

Labour Inspection Country Profile: UNITED KINGDOM

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Labour Inspection Structure and Organization

Departments/Agencies responsible for Labour Inspection and Scope

The Health and Safety Executive (HSE) is the main body that protects the health, safety and welfare of workers in Great Britain. It does not have responsibility for other labour issues, but it does have a major role in the regulation of chemicals both inside and outside workplaces and the regulation of nuclear safety. The HSE promotes compliance with health and safety legislation by carrying out inspections, giving advice and enforcing undertakings and reports to Ministers in the Department for Work and Pensions as its sponsoring department. However, it has a degree of independence from its sponsoring department. The HSE is the enforcing authority of health and safety regulations, along with certain local authorities (LAs) and the Office of Rail Regulation (ORR). The local authorities are independent elected bodies which are ultimately accountable to their electorates. The Office of Rail Regulation is the independent safety and economic regulator for Britain's railways. The HSE is composed of different departments, comprised of the Field Operations Directorate (FOD), the Hazardous Installations Directorate (HID) and the Offshore Division (OD). The inspectors of the HSE, the ORR and the local authorities' have similar powers and responsibilities regarding the enforcement of health and safety legislations, which they make use in different sectors of the economy assigned to them. The responsibility for enforcing health and safety legislations at certain premises may be transferred between HSE and LAs by agreement.

Similar arrangements exist in Northern Ireland with the Health and Safety Executive for Northern Ireland (HSENI) and the 26 local authorities (District Councils) who are responsible for the regulation of health and safety at work. The HSENI reports to the Northern Ireland Assembly Minister responsible for the Department of Enterprise, Trade and Investment (DETI), which is HSENI's sponsoring department.

In the UK there are different agencies or authorities that have enforcement powers over different labour issues. Among them are: the Employment Agency Standards Inspectorate, the Gangmasters Licensing Authority, and HM Revenue and Customs.

The Employment Agency Standards Inspectorate (EAS: <http://www.berr.gov.uk>) is a division of the Employment Relations Directorate, part of the Department for Business, Enterprise and Regulatory Reform (BERR), which oversees employment agencies operating in the United Kingdom. The EAS carries out routine inspections of agencies and investigates complaints about agency conduct. The EAS's mission statement is to work with agencies and employers to raise standards within the industry and to ensure compliance with employment rights, particularly for vulnerable agency workers. Where an agency worker is involved in a serious accident, HSE will notify the EAS inspectorate. This is to ensure that there is an opportunity for coordinated investigation where this would be of value to both the HSE and the EAS inspectorate.

The Gangmasters Licensing Authority (GLA: <http://www.gla.gov.uk>) is the UK Government body responsible for protecting workers from exploitation. The GLA regulates those who supply labour or use workers to provide services in agriculture, forestry, horticulture, shellfish gathering and food processing and packaging. The GLA checks licence holders to make sure there is a continuous compliance with the licence conditions (including working conditions of workers), takes enforcement action against those who operate illegally or who for other reasons are judged unfit to hold a licence. The GLA, through shared information and joint working supports the enforcement of the law, by or in conjunction with the Enforcement Authorities of other Government Departments, and others as appropriate.

The HM Revenue and Customs, (HMRC: <http://www.hmrc.gov.uk/index.htm>) collects and administers direct and indirect taxes and also enforces the national minimum wage. Under a new system from the 6 of April 2009 (changes brought by the Employment Act 2008), if the HMRC finds employers have underpaid the national minimum wage it will issue a notice of underpayment which shows the arrears the employer must pay to the workers and the penalty that must be paid to HMRC. The Act also gives the HMRC compliance officers new inspection powers and the legal framework for national minimum wage offences. The HMRC responds to complaints made about employers suspected of not paying the minimum wage, and visits a sample of employers of whom no complaints have been made. This is to make sure all employers meet their obligations under the National Minimum Wage Act.

