

IRISH HEALTH & SAFETY AUTHORITY'S INSPECTORS CONDUCT AND STYLE: SUPPORTING OCCUPATIONAL SAFETY AND HEALTH COMPLIANCE (CASE IE3)

1 Introduction

Promoting effective occupational safety and health (OSH) practices is key to safer and healthier workplaces. Improving arrangements and practices for managing OSH across a whole range of industry sectors and firm sizes — large, medium and small — is stimulated, supported and sustained by a range of institutional actors and internal and external processes to firms. Scientific research¹ highlights, among other things, the critical role that state regulators for OSH, such as Labour Inspectorates and prevention services, can play. This case study is part of a research project conducted in Ireland to provide further insight into this topic.²

This case study details the normative conduct of Health and Safety Authority (HSA) inspectors when they visit organisations to regulate compliance with OSH legislation and good practice. Normative is defined here as; the usual and expected custom and practice conduct of HSA inspectors during their visits to the companies to monitor and regulate for OSH compliance. This case study is innovative as it seeks to show for the first time just how HSA inspectors actually achieve OSH compliance in the companies they visit. This is an area of research that has received very little academic research given the importance and complexity of the subject. The main research on how labour inspectors achieve OSH compliance is summarised in a European Agency for Safety and Health at Work (EU-OSHA) discussion paper (EU-OSHA, 2023c). Labour inspectors have been described as being responsible for turning OSH legislation into practice (EU-OSHA, 2023c). This case study adds to the knowledge base by detailing and discussing normative behaviour of HSA inspectors as they monitor, regulate and promote OSH compliance in the companies they visit. It further illustrates the balance reached between persuasion and sanction utilised by these inspectors as they regulate the companies they visit to achieve OSH compliance. The approach of inspectors requires a specific type of training. The training for recently recruited inspectors is described in Case IE1.³

This additional knowledge on how HSA inspectors achieve OSH compliance during their visits and inspections will with further research lead to increased opportunities to improve OSH compliance.

This case study will show that the observation of hazards by inspectors is the dominant factor used to assess safety in companies visited but is complemented by asking questions and reading safety-related documents as part of the routine procedures. This is an important finding as it demonstrates that observation is a normative conduct and a fundamental competence-related skill that requires training, knowledge and experience. The practice by inspectors of informally requiring safety improvements during their inspections was also reported, for example, requiring the immediate donning of personal protective equipment or provision of additional work at height equipment. In addition, it should be noted that perfectly safe sites were reported as rare occurrences, which reinforces the necessity for inspectors to regularly visit companies and monitor their OSH compliance.

This case study also illustrates how inspectors prefer to build a safer and more supportive OSH compliance culture by using a predominantly persuasion-based approach when they visit companies. Their conduct and style during visits was found to be educational and accommodative rather than

¹ EU-OSHA – European Agency for Safety and Health at Work, *Improving compliance with occupational safety and health regulations: an overarching review*, 2021. Available at: <https://osha.europa.eu/en/publications/improving-occupational-safety-and-health-changing-world-work-what-works-and-how>

² EU-OSHA, 2025. The main report is available at: <https://osha.europa.eu/en/publications/irelands-approach-supporting-occupational-safety-and-health-compliance-role-labour-inspectorate-and-prevention-services>

³ Case IE1 is available at: <https://osha.europa.eu/en/publications/irish-health-safety-authoritys-recruitment-drive-supporting-occupational-safety-and-health-compliance-case-ie1>

applying strict enforcement. But, as will also be demonstrated, inspectors had no difficulty in using their sanction powers if needed. It was reported by the inspectors interviewed for this case study that the frequency of enforcement activity in high-risk sectors such as construction and manufacturing is circa 10% of companies visited, again pointing to the need for the constant monitoring of workplaces.

There is, however, a difference in inspector conduct when companies are visited for psychosocial risk management regulation. The term inspector here also includes an HSA professional who monitors and enforces psychosocial risk management. This person is a senior organisational psychologist and classified as a subject matter expert.

In such instances where the subject matter expert was involved, the approach used is far more reliant on asking questions and reading on-site documentation when assessing psychosocial risk. The enforcement of psychosocial risk prevention is also a far more challenging issue due to the legal burden of proof required for enforcement action. It is informed that prosecutions for psychosocial-related contraventions have not occurred as yet.

A further important finding of this case study is that the standard of risk assessments encountered by inspectors varies greatly and tends to be linked to size of the company, with the larger companies exhibiting a better standard of risk assessment.

