



Strategic, pragmatic and focused support

2020 Health and Safety experience

Our market leading team at Eversheds Sutherland provides risk management, compliance, investigation and crisis response across all health and safety matters.

As employers, Health and Safety professionals and HR professionals were faced with unprecedented challenges in 2020 due to the COVID-19 pandemic we assisted a large number of our clients throughout 2020 in managing their response to the risks presented by COVID-19 in the workplace and ensuring continued compliance with their obligations as employers under health and safety legislation in Ireland.

The immediate approach of the HSA has focused on issuing advice and guidance with a series of announced and unannounced inspections of workplaces taking place to ensure that the government's Return to Work Safely Protocol is being adhered to. In our view, less serious failures of adhering to the protocol are more likely to be dealt with by way of advice and guidance, however, where employers are connected to repeated failures, or are identified as not having managed the risks appropriately (or at all), the HSA may take action ranging from issuing enforcement notices, to stopping certain work practices until they are made safe, to closing premises and ultimately prosecution.

We are proud to have advised clients from the transport, construction, food, renewable energy, IT, financial services, retail and manufacturing sectors over the last 12 months, including the following matters:

- Designing and providing bespoke online training to a wide range of clients in respect of their health and safety obligations as employers during the COVID-19 pandemic including the Return to Work Safely Protocol advice on home and lone working.
- Advising a number of clients on updates to their Safety Statements, preparing specific COVID-19 Risk Assessments and implementing practical COVID-19 Response Plans.
- Advising a multinational financial services company on the successful roll out of documentation to enable the implementation of its Workplace Anti-Violence Policy.
- Advising a major construction company on the health and safety obligations of the company and personal accountability of its Directors, Managers and Officers in relation to incident management and reporting obligations.
- Advising an international online retail company on an ongoing basis in relation to the safe return to work of its employees in light of COVID-19 and advising in relation to the wearing of face coverings, social distancing and temperature checks in the workplace.
- Advising a private client in relation to an investigation by the Air Accident Investigation Unit following a crash of a light aircraft.
- Presenting at the La Touche Regulatory Investigations Conference on the topic of 'Legal Privilege in the context of a regulatory investigation' including how privilege can impact on the investigatory approach of Authorised Officer.

- Presenting with Professor Patrick Wall (joint lead of UCD contact tracing centre) and Paul Cullen, Health Editor of the Irish Times at the Annual Conference of the Health and Safety Lawyers Association of Ireland.
- Advising a UK retailer of hardware goods on product recall procedures and differences in UK and ROI sale of goods obligations as part of Brexit contingency planning.
- Undertaking a cross border integrated safety management review for an international logistics company.
- Advising a data centre company on health and safety obligations during the construction and maintenance phases of a project.
- Advising a property development company in relation to its reporting obligations to the HSA following an injury sustained to an employee on one of its construction sites.
- Advised on environmental and health and safety issues throughout the due diligence process on a number of corporate acquisitions and transactions.
- Advising an international plc in the financial services industry in respect of its health and safety obligations to its self-employed agents in Ireland that are carrying out work categorised as high risk.
- Advising a major provider of packaging solutions in relation to their obligations and duties towards their Northern Irish employees in the context of working from home or from the client's business premises during the COVID-19 pandemic.
- Advising an industrial paint manufacturer with operations in Ireland and Northern Ireland in respect of certain products and their compliance with the EU Construction Products Regulation 305/2011.

For further information, please contact:



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