009/52 on sanctions. These directives have been explicitly mentioned in the current EU strategic framework on health and safety at work 2021-2027 in a changing world of work.

Moreover, it was necessary to complement some aspects related to the practice of concerted and joint inspections on OSH matters regarding the legal possibility to carry them out in each Member State.

Lastly, the SLIC working group considered that the easiest way to update the existing E-Handbook was to maintain its structure, with the updated information provided by Member States, and to complete it with new items gathered in a specific annex.

Finally, the handbook needed a new title reflecting its purpose and also support to gain more visibility among labour inspectors on the field.

We hope that this document will be a useful tool for national labour inspectorates and beyond, for all organisations involved in OSH matters for mobile workers.

This new updated version was announced to SLIC members at the 82nd Plenary session of 12 October 2022, held under the Czech Presidency.

DIRECTORY

Austria	<p>ARBEITSINSPEKTION</p> <p>Favoritenstraße 7 A-1040 Wien</p> <p>https://www.arbeitsinspektion.gv.at/inspektorat</p>
Belgium	<p>SURVEILLANCE ON WELL-BEING AT WORK and SURVEILLANCE ON SOCIAL LAW</p> <p>Blerotstraat/rue Blerot 1 B-1070 Brussels</p> <p>http://www.employment.belgium.be In Dutch: www.werk.belgie.be In French: www.emploi.belgique.be</p>
Bulgaria	<p>GLI EA (General Labour Inspectorate Executive Agency)</p> <p>http://www.gli.government.bg/en</p>
Croatia	<p>STATE INSPECTORATE</p> <p>Šubićeva 29, 10 000 Zagreb</p> <p>https://dirh.gov.hr/</p>
Cyprus	<p>DEPARTMENT OF LABOUR INSPECTION (DLI) http://www.mlsi.gov.cy/mlsi/dli/dliup.nsf/index_en/index_en?OpenDocument</p> <p>DEPARTMENT OF LABOUR (DL) https://www.mlsi.gov.cy/mlsi/dl/dl.nsf/index_en/index_en?OpenDocument</p> <p>DEPARTMENT OF LABOUR RELATIONS (DLR) https://www.mlsi.gov.cy/mlsi/dlr/dlr.nsf/home_en/home_en?openform</p>
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Germany	<p>LASI Länderausschuss für Arbeitsschutz und Sicherheitstechnik (Gremium der Länder) LASI Vorsitz (bis 2024): Ministerium für Wirtschaft, Arbeit und Tourismus Baden-Württemberg;</p> <p>Theodor-Heuss-Straße 4, 70174 Stuttgart</p> <p>https://lasi-info.com</p>
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Luxembourg	<p>INSPECTION DU TRAVAIL ET DES MINES</p> <p>3 Rue des Primeurs, 2361 Strassen, Luxembourg</p> <p>www.itm.public.lu</p>
Malta	<p>OCCUPATIONAL HEALTH AND SAFETY AUTHORITY</p> <p>17, Triq Edgar Ferro, Pietà PTA 1533 Malta</p> <p>Email: ohsa@ohsa.mt http://www.ohsa.mt/</p>
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Spain	<p>INSPECCION DE TRABAJO Y SEGURIDAD SOCIAL (ITSS)</p> <p>Paseo de la Castellana 63 28046 Madrid</p> <p>https://www.mites.gob.es/itss/web/index.html</p>
Sweden	<p>THE SWEDISH WORK ENVIRONMENT AUTHORITY</p> <p>Svetsarvägen 12 SE 171 41 Solna</p> <p>Email: arbetsmiljoverket@av.se https://www.av.se/en/</p>
Switzerland	<p>STATE SECRETARIAT FOR ECONOMIC AFFAIRS (SECO) WORKING CONDITIONS – FEDERAL LABOUR INSPECTION</p> <p>Holzikofenweg 36 CH-3003 Bern</p> <p>Email: abea@seco.admin.ch www.seco.admin.ch/seco/de/home/Arbeit/Arbeitsbedingungen/Arbeitnehmerschutz.html</p>
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NATIONAL REPORT: IRELAND

LABOUR INSPECTORATE	HEALTH AND SAFETY AUTHORITY (HSA)
OTHER COMPETENT AUTHORITIES	WORKPLACE RELATIONS COMMISSION (WRC)

