



European
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EUROPEAN SOCIAL CHARTER

Responses to SHINE and ANESC's
submission on the
21st National Report on the implementation of the European
Social Charter

submitted by

THE GOVERNMENT OF IRELAND

Articles 2, 3, 4, 5, 6, and 20

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Ireland's response to the comments from SHINE (University of Limerick) and ANESC on Ireland's 21st National Report on the implementation of the European Social Charter

13th August 2026



This is Ireland's response to the comments submitted by SHINE (University of Limerick) and ANESC on Ireland's 21st National Report on the implementation of the European Social Charter.

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A: Article 2 - the right to just conditions of work

Working time of medical professionals

SHINE/ANESC submission

In line with Article 2 of the European Social Charter (right to just conditions of work), as interlinked with its article 3 (right to safe and healthy working conditions) and article 11 (the right to protection of health), Ireland should:

1. Ensure the effective enforcement of statutory limits on working time through strengthened labour inspection, transparent monitoring of compliance across all health services and effective remedies for breaches;
2. Eliminate excessive working hours by addressing workforce shortages, ensuring compliant rostering and prohibiting shifts that exceed legal limits;
3. Recognise inadequate staffing levels, and increase investment in health service infrastructure, essential to guarantee safe working conditions, protect doctors' health, and safeguard patient safety and well-being. This should be led by denormalising breaches of OMTA.

Response

The Workplace Relations Commission (WRC) Inspectorate carries out workplace inspections, covering all workplace sectors, including the health sector to ensure that employers operate in compliance with employment law and that all employees are in receipt of all their legal rights.

In 2025, 5,145 inspection cases were closed by the WRC's Inspectorate, and of these, 1,775 were found to have contraventions of employment law. These cases involved 5,596 individual workplace inspection visits which uncovered 6,571 specific contraventions of legislation.

Each WRC Inspection features controls on the Organisation of Working Time Act to monitor compliance with the regulations.

Where contraventions are identified, the WRC seeks, in the first instance, to work with employers to secure compliance and remedy any deficiencies. However, where breaches remain unaddressed or employers fail to cooperate with the Inspectorate, appropriate enforcement measures may be pursued, including prosecution, Fixed Payment Notices and Compliance Notices.

B: Article 3 - the right to safe and healthy working conditions

Issues relating to psychosocial risks and other new and emerging occupational risks in the gig and platform economy

SHINE/ANESC submission

1. The lack of transposition of the EU [Platform Work] Directive means that, currently, there is no visibility on the part of the HSA and State on the issue of occupational risks associated with platform work (as relevant under Article 3§1 of the European Social Charter).

Response

Platform Work Directive

Regarding a 'lack' of transposition, the Department of Enterprise, Tourism and Employment (DETE) would like to emphasise its commitment to faithfully transposing Directive (EU) 2024/2831 on Improving Working Conditions in Platform Work ('the Platform Work Directive') by the binding transposition deadline of 2 December 2026.

Article 12 requires that digital labour platforms assess and manage the occupational safety and health risks arising from the use of automated monitoring systems, automated decision-making systems and comparable automated systems used in platform work, and that such systems are not used in a manner that places undue pressure on workers or otherwise puts their physical or mental health at risk. The Article also requires preventive measures, including effective reporting channels, particularly in relation to violence and harassment.

These obligations will be transposed and enforced through the existing occupational safety and health framework, principally the Safety, Health and Welfare at Work Act 2005 and the statutory role of the Health and Safety Authority (HSA).

Ireland's Health and Safety Authority

The HSA provides information to duty holders, employees and stakeholders on managing health and safety. Health and safety legislation requires the employer to assess the risks to safety and health at work for all workers, to avoid workplace

accidents, injury, and ill health. Risk assessment is the first step in the prevention of occupational accidents and ill health. A risk assessment looks at what can cause harm to people. It identifies if control measures are adequate, or if additional measures are required, to reduce injury and ill health.

Employers are required to develop a safety statement detailing how the safety, health and welfare of employees is protected. The safety statement includes all risk assessments and should be produced in consultation with employees and their representatives.

- Employees, whether they are Irish nationals or migrant workers, have equal rights under Irish health and safety law.
- Temporary or casual workers, whether they are Irish nationals or migrants, have equal rights under Irish health and safety law as full-time permanent employees. Employers have a specific obligation to 'Sensitive Risk Groups' as defined in the Safety, Health, and Welfare at Work (General Application) Regulations 2007.
- Employers have a specific obligation to persons with disabilities as defined in the Safety, Health, and Welfare at Work (General Application) Regulations 2007.
- Workers have a legal right to be represented by Safety Representatives / Trade Unions on health and safety issues in the workplace and these representations must be acted upon.

Further information may be found at https://www.hsa.ie/topics/vulnerable_workers/

The HSA recognises that changes in the world of work, including digitalisation, platform work, algorithmic management and other non-standard forms of employment, present new challenges for occupational safety and health. It also recognises psychosocial hazards as a significant and growing occupational safety and health challenge.

The HSA has prioritised psychosocial hazards within its current programme of work and Strategy Statement 2025–2027 and continues to monitor emerging risks associated with new forms of work. Recent research and stakeholder engagement undertaken by the HSA have also highlighted the need for continued evidence gathering and monitoring of emerging occupational risks, including those arising from technological change and evolving employment models.