In Great Britain, enforcement of the working time regulations is split between different authorities. The limits and health assessments (if a night worker), are enforced by the HSE (in the case of factories, building sites, mines, farms, fairgrounds, quarries, chemical plants, nuclear installations, schools and hospitals), local authorities (in the case of retailing, offices, hotels and catering, sports, leisure and consumer services), the Civil Aviation Authority (CAA) (for aviation), the Vehicle and Operator Services Agency (VOSA) (for road transport), the Maritime and Coastguard Agency (MCA) (for seafarers) and the ORR (for rail transport). The

entitlement to rest and leave are enforced through employment tribunals. Again, similar arrangements exist in Northern Ireland for the enforcement of the working time regulations.

Laws that covers organization and functional composition

- Health and Safety at Work etc. Act (HSW Act) 1974
- Legislative Reform (Health and Safety Executive) Order 2008
- Health and Safety (Enforcing Authority) Regulations 1998
- Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006
- Health and Safety at Work (Northern Ireland) Order 1978
- Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1999

Local divisions

With headquarters in Liverpool, the HSE has 33 offices in Great Britain. The Field Operations Directorate (FOD) is managed as seven geographical Divisions and a national Construction Division.

The ORR has its headquarters in London and 18 offices in Great Britain.

There are about 400 local authorities in Great Britain with statutory responsibilities for the enforcement of health and safety laws. The local authorities are either at the District Council level, or are Unitary Authorities.

In Northern Ireland, the headquarters of the HSENI is in Belfast with other offices in both Belfast and Omagh. There are 26 District Councils in Northern Ireland.

Programming and communication

The work of both HSE inspectors and local authority enforcement officers are determined through annual working plans agreed on after consultation with all the Directorates and taking into account the HSE strategies on safety and health. Local authorities provide information on their activities to the HSE.

The Health and Safety Executive/Local Authority Enforcement Liaison Committee (HELA) provides liaison between the HSE and the LA. It seeks to ensure that health and safety legislations are enforced in a consistent way among LAs and between LAs and HSE. The HELA provides a national forum for discussion and exchange of information on enforcement of legislation.

In Northern Ireland, similar arrangements exist, including a liaison committee known as HELANI, to ensure that planning and delivery of activities are effectively coordinated between HSENI and the District Councils.

The Fair Employment Enforcement Board has been created to promote collaboration between enforcement bodies. The focus of the Board is working time and the national minimum wage. The Board is made up of a Minister in the Chair, HM Revenue and Customs, the Employment Agency Standards Inspectorate, the Health and Safety Executive, Gangmasters Licensing Authority, the Department for Environment, Food and Rural Affairs, the Confederation of British Industry, the Trades Union Congress, the Federation of Small Businesses, and Citizens Advice. The Board will launch a helpline for vulnerable workers in May 2009, to be known as the Pay and Work Rights Helpline. This will act as a focal point for queries and complaints from workers covered by the participating enforcement agencies. It will strengthen and formalize existing arrangements for coordinated investigation between agencies where a worker's complaint covers a number of issues (for example, working time and minimum wage). The sole focus of the helpline as far as HSE's remit is concerned is working time.

Current reforms

Human Resources and career development

Permanency of inspectors

HSE/HSENI Inspectors are civil servants normally hired on a permanent basis.

Selection process

In Great Britain, regulatory Inspectors of Health and Safety are recruited as Trainee Inspectors onto a work-based learning Postgraduate Diploma programme. Candidates for the programme are required to hold a

degree or equivalent academic or professional qualification. The assessment process is made up of a competency based interview, group exercise and written and ability exercises based on the criteria required for the post.

The Postgraduate Diploma, which has been developed in partnership with Warwick University, is spread over the first four years of employment and is geared towards assessing the ability of a candidate to the required competencies throughout that period. It is made up of 4 modules: Legal and Investigation, Safety and Risk Assessment, Occupational Health and Hygiene, and Business Awareness, People and Influencing Skills.