1. THE LABOUR INSPECTORATE

1.1. ORGANISATION OF THE LABOUR INSPECTORATE

The Health and Safety Authority

The Authority was established in 1989 under the Safety, Health and Welfare at Work Act, 1989 and reports to the Minister for Enterprise Trade and Employment. The Authority has a number of major roles. We are:

- The national statutory body with responsibility for ensuring that over 2.5 million workers (employed and self-employed) and those affected by work activity are protected from work related injury and ill-health. We do this by enforcing occupational health and safety law, promoting accident prevention, and providing information and advice across all sectors, including retail, healthcare, manufacturing, fishing, entertainment, mining, construction, agriculture and food services.
- The lead National Competent Authority for a number of chemicals regulations including REACH (Registration, Evaluation, Authorisation and Restriction of Chemicals) Regulation and Seveso II Directive. Our responsibility in this area is to protect human health (general public, consumers and workers) and the environment, to enhance competitiveness and innovation and ensure free movement of chemicals in the EU market.
- A key agency involved in market surveillance and ensuring the safety of products used in workplaces and consumer applications. We have a remit to protect 4.5 million citizens from unsafe products and articles and to enable the international movement and trade of goods manufactured in Ireland.

The staff of the Authority's consists of primarily administrative, legal, and inspector grades. The number of staff in the Authority is currently around 220, of which approximately 125 are authorised inspectors. The authorised Inspectors have three primary roles, inspection & enforcement, policy and management.

The Workplace Relations Commission

The Workplace Relations Commission (WRC) is a statutory body established on 1st October 2015 under the Workplace Relations Act 2015 (No. 16 of 2015). The Commission reports to the Minister for Enterprise Trade and Employment.

It assumes the roles and functions previously carried out by the National Employment Rights Authority (NERA), Equality Tribunal (ET), Labour Relations Commission (LRC), Rights Commissioners Service (RCS), and the first-instance (Complaints and Referrals) functions of the Employment Appeals Tribunal (EAT).

The Workplace Relations Commission (WRC) has responsibility for:

- promoting the improvement of workplace relations, and maintenance of good workplace relations,
- promoting and encouraging compliance with relevant enactments,
- providing guidance in relation to compliance with codes of practice approved under Section 20 of the Workplace Relations Act 2015,
- conducting reviews of, and monitor developments as respects, workplace relations,
- conducting or commissioning research into matters pertaining to workplace relations,
- providing advice, information and the findings of research conducted by the Commission to joint labour committees and joint industrial councils,
- advising and apprising the Minister in relation to the application of, and compliance with, relevant enactments, and
- providing information to members of the public in relation to employment

The Commission’s core services include the inspection of employment rights compliance, the provision of information, the processing of employment agency and protection of young persons (employment) licences and the provision of mediation, conciliation, facilitation and advisory services.

1.2. NATIONAL LEGISLATION AND ILO CONVENTIONS RATIFIED ON LABOUR INSPECTION

The primary statutory instruments governing occupational safety, health and welfare inspections are:

- Safety, Health and Welfare at work Act 2005.
- Chemical Act 2008 & Chemicals (Amendment) Act 2010

Figure N° 1: International Conventions on Labour Inspection ratified

CONVENTION	RATIFIED	NOT RATIFIED
ILO Convention 81 on Labour Inspection in Industry and Commerce	X	
ILO Convention 129 on Labour Inspection in Agriculture		X
Maritime Labour Convention 2006	X	
ILO Convention 187 on Promotional Framework for Occupational Safety and Health		X

1.3. COMPETENCES OF LABOUR INSPECTORS

1.3.1. Occupational Safety and Health (OSH)

The Health and Safety Authority (HSA) is the competent body on Occupational Safety and Health with the exceptions listed below:

Figure N° 2: Map of competence on Occupational Safety and Health

MATTERS	COMPETENCE OF THE LABOUR INSPECTORATE	OTHER PUBLIC BODIES WITH COMPETENCE
OSH, in general terms	Yes	
Occupational Safety, in general terms	Yes	
Occupational Health, in general terms	Yes	
Work-related accidents	Yes	
Trade of Machines and Equipments	Yes	
Radiations	Yes	Environmental Protection Agency (EPA)
Explosives	No	Department of Justice and Equality
Mines	Yes	
Vessels	No	Marine Survey Office, Department of Transport, Tourism and Sport
Retail sector	Yes	
Horecca	Yes	
Agriculture	Yes	
Construction industry	Yes	
Aviation	Yes	Air Accident Investigation Unit, Department of Transport, Tourism and Sport
Railway	Yes	Commission for Rail Regulation Department of Transport, Tourism and Sport
Road Transport	Yes	
REACH	Yes	
Self Employed	Yes	

