

*Memorandum of Understanding*

*Between*

*Workplace Relations Commission*

*(WRC)*

**WRC**

An Coimisiún um Chaidreamh san Áit Oibre  
WORKPLACE RELATIONS COMMISSION

*And*

*Road Safety Authority*

*(RSA)*



Údarás Um Shábháilteacht Ar Bhóithre  
Road Safety Authority

# Memorandum Of Understanding

Between

**Standards & Enforcement Unit, Road Safety Authority**

AND

**Inspection & Enforcement Division Workplace Relations Commission**

## **OBJECTIVE:**

This Memorandum of Understanding is intended to assist and support both the Road Safety Authority (RSA) and the Inspection & Enforcement Division of the Workplace Relations Commission (WRC) in performing their individual functions. It identifies areas of mutual interest and potential overlap based on the regulatory functions of each body.

## **FUNCTION AND RESPONSIBILITY**

### **Workplace Relations Commission**

The Workplace Relations Commission is responsible for enforcing minimum statutory employment rights entitlements in the State, and in undertaking that role carries out a range of functions including the provision of employment rights information and the inspection of employment related records. The WRC operates a system of risk based inspections in sectors where there are identifiable risks. Inspections are also carried out in response to complaints received and routine inspections are undertaken as a control measure.

### **Road Safety Authority**

The Standards & Enforcement Unit of the RSA has a responsibility for checking compliance with EU drivers' hours and tachograph rules, the Road Transport Working Time Directive, requirement to hold a road transport operator licence and drivers CPC. The Standards & Enforcement Unit of the RSA is also responsible for the enforcement of commercial vehicle roadworthiness (vehicle repair and maintenance) regulations. The RSA focuses its enforcement on non-compliant operators/vehicles & drivers on a risk basis. Inspections are also carried out in response to complaints received and routine inspections are undertaken.

## **INSPECTIONS**

As both bodies have a function in relation to visiting and inspecting workplaces, they will both be cognisant of each other's activity within that sector. Information on inspection programs may be exchanged to enable effective planning and the delivery of each body's activity. While the function of each body is distinct it is recognised that areas relevant to each may overlap. Where issues arise through inspection such that the requirements of any one body may impact on the requirements of another then these may be raised through the identified designated liaison persons.

## **INVESTIGATION OF COMPLAINTS**

Both bodies have a remit to investigate complaints received relating to their respective statutory areas of responsibility. Both bodies commit to advising the other through a nominated designated liaison person(s) in each body where an investigation identifies issues relevant to the complaint but which are enforced by the other. This will facilitate a co-ordinated approach to investigation between the bodies.

## **CAMPAIGNS.**

It is recognised that both bodies have a support role for enterprises and both commit to liaising in order to exchange information on their planned awareness campaigns and where possible assist in the distribution of information, such as through web links.

## **EXCHANGE OF INFORMATION**

Both the RSA and the WRC agree to the exchange of information as permitted by law and in accordance with the legislation governing activities.

## **REQUEST FOR INFORMATION**

In principle, where matters come to the attention of one body in the course of its activities and it is considered to be of concern to the other, both bodies will co-operate as far as is reasonably practicable to ensure that the relevant information is shared in a timely manner. However, while reasonable efforts will be made to facilitate such sharing it is accepted by both bodies that, on occasions, there may be legal or other impediments which prevent the sharing of information.

The sharing of Confidential Information shall be on the basis agreed by both bodies with particular regard to:

- (i) Protecting the source of that information, and
- (ii) The protection of those at work who may be affected by an employer's failure to meet their legal duties under the relevant legislation.

Both bodies will have regard to the requirements of the Freedom of Information Acts 1997 and 2003 and the Data Protection Acts 1988 and 2003.

Except as required or permitted by law, information shared between the agencies will not be provided to third parties.

## **CO-ORDINATED ACTIONS**

In certain cases, identified either by either the WRC or the RSA, a coordinated intervention/audit/inspection may be undertaken. The policies on confidentiality of both bodies will be adhered to where such co-ordinated action is undertaken.

**CONTACT PERSONS:**

**Road Safety Authority:**

**General issues (non urgent):** [SeamusLynch@rsa.ie](mailto:SeamusLynch@rsa.ie) / [RamonaLavelle@rsa.ie](mailto:RamonaLavelle@rsa.ie)

**Serious issues (urgent):** [KathleenCallanan@rsa.ie](mailto:KathleenCallanan@rsa.ie)

**Workplace Relations Commission:**

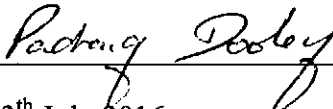
[Bernard.Rooney@workplacerelations.ie](mailto:Bernard.Rooney@workplacerelations.ie)

**ANNUAL REVIEW OF MEMORANDUM OF UNDERSTANDING**

A review meeting will be held annually where the activities in the areas of mutual interest or overlapping responsibility and cooperative measures will be reviewed.

SIGNED by

Workplace Relations Commission

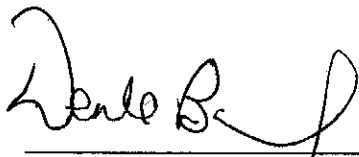
  
13<sup>th</sup> July 2016

**WRC**

An Coimisiún um Chaidreamh san Áit Oibre  
WORKPLACE RELATIONS COMMISSION

SIGNED by

Road Safety Authority

  
13<sup>th</sup> July 2016



Údarás Um Shábháilteacht Ar Bhóithre  
Road Safety Authority