2 Methodology

For this case study, eight field inspectors and the subject matter expert (senior organisational psychologist) were interviewed. All qualified and experienced staff from HSA. As a minimum, each had a degree level education or equivalent, with at least three years of prior experience in the sector they routinely regulate. A large majority of the inspectors interviewed had a master's level of education or were actively pursuing a post-graduate award. All inspectors routinely conducted OSH-related inspections on construction, engineering or agribusiness-centred workplaces. The subject matter expert interviewed had a psychology-related background with a master's level of education and is principally involved with psychosocial risk regulation and enforcement.

During interviews, there were three main questions asked by researchers: how typical inspections are conducted; how an assessment of safety is made for a company under analysis; and if safety improvements are required; how these are achieved. There were further questions put to interviewees, which are discussed in the main report.

3 HSA labour inspectors

The HSA is the national Irish Labour Inspectorate. It has a very wide remit over workplace safety and would be categorised by EU-OSHA (2021) as being a single inspectorate that is largely responsible for work-related OSH in terms of its monitoring, regulation and compliance role as well as providing promotional activities.

In 2023, the HSA reported that it conducted over 10,000 inspections. Of these, 9,995 inspections were unannounced (HSA, 2023). In addition to visiting companies due to complaints, the HSA also conducted 225 special investigations, including 83 into fatal accidents. There were 19 prosecutions in 2023 that resulted in €1,377,500 in fines. As detailed in Case IE4,⁴ the HSA achieved these circa 10,000 inspections in 2023 with 164 inspectors, 85 of whom are field-based and conduct inspections or investigations. These inspectors (including the subject matter expert) have legal powers to monitor compliance with OSH legislation and take enforcement action as required. These inspectors were also involved in promotional activities, conducting safety campaigns and collaborating with the wider OSH community in Ireland by typically providing advice and information at organised events.

The targeting of inspections and campaigns occurs with input from two levels: senior management and individual inspector suggestions. Senior management prepare work programmes for each year that are based on reviews of HSA strategies, research and data. This review informs the HSA as to those sectors

⁴ Case 4 is available <https://osha.europa.eu/en/publications/ibec-and-its-online-community-good-practice-supporting-occupational-safety-and-health-compliance-case-ie4>

and workplaces that have been selected for specific Labour Inspectorate-targeted inspections and campaigns. These work programmes are published annually (for example see, [has, 2024](#)). In 2024, the HSA focused its inspectorate resources on proactive inspections and targeted campaigns in the high-risk sectors of: agriculture, construction, transport and logistics, health and social care, chemical production and storage, and utilities.

At a field level, HSA inspectors are required to adhere to annual work programmes but do have discretion over their day-to-day activities. Hence, they regularly choose the workplaces to visit taking into account the risk level and history of visits as well as local management requirements such as investigating accidents or dealing with complaints. The logistics of travel over large areas also influences which workplaces are visited on any particular day. Software is available to HSA inspectors that can prioritise risk levels of individual workplaces but, in practice, workplaces are likely scheduled to be visited based on the considered level of risk presented, how often they have been visited and geographically grouping workplaces to minimise travel time.

As described by EU-OSHA (2023), a labour inspector's central role can be characterised as implementing national OSH-related legislation. Therefore, a fundamental requirement for all labour inspectors when monitoring and regulating compliance is to assess the level of safety prior to implementing any requirements. This case study details the normative conduct and style of HSA inspectors as they monitor and regulate three high-risk workplaces: construction, manufacturing and agribusiness.

4 Main findings from interviewing eight inspectors

All inspectors were qualified, experienced and knowledgeable about the hazards and risks of the companies they visited. They also had prior knowledge of the companies they visited from existing databases and reports.

Risk-based inspections are normative (adhering to the usual and expected custom), with the inspector having a large amount of control over which company to visit. Decisions on which company to visit were largely pragmatic and reflected local needs, early HSA-published work programmes and travel convenience during the working day. This typically resulted in higher-risk companies being visited to monitor OSH compliance and reported by a labour inspector as follows:

'I pick companies to visit using our risk rating that takes into account when companies were last visited as well as type and size'. (Labour inspector)

Inspection conduct while on site was reported as follows. Firstly, inspectors make contact with senior management and where possible safety representatives. There follows a generalised 'look, ask and read' approach to the inspection that includes a tour of the site to observe hazards, asking questions and reading site documents. The documents read are typically risk assessments and safety statements.

