

I thank the committee for the invitation to attend. I am the CEO of the HSA.

The Return to Work Safely Protocol was developed by all those who have an interest and role in ensuring workers are kept safe, businesses can operate and the public health measures around Covid-19 can be met. In this regard I acknowledge the support of all the stakeholders involved, including ICTU and CIF that are here today as well as IBEC, Chambers Ireland, the HSE, the Departments of Business, Enterprise and Innovation and Health and the Minister for Business, Enterprise and Innovation.

Covid-19 has challenged us all. The authority recognises that there are particular challenges in the workplace. We have the worker who has fears and anxieties about returning to work. We also have employers and businesses that are looking to reopen, regain their markets and plan for a future that may seem uncertain. The key to a safe return to work over the next number of weeks is shared collaboration, communication and compliance with and enforcement of the measures outlined in the protocol, which sets out in detail the steps businesses, employers and workers need to implement in order to reduce the risk from Covid-19 in the workplace. By following the protocol, employers and workers will be able to meet these challenges and ensure a safe working and business environment.

The authority will be involved in ensuring compliance, in line with occupational health and safety requirements. Through the Safety, Health and Welfare at Work Act 2005 the authority has the powers to advise, monitor, inspect and enforce adherence to the protocol. We will provide advice and support to employers, employees and workers on how they are implementing the Covid-19 measures as set out in the protocol through our helpline, website and during site inspections. A range of checklists and templates has been developed and is available on our website for use by employers, workers and worker representatives. Further material is being developed.

During a site inspection a range of enforcement actions can arise. For example, the inspector can address and advise on any shortcomings in relation to the measures through a report of inspection, which is left with the employer at the end of the visit and can include timelines and follow-ups that are needed. We can also take an appropriate action under the 2005 Act, including an improvement notice and a prohibition notice. Furthermore, if, following an inspection, the inspector forms the opinion that the risk to the safety, health and welfare of persons is so serious that the use of a place of work should be restricted or immediately prohibited, an application can be made *ex parte* to the High Court for an order restricting or prohibiting the use of the place of work or part thereof.

The authority has been Ireland's regulator of occupational health and safety since 1989. In normal circumstances, we implement a risk-based occupational health and safety inspection programme across all sectors covering some 10,000 inspections and investigations in any given year. The programme is based on both proactive and reactive inspections with the latter often arising from complaints, reports of serious incidents and fatalities.

Our inspection programme has been refocused now to oversee compliance with the protocol. In the first instance, the prioritisation of inspections will be focused on those sectors that are scheduled to open in line with the road map and based on any complaints received.

Any worker or employer can submit a query or a complaint to the authority's helpline, the workplace contact unit, WCU, with the attached details. This helpline is confidential and every contact, whether a query or a complaint, is acknowledged and receives a reference number for tracking. Each complaint is initially followed up with the relevant company or employer by the WCU, our helpline, and if there is no response, or if the response is not satisfactory or in the event of receipt of multiple complaints, etc., we will follow up with the employer through an inspector. The inspector may then decide to do an unannounced inspection or, indeed, a pre-arranged inspection if warranted.

As a general rule, our inspections are unannounced. However, due to the fact that workplaces may have different working arrangements in place to protect against Covid-19, we recognise that in a number of cases, and we expect very few cases, that we will need to arrange a suitable time to visit. Once on site, we will ensure compliance against the protocol and where there is a breach of a statutory obligation the inspector, based on his or her evidence and expert opinion, will determine what enforcement action may be needed.

In terms of staff numbers, the authority has a full staff complement of 182 which is made up of staff in administration and inspector grades. The inspector grades comprise of grade I, which are senior inspectors who run teams, as well as grade II and grade III field inspectors. Generally, our inspectors cover field inspections across all our mandates. We have occupational health and safety, chemicals, and market surveillance of products. Inspectors can be involved in general or specialist inspection, or policy implementation at national, European, and international levels. Of the 109 inspectors currently in the authority across all three grades, we have 67 field inspectors fully assigned to inspect on foot of the protocol. These include both general and specialist, as well as policy inspectors reassigned to field inspection.

A cohort of inspectors must be retained to ensure our other legal mandate. As Ms King said, the general rules on health and safety continue to apply. We continue to have that role in terms of reactive and proactive inspections.