

An Inspector Calls

What health and safety representatives can expect when an inspector visits their workplace

Health and safety law is enforced by inspectors from the Health and Safety Executive (HSE) or from your local authority. Local authority or crown fire officers enforce fire safety law. There are different arrangements for the maritime, rail and air industries.

The visit

How are visits arranged?

Health and safety inspectors have the right to enter any workplace without warning. However in some cases, where the inspector thinks it is appropriate, advance notice is given. In these cases, the inspector should ask whether the business has any health and safety representatives and obtain their contact details. This is so they can also arrange to meet a worker representative during their visit.

What happens in a typical visit?

During a normal inspection, inspectors look at the workplace, the work activities, the company's management of health and safety and check for compliance with health and safety law. They may take photographs, measurements and samples. Inspectors may also talk to employees and managers, openly or in private discussions.

During a normal inspection visit an inspector should also make sure that the employer has arrangements in place for consulting and informing employees, either directly or through representatives, about health and safety matters. Such arrangements are required by law.

If there are health and safety representatives the inspector should try to speak to them. If no representative is available, they must make contact as soon as possible after the visit.

The inspector should provide health and safety representatives with information about what they have found and what action they intend taking. The type of information that an inspector will provide includes:

- matters which an inspector considers to be of serious concern
- details of any enforcement action taken by the inspector
- any intention to prosecute the business (but not before the dutyholder is informed).

Depending on the circumstances, the inspector may provide this information verbally or in writing.

Enforcing the law

If inspectors find health and safety law is being broken, they must explain to the employer or person in charge of the work what the problem is, why it breaks the law and how to make corrections. Inspectors must also explain the right of appeal against any enforcement action.

There are several types of action that an inspector can take against an employer depending on the situation and the potential danger. These are:

Informal

Where the breach of the law is considered to be relatively minor, the inspector may tell the employer what to do to comply with the law, and explain why they must.

Improvement notice

Where the breach of the law is more serious, the inspector may issue an improvement notice to tell the employer to do something to comply with the law. The notice will say what needs to be done, why, and by when.

Prohibition notice

If anything that is happening involves, or will involve, a risk of serious personal injury, the inspector may serve a prohibition notice stopping the activity immediately or after a specified time period. It will not be allowed to be resumed until action has been taken to make the activity safe.

Prosecution

The inspector can also start prosecution proceedings against the employer. This would mean the employer would have to go to court and could be fined. If the action is against an individual they can also go to prison, in certain circumstances.

The employer's duty to consult representatives

During a normal inspection visit the inspector will check that the people in charge, such as the employer or main contractor, have arrangements in place for consulting with employees about health, safety and the welfare facilities. These arrangements are required by the following laws:

- the Safety Representatives and Safety Committees Regulations 1977 where trade unions are recognised
- the Health and Safety (Consultation with Employees) Regulations 1996 where there are no trades unions or no union recognition.

Details of the action an inspector should consider taking where these laws are being broken can be found in a downloadable Word

document at www.tuc.org.uk/enforcement. Inspectors will also take account of other factors, including:

- the attitude of the duty holder – for instance, if they have ignored previous inspector advice or have taken deliberate steps not to consult workers
- HSE strategy – worker involvement is currently an HSE priority, particularly where there are vulnerable workers.

If the inspector fails to consult the representative

If the inspector does not speak to the health and safety representative then they should immediately try to contact them and ask why. If the inspector is from the Health and Safety Executive the representative should call 0151 951 4000 and ask to speak to the office covering the area. If the inspector is from a local authority the representative can phone it and ask to speak to the inspector.

If the inspector cannot be contacted, or the representative is unhappy with the response they can call or write to the inspector's line manager to discuss the matter, and at the same time notify the union.

Once the representative has spoken to the line manager, if they are still not satisfied they should write to the Chief Executive of the HSE if it is an HSE inspector, or use the local authority's formal complaints procedure if it is a local authority inspector. These procedures will be available from council offices.