Training will focus on the skills, abilities and knowledge required as an inspector and will be based on the job experience supported by tutorials, internal and external training courses, support and delivery from Warwick University and line management coaching and assessment. At the end of the initial two-year period provided, trainee inspectors would have successfully completed the relevant units of the Level 5 NVQ in Health and Safety Regulation, relevant parts of the Diploma, demonstrated competence and made satisfactory progress in other elements of the training, they will be re-banded from a trainee Inspector to a regulatory Inspector. Candidates for Specialist Inspector roles are assessed on interviews and exercises based on criteria related to the post they will hold.

Background required

Candidates for the Trainee Inspector programme are required to hold a degree or equivalent academic or professional qualification and come from a range of backgrounds. Those inspectors working in specialized disciplines for example nuclear, mines, electrical or mechanical disciplines are required to hold a degree or equivalent qualification in a relevant subject. These posts require candidates to have relevant industry work experience and chartered status, where appropriate.

Local authority enforcement officers are in most cases Environmental Health Officers, who have undergone academic and professional training.

Visits and functions

Types of visits

Both HSE/HSENI inspectors and local authorities use two main tools to secure compliance with the law and improvement in the working environment. These are enforcement (in its widest sense) and promotional activities. Enforcement is triggered largely by intervention through proactive inspections and reactively, by investigation of accidents, ill-health and complaints. Proactive visits are unannounced and also include visits to headquarters of major national companies to discuss and secure improvements in the management of safety throughout the company.

Role of preventive measures

In Great Britain, Inspectors and administrative Health and Safety Awareness Officers (HSAOs) in the Field Operations Directorate devote time to giving advice on request to employers, employees and the general public. Information on health and safety is also available from a national telephone helpline, called HSE InfoLine. Similar arrangements exist in Northern Ireland with a dedicated small business advisory service and free phone Helpline available.

Programming

LA inspections are typically organised according to a system of prioritization based on hazard and risk rating. LAs are encouraged each year by the HELA to focus their attention on certain key issues, consistent with HSE priority programmes. LAs are also involved in promotional activities supporting both national and local initiatives. Similar arrangements exist in Northern Ireland with the HELANI playing a coordinating role.

Registries and reporting of accidents/diseases at work

The Reporting of Injuries Diseases and Dangerous Occurrences Regulations 1995 require the reporting of deaths, major injuries and injuries resulting in absence from work of more than 3 days, certain diseases and certain dangerous occurrences. All injuries, diseases and dangerous occurrences are to be reported to the Incident Contact Centre as a single point of contact for reporting all incidents in Great Britain. Similar Regulations exist in Northern Ireland but incidents are required to be reported to the relevant enforcing authority (i.e. HSENI or District Council) as determined by the Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1999.

Sanction and administrative processes

HSE/HSENI Inspectors and local authority Enforcement Officers are empowered to issue improvement notices in the event of a breach of statutory requirement which includes details of the alleged breach of legislation and the remedial action that must be taken within specified time limits. Failure to comply with the notice will lead to prosecution. The person to whom the notice is issued has the right of appeal to an employment tribunal. Similarly, inspectors can issue prohibition notices to stop activities they consider dangerous. Again, the person to whom the notice is issued has the right of appeal to an employment tribunal.

Social dialogue and labour inspection

The Board of the Health and Safety Executive is a tripartite body, as is the Board of HSENI, with representatives from both employers and employees. There is, therefore, an opportunity for the social partners to provide input on the formulation of national policy for health and safety in the United Kingdom.

At workplace level, recognised trade unions have the right to appoint health and safety representatives to act on the employees' behalf in consultations with the employer about health and safety matters.

ILO Conventions ratified

The UK ratified Convention No. 81 in 1949 excluding Part II and has not ratified Convention No. 129. To see the CEACR comments made to United Kingdom on Convention No. 81 click [here](#).