

Ireland

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PART 1 – NATIONAL FRAMEWORK

Overview

National social dialogue	Principal Level of Collective Bargaining		Enterprise (after breakdown of national pact)					
	Workplace Representation		Union					
	Board-level Representation		Yes for state-owned enterprises					
National worker representation	There is no statutory system for permanent employee representation in Ireland. Those who work in unionised workplaces – about half the total – have representation through the union. New procedures have been introduced as a result of the EU directive on information and consultation, but they may not make much difference. While employees have a constitutional right to join a union, it has been determined by the Irish Supreme Court that the employer also has a constitutional right to decide whether or not to deal with them – whether to “recognise” the union. There is, therefore, currently no mechanism to compel an employer to recognise the union or to deal with shop stewards.							
Principal legal documents on H&S	The main legislation providing for the health and safety of people in the workplace is the Safety, Health and Welfare at Work Act 2005. This Act consolidates and updates the provisions of the Safety, Health and Welfare Act 1989. Almost all of the specific health and safety laws which apply generally to all employments are contained in the Safety, Health and Welfare at Work (General Application) Regulations 2007 which came into effect on 1 November 2007. These Regulations replaced the 1993 General Application Regulations and other secondary legislation in the area of health and safety at work.							
Public authorities on H&S	The Health and Safety Authority is the national body in Ireland with responsibility for securing health and safety at work. It is a state-sponsored body, established under the Safety, Health and Welfare at Work Act, 1989 and it reports to the Minister for Enterprise, Trade and Employment.							
Employers' obligations on H&S	The employer has a duty to ensure the employees' safety, health and welfare at work as far as is reasonably practicable. Moreover, he has a duty to consult employees. Every employer is required to carry out a risk assessment for the workplace which should identify any hazards present; and he must also prepare a safety statement which is based on this assessment.							
Worker representative bodies on H&S	Employees may appoint one or more safety representatives to represent them at the place of work in consultation with their employer on matters related to safety, health and welfare at the place of work. An employer must consider representations from a Safety Representative.							
Organisation of the social dialogue on H&S issues within the country	Actors involved		Their role		Scope of influence			
	Health and Safety Authority's Advisory Committees		Part of the state-sponsored Health and Safety Authority. Consultation with employers, employees and their respective organisations		national			
	Irish Congress of Trade Unions (ICTU)		negotiate		national			
	Irish Business and Employers Confederation (IBEC)		negotiate		national			
Specialized H&S bodies on regional, sectorial or another level	Name		Setup conditions		Composition		Role and functions	
	N/R		N/R		N/R		N/R	

PART 2 – ENTERPRISE LEVEL: ORGANISATION OF SOCIAL DIALOGUE AND WORKERS' PARTICIPATION ON H&S AT WORK

General organisation and role on H&S issues	Under the 2005 Act, employers are required to identify the hazards and assess the risks in the workplaces they control; and prepare a written safety statement setting out the arrangements in place for securing and managing the safety, health and welfare of their employees and other people, along with the co-operation required from employees to achieve this. The Act also provides for consultation between employers and employees to help ensure co-operation to prevent accidents and ill-health. As such, employees may select and appoint a safety representative at their place of work to represent them in consultations on safety and health matters with the employer. If they wish, employees can also appoint a Safety Committee.
Interaction of H&S representation with the general representation of workers	The issues covered by the collective agreement are quite diverse: wages, hours, work practices, safety, hygiene and health, health insurance, procedures for handling grievances, and so on. Where national agreements are in place, their provisions are usually incorporated into local agreements.
Worker representation bodies on H&S at work	
<i>Implementation of worker representation in H&S on enterprise level</i>	all workers
<i>Thresholds of implementation</i>	No threshold is set.
<i>Role of the trade unions</i>	Trade unions give support to safety representatives and other union representatives.
<i>Composition, mode of nomination or election of members</i>	<p>Employees are legally entitled to appoint 1 safety representative. By agreement with the employer, more than one safety representative might be appointed. Factors to be considered when determining the number of safety representatives selected include, amongst others, the number of employees and the nature of the work. However, it is up to the employer and the employees to agree on how many safety representatives are necessary.</p> <p>In this context, a Safety Committee can be appointed to assist in the consultation process. The number of members shall not be less than 3 and shall not exceed one for every 20 persons employed in a place of work at the time when the committee is appointed or 10, whichever is the less. Moreover, both representatives of the employer and the employees are present.</p> <p>To select a safety representative, employees may use the normal process for selecting employee representatives within their organisation or they may ballot all employees. As a general rule, safety representatives should have been employed for about two years. No specific term of office is laid down in the 2005 Act (but in general a term lasts 3 years).</p>
<i>Area of competencies</i>	A safety representative may consult with, and make representations to, the employer on safety, health and welfare matters relating to the employees in the place of work. The employer must consider these representations, and act on them if necessary.
<i>Functions</i>	<p>Inform, consult, propose.</p> <p>Any type of work activity covered by safety and health law is valid for discussion. Consultation must occur on:</p> <ul style="list-style-type: none"> –any risk-protection and prevention measures; –the appointment and duties of staff with safety and health responsibilities; –the outcome of risk assessments on workplace hazards; –the preparation of the safety statement; –safety and health information to be provided to employees; –reportable accidents or dangerous occurrences; –the engagement of safety and health experts or consultants; –the planning and organising of safety and health training; –the planning and introduction of new technologies, particularly on the consequences of the choice of work equipment, on working conditions and on the working environment. <p>Safety Representatives have wide powers to,</p> <ul style="list-style-type: none"> –inspect, –investigate accidents or dangerous occurrences, –acenterprise a HSA inspector on an inspection –make oral and written submissions, etc
Rights of workers' representatives on H&S	
<i>Right of withdrawal of production</i>	No