Police	Yes	
Civil Servants	Yes	
Military personnel and premises	Yes	Excluding Active Service
Penitentiaries	Yes	
Customs	Yes	

1.3.2. OSH or Labour Law Matters

Figure N° 3: Map of competences in matters which could be considered within OSH or Labour Law

MATTERS	Yes	No
Working hours		X
Bullying and harassment	X	
Third Party Violence	X	

Third party violence is a competence when arising from work related activity

1.3.3. Labour Law

Figure N° 4: Map of competences on Labour Law matters

MATTERS	Yes	No	COMMENTS
Salaries	X		The WRC is the competent Authority
Equal Treatment	X		The WRC is the competent Authority
Labour rights	X		The WRC is the competent Authority
Foreign workers	X		The WRC is the competent Authority
Others			

1.3.4. Social Security

Figure N° 5 Map of competences on Social Security Matters

MATTERS	Yes	No	COMMENTS
Affiliation of workers (REGISTER)		X	
Contributions to Social Security System		X	
Social Security benefits		X	
Private pension funds		X	

Others	
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1.4. INSPECTORS' POWERS

Figure N° 6: Map of Inspectors' powers

POWERS	Yes	No	COMMENTS
Visit workplaces	X		
Request for documents	X		
Summon employers to the Inspection Office	X		
Recommendations / Assistance	X		
Injunction / Improvement notice	X		
Initiate an administrative punishment procedure	X		
Initiate a judicial punishment procedures	X		
Imposing fines		X	The HSA have the power to impose on the spot fines for dangerous goods transported by road
Stoppage / Prohibition Notice	X		
Notify offences to the Public Prosecutor or the Judge	X		
Others	Labour Inspection is party in the administrative proceeding As the Labour Inspection is party in the administrative proceeding they have the right to appeal if the reported infringement is not treated accordingly.		

1.5. MECHANISMS OF COOPERATION AND EXCHANGE OF INFORMATION WITH OTHER NATIONAL PUBLIC BODIES

Figure N° 7: Cooperation mechanisms with other national public bodies

BODIES	Yes	No	COMMENTS
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Tax Authorities	X		
Social Security bodies	X		
Police	X		
Public Prosecutor	X		
Others			

2. POSTING OF WORKERS

2.1. NATIONAL LEGISLATION

Council Directive 96/71/EC on the posting of workers in the framework of the provision of services was transposed into Irish law as a miscellaneous provision of the Protection of Employees (Part-time Work) Act 2001. The Act provides that the full range of Irish employee protection legislation apply to workers posted to work in or otherwise working in the State.

Directive 2014/67 was transposed by S.I. No. 412 of 2016 European Union (Posting of Workers) Regulations 2016

Directive 2018/957 was transposed by S.I. No. 374 of 2020 European Union (Posting of Workers) (Amendment) Regulations 2020

Directive 2020/1057 was transposed by S.I. No. 320 of 2022 European Union (Posting of Workers) (Amendment) Regulations 2022

The aspects pertaining to Road Transport competences were transposed by SI 438 of 2022 – European Union (Posting of Drivers) Regulations 2022

Figure N° 8: EU Directives on posting of workers implemented

DIRECTIVE	Yes	No	DATE
Directive 96/71	X		2001
Directive 2014/67	X		2016
Directive 2018/957	X		2020
Directive 2020/1057	X		2022

2.2. ADMINISTRATIVE REQUIREMENTS AND CONTROL MEASURES

In Ireland posting companies are required to declare posting to the national authorities (Regulation 4 (1) a) and Schedule I of Regulations 2016.

2.2.1. Deadline to submit the declaration

No later than the date on which he or she commences providing the service (Regulation 4 (1) a).

