

Appeals

When an Improvement or Prohibition Notice is served, the guidance notes which accompany the Notice include details of how to appeal to an Industrial Tribunal. Business owners will also be told that an Improvement Notice will be suspended until the appeal hearing. However a Prohibition Notice usually continues to have effect until the date of the tribunal.

Information to employees or their representatives

During a visit, an Inspector may check that those in charge are complying with their legal duty to have arrangements in place for consulting and informing employees or their representatives about health and safety matters.

An Inspector may wish to meet or speak to employees or their representatives privately during a visit. He/she may provide them with information about serious concerns affecting their health, safety and welfare and any enforcement action taken, including intention to prosecute. Copies of this leaflet may be given to employee representatives.

Complaints

If you have a complaint that the procedures described in this leaflet have not been followed, it may be possible to resolve the issue by speaking with the individual Inspector. If you would prefer not to contact the member of staff concerned, or you believe they may not have resolved your concern, you can make a formal complaint in writing.

All complaints will be thoroughly investigated. Further details on making a complaint are contained in the HSENI Customer Care Charter which is available on the HSENI website.



This leaflet is available from HSENI or you can download it from our website www.hseni.gov.uk

For more information please contact:

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Helpline: 0800 0320 121
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What to expect when a Health and Safety Inspector calls

A brief guide for businesses, employees and their representatives

Health and Safety Executive
for Northern Ireland

About this leaflet

This leaflet is intended for those in business who have duties under health and safety law ('dutyholders'), for example employers and those in control of workplaces. It explains what you can expect when a Health and Safety Inspector calls at your workplace.

It also tells employees and their representatives what information they may expect from an Inspector during a visit.

Who enforces health and safety law?

Health and safety law is enforced by the Health and Safety Executive for Northern Ireland (HSENI) and District Council Environmental Health Departments. Who inspects your workplace depends on the business activity being carried out. Further details on this matter are available in the customer care charter.

What do inspections involve?

Inspectors may visit your workplace with or without prior notice to check health and safety standards and provide support and advice. An Inspector will examine the workplace, the work activities and look at how health and safety is managed. They may also talk to employees and their representatives.

At the end of the visit, the Inspector will discuss any concerns, explain what needs to be done and inform the appropriate person of any action which he/she is going to take and why.

Inspectors will, if asked, write to confirm any advice, and distinguish legal requirements from best practice advice.

It is usual for Inspectors to take enforcement action where they find serious risks to people's health and safety.

What enforcement action can Inspectors take?

When they take enforcement action, they try to be fair and to treat all businesses in a similar way. They will explain why the action is being taken and give business owners the opportunity to have their views heard if they have concerns.

HSENI 'Enforcement Guidelines for Health and Safety at Work in Northern Ireland' sets out more detailed principles for enforcement action. You can get a copy of these Guidelines by calling the HSENI help line (0800 0320 121) or visit our website www.hseni.gov.uk.

Inspectors may give employees or their representatives information about action taken or issues which affect their health, safety and welfare.

Inspectors may take the following types of enforcement action depending on the level of risk to people's health and safety:

Informal

Where the breach of the law is relatively minor, the Inspector may tell the business owner what to do to comply with the law and explain why. He/she can confirm this in writing if asked. The Inspector will also endeavour to make it clear what is a legal requirement and what is best practice advice.

Improvement Notice

When the breach of the law is more serious, the Inspector may issue an Improvement Notice. Where possible, the Inspector will try to talk to the business owner about the Notice, what it means before it is served, and if possible, resolve points of difference before serving it. The Notice will say what needs to be done, why, and by when. The

time given for work to be carried out will always be more than 21 days as there is a right of appeal to an Industrial Tribunal (see 'Appeals' below).

An extension of time can be given in reasonable circumstances.

The Inspector can take a prosecution if the work listed on the Improvement Notice is not finished by the date given on the Improvement Notice.

Prohibition Notice

Where an activity involves, or will involve, a risk of serious personal injury, the Inspector may serve a Prohibition Notice to stop that activity until action is taken to prevent people being harmed. The Notice can take immediate effect or may in certain circumstances require the activity to stop within a number of days. Where possible, this will be discussed with the business owner. The Notice will explain why the action is necessary and details about how to appeal to an Industrial Tribunal will be given (see 'Appeals' section).

Prosecution

In some cases the Inspector may feel that it is necessary to take a prosecution. HSENI Enforcement Guidelines for Health and Safety at Work in Northern Ireland' give more details on how decisions to prosecute are taken.

Although the courts decide on the punishment to give offenders, health and safety at work law allows for high levels of fines and even imprisonment. For example, a failure to comply with an Improvement or Prohibition Notice, or a Court Order taken in a Magistrates Court can result in a fine of up to £20,000, or six months imprisonment, or both. Cases taken to the Crown Court can lead to unlimited fines and in some cases imprisonment.