The Safety, Health and Welfare at Work Act 2005 (as amended) requires employers to identify hazards, assess risks and implement appropriate control measures, including in relation to psychosocial hazards. The Authority addresses these risks through inspection, enforcement, guidance, awareness-raising and stakeholder engagement activities.

Ireland's health and safety legislation applies to employers and workplaces irrespective of the business model adopted, and the Authority remains committed to ensuring that emerging risks associated with new forms of work are considered within its regulatory approach.

The HSA is actively engaged in the national transposition of the Platform Work Directive on occupational health and safety matters through its participation in the interdepartmental group led by DETE. Following transposition, the HSA will review its data reporting system to ensure regulatory activities in relation to vulnerable workers and the gig economy are captured and reported.

SHINE/ANESC submission

2. The information provided is insufficient to assess whether risks in the sector have been adequately incorporated into occupational health and safety regulations regarding Platform Workers, and whether effective enforcement mechanisms are in place to ensure compliance (under Articles 3§2 and 3§3 of the European Social Charter).

Response

The general framework of occupational safety and health duties under the Safety, Health and Welfare at Work Act 2005 is not confined to the employer–employee relationship, which addresses the very real concerns raised by SHINE/ANESC regarding individual workers having to protect themselves from psychosocial harm.

In terms of effective enforcement mechanisms, the Department of Enterprise, Tourism and Employment (DETE) would highlight that the Platform Work Directive contains a number of provisions that directly facilitate regulatory oversight and enforcement. DETE remains committed to fully and faithfully transposing the protections therein.

- **Article 6** requires Member States to put supporting measures in place to ensure the effective implementation and enforcement of the legal presumption of employment.
- **Article 9** requires digital labour platforms to inform national competent authorities, upon request, of the use of such systems and to provide them, at any time on request, with comprehensive and detailed information on those systems, thereby facilitating regulatory oversight and enforcement.
- **Article 10** requires platforms to ensure human oversight and periodic evaluation of those systems and provides that the resulting evaluations be made available to competent national authorities on request, thereby facilitating regulatory oversight and enforcement.
- **Articles 16 and 17** ensure that competent authorities have access to reliable and up-to-date information on the scale, organisation and characteristics of platform work performed within the territory of the Member State, so as to support effective monitoring, inspection and enforcement of the Platform Work Directive.
- **Article 21** ensures that competent administrative and judicial bodies can order platforms to disclose relevant evidence within their control during proceedings under the Platform Work Directive, so that authorities have access to the evidence needed to support enforcement.

- **Article 24** provides for the supervision of enforcement, assigning responsibility for the data protection provisions (Articles 7 to 11) to data protection authorities and the remaining provisions to labour-competent authorities, which are required to cooperate with one another.

Taken together, these provisions provide a clear statutory basis for inspection and enforcement, and DETE will give effect to them through transposing legislation.

SHINE/ANESC submission

3. The swift and effective transposition of the EU Platform Work Directive is essential to ensure that all platform workers are, where applicable, correctly classified as employees and adequately protected from psychosocial risks through preventive, regulatory, and enforcement measures, including when performing tasks such as caring or cleaning in private homes, in order to ensure full compliance with Article 3 of the European Social Charter, and national law.

Response

The Department of Enterprise, Tourism and Employment (DETE) wishes to reiterate its commitment to the timely and effective transposition of the Platform Work Directive.

Determination of correct employment status will constitute a key pillar of the transposing legislation and shall be informed by the Supreme Court's guidance in *Revenue Commissioners v Karshan (Midlands) Ltd t/a Domino's Pizza* [2023] IESC 24, which as noted by SHINE/ANESC, provides important clarification and a structured framework for determining employment status.

As substantiated above, the protection of platform workers from psychosocial risks is enshrined within the provisions of Article 12 of the Platform Work Directive. The Directive contains a number of provisions that directly facilitate regulatory oversight and enforcement, notably Articles 6, 9, 10, 16, 17, 21 and 24.

Regarding concerns as to the protection of platform workers such as those caring or cleaning in private homes, DETE notes again that the general framework of occupational safety and health duties under the Safety, Health and Welfare at Work Act 2005 is not confined to the employer–employee relationship, thus ensuring a wide remit of protective measures.

C: Article 4 - the right to fair remuneration

Issues relating to fair remuneration in atypical jobs

SHINE/ANESC submission

Ireland must ensure that platform workers, primarily legally staying non-nationals, receive fair remuneration consistent with Article 4§1 of the European Social Charter by:

1. Guaranteeing payment for all working time, including waiting time intrinsic to platform work;
2. Preventing earnings from falling below the statutory minimum wage and the Charter's adequacy threshold;
3. Strengthening enforcement; and
4. Ensuring entitlement to paid leave, public holiday pay, and appropriate social protection.

Response

The Platform Work Directive addresses the determination of correct employment status, including through a rebuttable legal presumption of employment where facts indicating control and direction are present. Correct classification is central to ensuring that persons performing platform work who are in an employment relationship can benefit from applicable employment rights, including statutory protections relating to pay, working time, leave and public holidays.

These entitlements will be reflected in domestic legislation once the Platform Work Directive has been transposed.