2.2.2. Content of the declaration of posting

Figure N° 9: Content of the posting declaration

COMPANY DATA		
	YES	NO
Identity of Service Provider	X	
Representative of the company in your country	X	

A person designated for acting as a representative into collective bargaining within the host Member State		X
Activity		X
Authorization in the sending MS		X
If it is a Temporary Work Agency or not		X
Identity Tax Number		X

WORKERS DATA		
	YES	NO
Number of workers	X	
Name of workers	X	
Nationality	X	
Age		X
Role		X

POSTING DATA		
	YES	NO
Envisaged beginning	X	
End date of the posting	X	
Anticipated Duration	X	
Address(es) of the workplace	X	
Nature of the services justifying the posting	X	
Contractor		X

LABOUR CONDITIONS		
	YES	NO
Working hours	X	
Salaries	X	
Collective accommodation		X
Use of dangerous agents		X
Prevention services		X

2.3. SOCIAL SECURITY PROCEDURES

A1 forms and information on the relevant social security legislation are delivered by the International Postings Client Eligibility Services, Department of Social Protection

Figure N° 10: Position of the Labour Inspectorate with regard to A1 forms

	Yes	No
Access to A1 forms delivered by national authorities		X

The Labour Inspectorate is consulted about the approval of A1 forms by competent institutions		X
Access to A1 forms delivered by other Member States		X

2.4. WORK RELATED ACCIDENTS / OCCUPATIONAL DISEASES OF POSTED WORKERS

In Ireland the Labour Inspectorate receives immediately and effectively notifications of work related accidents suffered by posted workers.

2.5. NATIONAL AUTHORITIES INVOLVED IN POSTING OF WORKERS

Figure N° 11: Authorities involved in posting of workers

	Yes	No
Labour authorities	X	
OSH authorities		X
Social Security Institutions	X	
Others		

3. COOPERATION AND MUTUAL ASSISTANCE

3.1. LEGISLATION ON MUTUAL ASSISTANCE

Figure N° 12: Legislation and International Conventions signed and ratified

	RATIFIED / IMPLEMENTED	APPLICABLE TO L.I.	COMMENTS
Legislation on Mutual Assistance implementing Dir. 96/71 and Dir. 2014/67	Yes	Yes	
European Convention in Criminal Matters	Yes	Yes	Ratified by Ireland in 1997
Convention 094 Council of Europe	No		
Others			

3.2. BILATERAL AND MULTILATERAL AGREEMENTS ON LABOUR INSPECTION

Ireland has a specific bilateral cooperation and information sharing agreement in the area of posted workers with ACT (Portugal).

3.3. REQUEST AND RECEPTION OF INFORMATION FROM OTHER INSPECTORATES

Figure N° 14: Exchange of information from other Labour Inspectorates

MATTERS	YES	YES But subjected to previous Protection Data Authorities supervision or approval	NO
Does current regulation in your country allow providing information directly to other Labour Inspectorates?	X		
Does current regulation in your country allow receiving information directly from other Labour Inspectorates?	X		

3.4. TOOLS FOR EXCHANGING INFORMATION

3.4.1. IMI (Internal Market Information System) for Posting of workers

Figure N° 15: Liaison office of the Labour Inspectorate in IMI

	Yes	No
Use of IMI by the Labour Inspectorate	X	
In affirmative case, specify the liaison offices	<p>The WRC is the competent Authority and the central liaison office for the purposes of the Framework Directive (96/71/EC) – provided for in SI 412 of 2016.</p> <p>Contact details: WRCpostedworkers@workplacereactions.ie</p>	

3.4.2. KSS (Knowledge Sharing System)

The HSA is a user of the KSS system to exchange information with other SLIC Inspectors.

e-mail contact: kss.coordinator@hsa.ie

3.5. FINES AND EXECUTION OF FINES PROPOSED OR IMPOSED BY THE LABOUR INSPECTORATE

Figure N° 16: Nature of fines

	Yes	No
Penal or criminal fines	X	
Administrative fines		X
Others		

HSA and WRC inspectors may take of summary proceedings in the District Court; prepare evidence so that the Director of Public Prosecutions can initiate proceedings on indictment for hearing in the Circuit Court or 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.

Figure N° 17: Execution time of fines

	Yes	No
After the first judgement of the courts	X	

After the final judgement of the courts		X
After the first administrative decision		X
After the binding administrative decision		X
Others		

Figure N° 18: Nature of Courts where fines can be appealed

	Yes	No
Penal/Criminal courts	X	
Labour/Civil courts		X
Courts for administrative affairs		X
Others		

Figure N° 19: Authorities with competence to collect fines

	Yes	No
Labour Inspection Authorities	X Road transport of DG Fines	
Labour/ Government Authorities		X
Tax/Customs Authorities		X
Courts	X	
Others		

Figure N° 20: Legal framework to collect fines imposed by authorities from other Member States

	YES	IF YES, is it applicable to Labour Inspectorate proceedings?	NO Authorities supervision or approval	COMMENTS
Framework Decision 2005/214			X	
Directive 2014/67 on administrative fines	X	Yes		Regulation 11 (Regulation on Posting of Workers 2016)

