

## Why a Health and Safety Inspector Calls to your Workplace



This guidance explains to you what to expect when a Health and Safety Authority (HSA) inspector calls to your workplace.

A HSA inspector is an employee of the Health and Safety Authority, appointed to monitor and promote compliance with health and safety at work laws and to provide advice and information relating to these laws.

An inspector might call to your workplace as part of a routine inspection, to investigate a reported workplace incident, or in response to a referral, complaint or protected disclosure [https://www.hsa.ie/eng/contact\\_us/protected\\_disclosures/](https://www.hsa.ie/eng/contact_us/protected_disclosures/).



## Our legal role

Inspectors have specific [powers](#) under the

- [Safety, Health and Welfare at Work Act 2005](#) (the 2005 Act).
- [Chemicals Act 2008 \(as amended\)](#),
- [Regulations](#) on the transport of dangerous goods by road (ADR)
- Relevant EU product safety directives and the [EU Market Surveillance Regulation 2019/1020](#)

We enforce occupational health and safety laws to keep people safe and healthy at work and to safeguard people from the adverse effects of chemicals.

We enforce market surveillance requirements for products sold on the Irish market.

We visit thousands of workplaces every year to promote and educate on health and safety in workplaces as part of our remit which is summarised below.



## Your legal role

If an inspector calls to your workplace, you have a duty to:

- not obstruct or delay an inspector from exercising their role while at the workplace,
- provide them with any reasonable help that they require, and
- comply with a bona fide (in good faith) request, instruction or direction from the inspector.

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## Inspector powers while at a workplace

Inspectors have powers to enter any workplace with or without notice.

The inspector will explain to you the reason for their visit, for example to carry out an inspection or investigate a reported incident.

Because of confidentiality laws inspectors will not tell you if the inspection is because of a complaint or share any personal information relating to the person who made the complaint. You may only be informed of the origins of a complaint where the complainant has agreed to do so.

The inspector will not tell you if the visit is because of a protected disclosure. This is because there are laws that protect complainants in these situations and inspectors must comply with these laws.

Before starting an inspection a HSA inspector will identify themselves and show a formal identification card (Image 1). If requested they must also show their certificate of authorisation (Image 2).



Image 1 – Authorised ID Card

Most inspections carried out are unannounced. In limited circumstances we may make appointments before calling to the workplace.

## During a workplace inspection

Inspectors assess how you manage health and safety at your workplace, how you keep yourself, your workers, and anyone who may be affected by your work, healthy and safe.

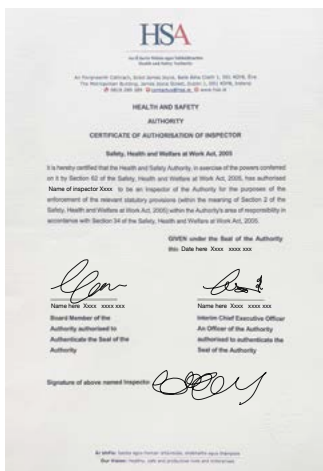


Image 2 - Certificate of Authorisation

Inspectors may also undertake market surveillance of products on the market, for example chemicals, Personal Protective Equipment (PPE), and machinery. When inspecting, the inspector has a broad range of powers, including but not limited to:

- observing work being carried out and looking at possible health and safety risks arising from work activities,
- reviewing your control of key hazards and related risks,
- taking photographs, videos, examining equipment or processes or asking you to produce any plans, reports or records,
- asking you and your workers what they do,
- looking at how you handle and manage chemicals, and
- issuing advice and/or enforcement notices.

Inspectors may want to speak to your [safety representative](#)\*, where one exists, or members of your safety committee. The safety representative may accompany the inspector during the inspection.

\*[www.hsa.ie/eng/enterprise\\_and\\_employee\\_supports/safety\\_representatives/](http://www.hsa.ie/eng/enterprise_and_employee_supports/safety_representatives/)

## During a workplace investigation

Inspectors are required to investigate all work related fatalities. We may also investigate the circumstances of prioritised non-fatal incidents at your workplace and complaints on unsafe work practices.

The main reasons for undertaking these investigations are to help the HSA:

- fully understand what happened and why,
- learn from and prevent similar incidents from happening in the future,
- determine whether any organisation or individual has failed in their duties, and
- determine whether any action should be taken, including enforcement and/or criminal legal action including prosecution.

During an investigation into an incident, an inspector may:

- take action to secure the scene, take photographs/videos, make sketches and take notes,
- require persons to answer questions and produce documents,
- seize evidence such as an item of plant and or documents,
- take formal statements from witnesses, and
- be accompanied by another person to the workplace to assist in the investigation (for example a technical expert).

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## Actions which can be taken by Inspectors

Our inspectors may give you verbal advice or written advice by means of a report of inspection about how you can make improvements on health and safety in your workplace.

Where an inspector forms an opinion of non-compliance with provisions of the relevant legislation, they may serve an improvement, contravention or a prohibition notice, or serve a combination of these. Refer to the table opposite:

Enforcement	Action	Example
Improvement notice	Requires action to remedy a contravention.	<ul style="list-style-type: none"> <li>• No risk assessment carried out</li> <li>• Poor storage of chemicals</li> <li>• Develop a safe system of work relating to an activity, for example traffic management</li> <li>• Providing training</li> </ul>
Contravention Notice	Requires action to remedy a contravention under the Chemicals Act 2008 (as amended)	<ul style="list-style-type: none"> <li>• Non-compliant chemical product on the market, for example restricted chemical, non-English hazard labelling, no safety data sheet provided to user</li> <li>• Chemical product requires to be removed from the market</li> </ul>
Prohibition notice	Stops an activity in order to prevent the risk of serious personal injury.	<ul style="list-style-type: none"> <li>• The use of unguarded dangerous machinery</li> <li>• Working at a height with no fall prevention measures</li> <li>• Use of unsafe electrical installations</li> <li>• Using lifting equipment that is not certified</li> </ul>

If there is an elected safety representative in the workplace they may also receive copies of any report of inspection or notices served.

An employer or person has a right to appeal notices and the appeal process is outlined on <https://www.hsa.ie/eng/topics/inspections/appeals/>

## Personal Data

Information gathered by inspectors is controlled by laws on how it is used, disclosed and stored.

Data will be stored and handled in accordance with General Data Protection Regulation (GDPR) further details here.

## Complaints and feedback

Our inspectors will engage with you in a respectful manner and in accordance with our procedures.

If you wish to make a complaint, provide feedback or compliment about your experience during the inspection please phone our helpdesk on 0818 289 389 or email [contactus@hsa.ie](mailto:contactus@hsa.ie)

## Further Information and Guidance:

Visit our website at [www.hsa.ie](http://www.hsa.ie), telephone our contact centre on **0818 289 389** or email [contactus@hsa.ie](mailto:contactus@hsa.ie)

Use BeSMART, our free online risk assessment tool at [www.besmart.ie](http://www.besmart.ie)

Check out our range of free online courses at [www.hsalearning.ie](http://www.hsalearning.ie)