All inspectors reported using the observation of site hazards as the dominant method for assessing safety. Asking questions and reading risk assessments is routine but these hazard identification methods tended to validate and reinforce the assessment of safety made primarily by their observation of hazards during inspections. Inspectors reported that the standard of risk assessments varied widely from 'shockingly poor' to good but that, generally, the larger the company the better the standard of the risk assessments.

'I'll start to build up a picture from what I see, to tell me what the level of safety is'.

'During an inspection I'll follow my visual cues to see what is the standard of safety'.

'Informal on-site improvements during visits were a common occurrence during inspections. For example, inspectors gave examples of requiring unguarded falls from heights, and employees not wearing PPE to be resolved whilst they were on site'.

'There's a lot of improvement done informally that's not seen in the inspector reports'.

'I ask myself would I want my brother, sister, mother or father to work here'.

5 Inspector style

Persuasion was found to be the dominant method of ensuring compliance by inspectors who all reported using a style that was primarily accommodative and educational. However, all inspectors reported that they would use sanction powers when they felt it was necessary. Enforcement activities typically reported involved the use of improvement or prohibition notices. Inspectors reported that circa 10% of the high-risk companies they inspected received enforcement notices.

When asked about their attitude and experience of OSH contraventions and the use of enforcement, there was no indication reported by inspectors that prosecutions should be used on more occasions. All inspectors commented that prosecutions will be taken when necessary, but a number reported they are problematical in themselves, given their complexity and time required. Prosecutions by the HSA were conducted on 19 occasions in 2023 (HSA, 2023).

An indication of the penalties and costs from HSA regulatory activity can be gauged from their annual reports that present summary details of courts-related enforcement activity. The HSA's annual report for 2023 (HSA, 2023) details the outcome of 19 summary prosecutions. The total amount of fines came to €1,337,500. The lowest fine was €500 and the highest was €750,000. There was a one-year custodial sentence for a fatality to a farm worker. In general, sentences and costs from HSA enforcement vary widely with no clearly predictive pattern emerging. In two cases involving work-related fatalities, the fines were €10,000 and €30,000 but have reached €1 million in previous years.

'There's a lot of emphasis on persuasion, but I'll use prosecution if necessary'.

'Enforcement is last resort, but will be used if necessary when no improvement seen or when an accident or fatality occurs and is warranted. Otherwise persuasion is the best way'.

'Some places I don't need to prosecute. For example, I've been on about 1,000 farms in over a decade of visits and only prosecuted once'.

All inspectors reported that safety standards encountered were generally worse for smaller companies compared to larger companies.

'The smaller operators still have safety problems especially in agriculture and construction'.

6 Psychosocial risk regulation

There was a clear difference in inspection conduct regarding psychosocial risk regulation. The subject matter expert interviewed is allocated full time to psychosocial risk management. This person was the first recruited for psychosocial risk management by the HSA and is referred to as a subject matter

expert. This person does not regard their psychosocial risk regulation work as being inspection-based in the traditional sense. Whilst the long-standing paradigm of inspection conduct for chemical, physical and biological hazards has been described in detail by this case study, it cannot be readily applied to psychosocial risk regulation.

Referring to cases rather than inspections, the subject matter expert reported that assessing site documentation and asking questions are the dominant methods for assessing psychosocial risk, complaints or allegations and that these procedures can be conducted either remotely or on site. Findings from a case would often be that half of what is needed from companies has been done. Usually this consisted of policies, information, and the provision of some primary and secondary but mainly tertiary interventions. Normally, further regulatory activity from the subject matter expert would be needed in terms of revisits. The subject matter expert's preferred primary interventions for companies was reported to include greater prevention and changing actual systems of work. In effect, the circumstances causing psychosocial risk, the system of work itself, needs to be far better tackled rather than focusing on the individual worker.

It was also reported by the subject matter expert that absences due to health issues that are consequential of psychosocial hazard exposure are neither reportable to the HSA or categorised as illnesses. Therefore, they are not as visible in the same way as traditional safety hazards are with national work-related accident and dangerous reporting obligations.

The subject matter expert also reported that psychosocial hazards are not new, but their management and regulation is entirely different to the methods long employed for traditional safety hazards. In addition, the legislation as written is not nuanced enough when it comes to enforcing workplace safety regulation. The following quotes are all from the subject matter expert.

'The legislation can be constraining and also there is the issue of companies engaging legal professionals early in processes'.

'Under current legislation it's difficult to show in court what is the hazard, and is it the cause of the psychosocial-related issues beyond all reasonable doubt'.

'You're dealing with employees, not a machine that's missing its guard, so the area is far more complex than the traditional safety arena'.