International or Bilateral Conventions			X	
Other National Rules				

ANNEX E-HANDBOOK (UPDATING 2023)

SLIC MEMBER: Mr Mark CULLEN / alternate: Mr Dermot O'BRIEN
MEMBER STATE: IRELAND

1. About the Directive (EU) 2020/1057 of the European Parliament and of the Council of 15 July 2020 laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the road transport sector and amending Directive 2006/22/EC as regards enforcement requirements and Regulation (EU) No 1024/2012

1.1. Transposition to National Legislation

Transposition	National Law or Regulations	Date
Yes	SI 320 of 2022 - European Union (Posting Regulations) (Amendment) Regulations 2022	13 June 2022
	SI 438 of 2022 – European Union (Posting of Drivers) Regulations 2022	2 September 2022

1.2. Competences of the SLIC Member on road transport

LEGISLATION	COMPETENCE	COMMENTS
Regulations 1071/09, 1072/09 and 1073/09 on road transport activity	No	The Department of Transport (Road Transport Operator Licencing - RTOL) and the Road Safety Authority (RSA) share responsibility for enforcement of these measures
Regulation 561/06 on driving time	No	The RSA is the competent authority
Directive 2006/22 on social legislation in road transport	No	The RSA is the competent authority
Article 1 of Directive 2020/1057 on posting of workers on road transport	No	The WRC (Work Relations Commission) and the RSA share responsibility for enforcement of these measures

2. About Article 20.2.c) of Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers regarding health and safety conditions of workers' accommodation

Monitoring and enforcement of the conditions of entry and stay of third-country nationals falls under the competence of the Department of Justice who issue immigration visas etc. The Department of Enterprise Trade and Employment has competence for issuing employment permits to third country nationals who wish to work in the State. The Department does not issue employment permits for seasonal workers. I'm not aware if any State body has competence for investigation of the conditions of workers' accommodation. (Not a WRC competence anyway).

2.1. Transposition to National Legislation

Transposition		National Regulations or Collective Agreements	Law, or	Date
Yes	No			

2.2. Competences of the SLIC Member on health and safety conditions on workers' accommodation

COMPETENCE	COMMENTS
Yes	If the accommodation is within the curtilage/on the premises of the workplace. Eg. Prison/Army officer's accommodation within the grounds of a high security prison.

3. About Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals

Ireland has not transposed the sanctions Directive. Ireland opted out.

3.1. Transposition in National Legislation

Transposition		National Regulations	Law or	Date
	No			

3.2. Competences of the SLIC Member on sanctions and measures provided in this Directive

COMPETENCE	COMMENTS
No	

4. JOINT AND CONCERTED INSPECTIONS ON OSH MATTERS

4.1. Is it allowed to organise concerted and joint inspections on OSH matters with other inspectorates?

Yes, by legal rules	
Yes, by bilateral agreements	
No	

5. NATIONAL INFORMATION AND INITIATIVES FOR MOBILE WORKERS

5.1. Please describe the initiatives you have implemented (e.g.: website, flyers, documents...)

The WRC website (www.workplacerelations) provides information on the obligations of employers under Irish employment law and the suite of employment rights for individuals working in Ireland. The website contains a google translate facility enabling the user to view the relevant webpage in the language of choice (where English is not preferred). The website also contains a range of publications in various languages [Other Language Publications - Workplace Relations Commission](#)

The WRC works with NGOs representing migrant (mobile) workers to ensure that these workers have access to information on their employment rights in the State and the redress mechanisms available where these rights are not respected (WRC Adjudication and the Labour Court).

6. COOPERATION WITH ELA

6.1. Do you regularly collaborate with the national liaison officer?

Yes.

The WRC is in regular contact with the Irish NLO (Daniel Losty) in relation to upcoming ELA working groups, webinars, workshops, and training opportunities. The WRC also responds to requests for information received via the Irish NLO from other NLOs and from other Members States.

6.2. Could you provide any useful information regarding your participation in working groups, campaigns, training, etc. ?

The WRC is represented on the Working Groups for Inspection, Mediation, and Information. The WRC has also participated in numerous inspection / information and awareness campaigns initiated / facilitated by the ELA. These included Inspections and awareness campaigns in the Road Transport and Agricultural sectors and workshops on information sharing regarding strategies to combat undeclared work in different sectors.

WRC inspectors have also participated in ELA provided training in relation to carrying out Concerted and Joint Inspections with other Member States.