<i>stop in case of immediate danger</i>	This is the right of the H&S inspection. Where there is a serious risk of personal injury that has not been resolved by the employer, the inspector may serve a prohibition notice on the person who has control of the activities involved. This will immediately prohibit the carrying on of work concerned until the risk has been remedied or until the notice has been successfully appealed to the Court. The inspector will give a copy of a prohibition notice to the safety representative and tell the safety representative in writing if the notice has been withdrawn. However, a safety representative has the right to inspect immediately where an accident or dangerous occurrence has taken place, or where there is an imminent danger or risk to the safety, health and welfare of any person.	
<i>Right to conduct surveys</i>	Yes But subjected to prior notice to and agreement of the employer, the safety representative may inspect the whole or part of a workplace that they represent at a frequency or on a schedule agreed between them and the employer, based on the nature and extent of the hazards.	
<i>Right to require external assessments</i>	Yes The safety representative may receive advice and information from Health and Safety Authority inspectors on matters of safety, health and welfare at work. Moreover, he can acenterprise an inspector on any tour of inspection other than a tour of inspection made by the inspector for the purpose of investigating an accident. Labour inspection carries out investigation and decides about penalties or other legislative measures.	
<i>Right to lodge an appeal</i>	Yes Through the Health and Safety Authority inspection	
<i>Right to receive training</i>	Yes An employer shall give to a safety representative such time off from his or her work as is reasonable having regard to all the circumstances, without loss of remuneration, to acquire, on an ongoing basis, the knowledge and training necessary to discharge his or her functions as a safety representative.	
	<i>Amount of training</i>	not defined
	<i>Frequency of training</i>	not defined ("proper training")
	<i>Training providers</i>	Training courses for safety representatives are provided by trade unions and other organisations.
<i>Allocated time during working hours to conduct their role</i>	Yes Safety representatives should receive reasonable time off from work, without loss of earnings, to acquire knowledge that will enable them to function effectively and to carry out their functions.	
<i>Protection against sanctions, dismissals in the frame of their mandate</i>	Yes An employer shall not penalise or threaten penalisation against an employee for being a safety representative.	
Link and the nature of the relations between the employee representatives and the trade unions	The Shop Steward (sometimes known as a Section Secretary) is the elected Union representative in the workplace. He/she might be different than the Safety representative (who is not automatically a trade union member)	

PART 3 – ASSESSMENT OF THE SOCIAL DIALOGUE AND WORKERS' PARTICIPATION IN THE COUNTRY

Evolution

Significant changes within the various instruments on H&S issues during the last 5 years	N/A	
	<i>Objectives of these changes</i>	N/A
	<i>Management of these changes</i>	N/A
	<i>Effects on the improvement or deterioration of the handling of these issues</i>	N/A

Assessment of the achievements on H&S issues through social dialogue	N/A	
	Some important milestones	N/A

Perspectives to achieve a good social dialogue and workers' participation on H&S issues

Missing factors	N/A
Existing key success factors	On the spot fines: the 2005 Act provides that an inspector may issue on "the spot fines" where he or she has reasonable grounds for believing that a person is committing or has committed certain prescribed offences under occupational safety and health legislation. The Act allows for fines of up to €1000 per offence although the Regulations may set a lower level. On the spot fines can apply to employers, employees, persons in control of workplaces, importers and suppliers etc.

PART 4 – APPENDICES

Glossary

N/A	N/A
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Interesting links

<p>–Health and Safety Authority (http://www.hsa.ie);</p> <p>–ICTU on Health and Safety (http://www.ictu.ie/healthandsafety)</p>
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Sources

Trade union contacts	SIPTU College	Cronin Sylvester
Other	<p>– http://www.worker-participation.eu</p> <p>–http://www.citizensinformation.ie</p> <p>–Safety, health and welfare at work act 2005</p> <p>–HSA, "A Short Guide to The Safety, Health and Welfare at Work Act". 2005</p> <p>–HSA, "Safety representatives and safety consultation guidelines". 2006.</p>	