'I often find that management competence and so-called soft skills when dealing with people is seriously wanting'.

'The smaller companies often report that there are no psychosocial risks here'.

7 Examples of collaboration

All inspectors and the subject matter expert reported being open to any form of collaboration and stated numerous examples of such collaborations with the wider OSH community in Ireland. This point is further exemplified in section 5 of the main report,⁵ which lists the many collaborations with the majority of OSH-related organisations listed in Tables 2 and 3, including the unions, Ibec (Case IE4⁶), the National Irish Safety Organisation (NISO; Case IE5⁷), the State Claims Agency (Case IE6),⁸ and

⁵ The main report is available at: <https://osha.europa.eu/en/publications/irelands-approach-supporting-occupational-safety-and-health-compliance-role-labour-inspectorate-and-prevention-services>

⁶ Case IE4 is available at: <https://osha.europa.eu/en/publications/ibec-and-its-online-community-good-practice-supporting-occupational-safety-and-health-compliance-case-ie4>

⁷ Case IE5 is available at: <https://osha.europa.eu/en/publications/irelands-niso-community-practice-supporting-occupational-safety-and-health-compliance-case-ie5>

⁸ Case IE6 is available at: <https://osha.europa.eu/en/publications/irish-state-claims-agencys-risk-management-supporting-occupational-safety-and-health-compliance-case-ie6>

professional trade bodies such as the Construction Industry Federation⁹ and the Irish Small and Medium Sized Enterprises association.¹⁰ All labour inspectors and the subject matter expert expressed positive sentiments towards collaboration such as:

'I'll go to any group who wants me to talk to them'.

'I will collaborate with any organisations or individuals to jointly assist on work-related psychosocial risks'.

'I collaborate with a lot of professional and trade bodies. We can reach and influence their stakeholders much better when compared to individual visits'.

8 Examples of innovation

The subject matter expert has engaged with the Workplace Relations Commission (See Table 2 in the main report⁵) and has developed a code of practice for employers and workers on the prevention and resolution of bullying at work (HSA/WRC, 2021). This code of practice provides information for those seeking information on workplace conflict and bullying. The subject matter expert also reported that the Workplace Relations Commission is a feasible option for individual workers who are seeking redress on work-related psychosocial risks.

9 Transferability

The conduct of HSA inspectors and subject matter expert during their interactions, site visits and inspections very much mirrors their professionalism and dedication to OSH compliance and worker safety. This is in keeping with previous EU Labour Inspectorate research (EU-OSHA, 2023). However, one characteristic that is considered transferable is the HSA's emphasis on collaboration with the wider OSH community. This manifests itself as an expectation that the HSA's inspectors and subject matter expert will proactively seek out opportunities to collaborate. The HSA therefore actively seeks opportunities to leverage their influence and reach as wide an audience as possible.

10 Conclusions

In 2023, the HSA conducted over 10,000 inspections for a national workforce of circa 2.7 million. Each of these inspections was conducted by highly educated and experienced OSH regulators. This accommodative, educational and culture-building style was clearly evidenced. This approach was also complemented by HSA inspectors as being very collaborative and cooperative and this was clearly reflected in the remaining five case studies.

In terms of regulatory style, all inspectors demonstrated that persuasion was very much the favoured approach to regulation compared to sanction. However, these inspectors had no hesitation in using enforcement when necessary, but circa nine times out of 10 used their persuasive abilities to achieve any required improvements in OSH compliance in high-risk sectors.

Safety standards are primarily determined by the observation of hazards during inspections and the need for the constant monitoring of companies is evidenced given the circa 10% of high-risk companies requiring enforcement.

⁹ See: <https://cif.ie/>

¹⁰ See: <https://isme.ie/>

The effectiveness of current policy and practice to support OSH compliance has been demonstrated by the HSA with circa 10% of high risk companies inspected requiring some form of sanction.

In contrast, psychosocial risk regulation has greater difficulties due to inherent legal issues. In particular, workplace absences are not reportable to the HSA when they result from psychological health issues that are not within most medical illness classifications, such as DSM-V (2022). In addition, there is a resource issue in the HSA with only two professionals currently working specifically on psychosocial risk regulation and, as yet, there is no alternative system in place to bring prosecutions for this category of risk. Therefore, prosecutions in particular will remain rare. What is required for improved psychosocial risk regulatory effectiveness is as follows: a fundamental review and changes to existing systems; reporting classifications to include the development of more reliable standards and operational procedures; and agreed EU methods of risk assessing and implementing controls for different industry types and work cultures.

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