


Alternative forms of inspections during the COVID-19 pandemic

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|  | <p>Summary</p> <p>To prevent the spread of COVID-19, the Workplace Relations Commission (WRC) implemented in 2020 alternative forms of inspections, in line with the national health guidelines. These include desktop inspections, conducted remotely, and on-site unannounced inspections involving verbal and visual examination of compliance.</p> |
| <p>Title of the practice in original language</p> | <p>N/A</p> |
| <p>Name(s) of authorities/bodies/organisations involved</p> | <ul style="list-style-type: none"> ▶ Workplace Relations Commission (WRC) |
| <p>Sectors</p> | <p>All</p> |
| <p>Target groups</p> | <ul style="list-style-type: none"> ▶ Labour inspectors (directly targeted); ▶ Companies and employers (indirectly targeted). |
| <p>Purpose of measure</p> | <p>Deterrence: improve detection</p> |

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|  | <p>Aims and objectives</p> <p>Alternative forms of inspections were introduced during the COVID-19 pandemic in order to allow labour inspectors to perform their duties while complying with the health guidelines and Government advice regarding non-essential services at the time.</p> |
| <p>Background context</p> | <p>One of the main functions of the Workplace Relations Commission (WRC) is to ensure the compliance and enforcement of employment rights legislation. WRC inspectors carry out inspections and gather information in relation to employment laws and promote and enhance awareness of employment, equality and employment permit legislation.¹</p> <p>The impact of COVID-19 meant that WRC had to quickly adapt and adjust its services. By the end of March 2020, following the introduction of COVID-19-related restrictions, all WRC staff were working from home. Shortly after, appropriate personal protective equipment (PPE) had been sourced and distributed to WRC</p> |

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| | <p>inspectors to enable them to perform their inspection duties in a manner consistent with health guidelines and best practice. ⁱⁱ</p> |
| <p>Key objectives of the measure</p> | <p>General Objective:</p> <ul style="list-style-type: none"> ▶ To enable labour inspectors to carry out their inspection duties in a manner consistent with health guidelines and best practice, in the context of the COVID-19 pandemic. <p>Specific Objectives:</p> <ul style="list-style-type: none"> ▶ Conduct inspections to ensure that the employer was in compliance with the requirements of Irish employment law. ▶ Conduct inspections to ensure that employers had the required measures in place to deal with COVID in the workplace (e.g., COVID-19 Response Plan, training for employees, appropriate control measures and the appointment of a worker representative). |
| <p>Main activities</p> | <p>In response to the COVID-19 pandemic, the WRC implemented several measures to allow inspectors to carry out their inspection duties in a manner consistent with health guidelines and best practice. These include:</p> <ul style="list-style-type: none"> ▶ Supplying staff with the ICT equipment to work from home; providing a range of its services “virtually”; ▶ Fitting-out and reshaping its public offices in a fashion that allows the WRC to safely deliver face-to-face services (subject to general COVID-19 restrictions); ▶ Posting videos for all staff and users in relation to premises-specific lay-out and ingress and egress requirements; ▶ Developing and delivering a Return to Work Safely guide for all staff, that is in line with the latest Government and Health Service guidelines, to ensure that the health and welfare of all staff and service users. <p>Apart from a small number of specific cases, inspections in the period March 2020 to June 2021 have been of the following types:</p> <ul style="list-style-type: none"> ▶ Desktop inspections, involving communication by telephone and email and with documents submitted by email; ▶ On-site unannounced inspections involving verbal and visual examination of compliance but without in-depth employee interviews. This type of inspection also had a public health |

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| | compliance component. These inspections were carried out using social distancing and of limited time frame (30 mins). |
| Funding/organisational resources | ▶ No additional funding was required. Instead, new working procedures/a new working method were established within the existing frameworks. |

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|  | <p>Outcomes</p> <p>The measures introduced allowed the WRC to continue its operational functions under the circumstances of the COVID-19 pandemic. The lessons learned from the implementation of these measures demonstrated that there are alternative ways of conducting inspections, which may be extended outside the context of the pandemic.</p> |
| <p>Achievement of objectives</p> | <p>The practice of desktop inspections and on-site unannounced inspections during the COVID-9 pandemic showed positive outcomes but also presented a number of challenges.</p> <p>Positive outcomes in relation to desktop inspections:</p> <ul style="list-style-type: none"> ▶ Demonstrated that certain inspections can be carried out at a location other than the workplace; ▶ Intensified pre-inspection research to prepare an investigation. <p>Challenges in relation to desktop inspections:</p> <ul style="list-style-type: none"> ▶ Diminished contact with employees and greater risk of employer interference with employees' contacts; ▶ Obtaining records was more difficult as less staff were available due to COVID-19, and records were kept in closed workplaces; ▶ Recorded delivery or hand delivery of statutory notices and summons were more difficult; ▶ The ability to perform the inspections on a desktop basis in some areas was limited by broadband coverage of inspectors; ▶ Supervision of inspection quality and individual performance of inspectors was made more difficult. <p>Positive outcomes in relation to on-site unannounced inspections:</p> |

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| | <ul style="list-style-type: none"> ▶ Raised confidence of employers and employees that the inspection system and wider Government functions were still operating; ▶ These types of inspection were effective in gathering information on compliance at both an enterprise and sectoral level; ▶ Multiple workplaces could be visited in one day, resulting in greater coverage and higher visibility. <p>Challenges in relation to on-site unannounced inspections:</p> <ul style="list-style-type: none"> ▶ Very little direct interaction with employees; ▶ Overall, difficult to detect more systematic or sophisticated non-compliance; ▶ Inspections were limited to public areas of the workplace; ▶ Follow up by email or telephone and case progression involved similar challenges as desktop inspections. <p>A formal analysis of the effectiveness of off-site inspections to date has not been carried out yet. However the following macro-outcomes were noted by the WRC:</p> <ul style="list-style-type: none"> ▶ Fall in arrears in wages collected – 40% of 2019; ▶ 23% of employers were in breach of regulations in 2020 compared with 31% in 2019; ▶ Complaints in 2020 fell down by 40%. |
| <p>Lessons learnt and success factors</p> | <ul style="list-style-type: none"> ▶ Greater pre-inspection research increases the success of the investigation. ▶ Limited unannounced inspections unrestricted by COVID-19 can be used for both for visibility and detection of non-compliance. This could be particularly effective for some sectoral campaigns (i.e., food wholesale, builders’ suppliers, warehousing, vehicle repair, etc.). |
| <p>Transferability</p> | <p>The model of alternative forms of inspections can be transferred to another country by establishing appropriate working procedures.</p> |

Further information

Contact

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| Useful sources and resources | Workplace Relations Commission - Annual Report 2020 |

ⁱ <https://www.workplacerelations.ie/en/what-we-do/wrc/>

ⁱⁱ Workplace Relations Commission - Annual Report 2020, available at: https://www.workplacerelations.ie/wrc/en/publications/forms/corporate_matters/annual_reports_reviews/annual-report-2020.pdf