

WHO ARE HEALTH AND SAFETY INSPECTORS?

Health and safety law is enforced by District Council Environmental Health Departments and the Health and Safety Executive for Northern Ireland (HSENI), depending on the business activity being carried on. The table below gives a breakdown.

District Council	Health and Safety Executive (NI)
Service sector businesses	Manufacturing
Retail outlets	Construction
Wholesale outlets	Government property
Offices	Mines, quarries & chemical plants
Restaurants and hotels	Agriculture
Residential Homes	Schools and Universities
Places of entertainment	Transport
Recreation facilities	Hospitals and Nursing Homes

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. He/she 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 owner or manager of any action which he/she is going to take and why.

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

WHAT ENFORCEMENT ACTION CAN THEY TAKE?

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

Most councils have an enforcement policy which sets out more detailed guidelines for enforcement action. You can ask your local council for a copy of this or visit their website.

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 try to make it clear what is a legal requirement and what is best practice.

Improvement Notice

When the breach of the law is more serious, the inspector may issue an Improvement Notice and will, where possible, talk to the business owner about the notice and what it means before it is served.

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 notice is not finished by the date given.

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 (see 'Appeals' below) will be given.

Prosecution

In some cases the inspector may feel that it is necessary to take a prosecution. Again your local council's enforcement policy will give more details on how decisions to prosecute are taken.

Health and safety at work law allows for high levels of fines and even imprisonment. For example, 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.

Appeals

When an Improvement or Prohibition notice is served, they will include details of how to appeal to an Industrial Tribunal along with a copy of the appeal form to use. 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 have arrangements in place for consulting and informing employees or their representatives about health and safety issues.

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.