

An Inspector Calls

- know your rights



SCOTTISH HAZARDS

stuc =

October 2021

Background

Trade union health and safety representatives save lives, by working with (or fighting against) employers they make our workplaces safer.

As reps will know the rights, responsibilities and functions of reps are outlined in the [*"The Brown Book"*](#) providing the regulations in full, guidance on their application and the code of practice accompanying the guidance.

One issue that has come to our attention during a series of seminars organised by the STUC and Scottish Hazards has been the approach taken by regulators to ensure trade union appointed safety reps are consulted during visits by HSE inspectors or local authority Environmental Health Officers

This is a right under the [*SRSC Regs 1977 Functions of safety representatives Regulation 4*](#) (1) (f) *"to represent the employees he was appointed to represent in consultations at the workplace with inspectors of the Health and Safety Executive and of any other enforcing authority"*; and Regulation 4 (1) (g) *to receive information from inspectors in accordance with [*section 28\(8\) of the 1974 Act*](#);*

The STUC sent an e-mail to reps attending these webinars asking if they were aware of whether and, if so, had the enforcement officer spoken to them and provided feedback on the visit and any proposed action to be taken.

The results, admittedly from a small number of reps at this stage, show inconsistency in their experiences that would suggest the HSE's assertion that reps are contacted as a matter of course to be inaccurate.

The main concerns are:

1. Union health and safety representatives not being informed their workplace is due to be inspected or the relevant enforcement authority is investigating an incident.
2. Not all trade union reps are being spoken to by HSE or Local Authority EHOs, in multi union workplaces employers seem to select the reps who are allowed contact with the enforcement authorities.
3. Visits coming to the attention of reps after the event and employers not sharing information on the visit.

4. Trade union reps have no recollection of visits having taken place.

Scottish Hazards and the STUC plan to use the information gathered to grow the evidence base of rep's experiences and to share them with the HSE but it appears the regulations and guidance are not being followed by the HSE and Local Authorities.

The HSE Internal Ops briefing are always a good source of information and provide instructions to inspectors, in this case [how to make contact with employee representatives](#)

Nowhere in this guidance does it say employers should provide the contact details of rep's inspectors are allowed to speak to and the guidance itself is clear how HSE inspectors should contact reps.

By excluding a rep, or group of reps, an employer is committing an offence

The maximum penalty for attempting to prevent or prevent a person speaking to an inspector is £20000 and/or 12 months in prison, see Table 2a in [the HSE Enforcement Guide for Scotland](#).

We believe any health and safety enforcement officer should attend a workplace with knowledge of all the trade unions recognised in the workplace and the contact details of their appointed health and safety reps. The HSE and Local Authorities do not appear to have this information or, if they do, they are not always using it and not always following their own guidance.

This guidance is aimed at providing reps with resources to address the issues identified at this stage and will be updated periodically.

What can reps do?

Identify which enforcement body is responsible for your workplace, if this is not known see the [HSE's A to Z guide of enforcement allocation](#)

Introduce yourself to the HSE or Local Authority Environmental Health Department by using our template letter (Appendix 1) and send to the appropriate office. Contact details attached (Appendix 2)

Submit a Freedom of Information request to your enforcement body seeking details of the last enforcement visit, the purpose, outcome, the engagement with trade union reps and the union to which they belong. (Appendix 3) A list of FOI e-mail addresses is attached as Appendix 4.

Provide feedback to the STUC and Scottish Hazards.

ian@scottishhazards.org

tanderson@stuc.org

Appendix 1

Letter of Introduction

Your Address

HSE/Local Authority Address

Dear **Contact Name**

Date

I am writing to introduce myself as a trade union health and safety representative for **Insert your union** .

I work for **insert employer's name** at their premises at **insert address**

My job role is **insert details** and as a health and safety representative I represent **insert number** of members.

The Safety Representative and Safety Committees Regulations 1977 make provision for union health and safety representatives to have access to health and safety inspectors when they visit workplaces to carry out inspections or investigations.

I am not aware of any visits to my workplace and would be obliged if you could provide details on when we last had an inspection or visit following an incident

Or

We last has a health and safety visit approximately insert details and I was not contacted ahead of the visit and there seems to have been no arrangements in place to ensure I had the chance to speak to the inspector or to receive information from them.

I would be obliged if my undernoted contact details could be kept on file so I am sure I will be included in any future visits to my workplace.

Regards

Undernote:

Telephone **insert**

E-mail **insert**

Appendix 2

HSE and Local Authority Contacts

HSE Offices

Aberdeen *	Building 2 Level 1 Aberdeen International Business Park Dyce Drive Dyce Aberdeen AB21 0BR		
Edinburgh	Queen Elizabeth House 1 Sibbald Walk Edinburgh EH8 8FT		
Glasgow	Cornerstone, 107 West Regent Street, Glasgow G2 2BA		
Inverness	Longman House 28 Longman Road Longman Industrial Est Inverness IV1 1SF		

Local Authority Environmental Health Departments

Aberdeen City Council	Business Hub 15 3rd Floor South Marischal College Broad Street Aberdeen AB10 1AB	03000 200 292	commercial@aberdeencity.gov.uk
Aberdeenshire Council	Gordon House Blackhall Road Inverurie AB51 3WA	01467 539039	food.safety@aberdeenshire.gov.uk
Angus Council	Dewar House 12 Hill Terrace Arbroath DD11 1AH	03452 777 778	envhealth@angus.gov.uk
Argyll & Bute Council	Kilmory, Lochgilphead PA31 8RT	01546 605519	envhealth@argyll-bute.gov.uk
City of Edinburgh	East Neighbourhood Centre 101 Niddrie Mains Road Edinburgh EH16 4DS	0131 608 1100	environmentalhealth@edinburgh.gov.uk

Clackmannanshire Council	Kilncraigs Greenside Street Alloa FK10 1EB	01259 450000	ehhealth@clacks.gov.uk
Comhairle Nan Eilean Siar	Sandwick Road Stornoway Isle of Lewis HS1 2BW	01851 822694	eh@cne-siar.gov.uk
Dumfries and Galloway Council	Municipal Chambers Buccleuch Street Dumfries DG1 2AD	0303 333 3000	EnvironmentalStandards@dumgal.gov.uk
Dundee City Council	3 City Square Dundee DD1 3BA	01382 433710	food.safety@dundeecity.gov.uk
East Ayrshire Council	Civic Centre South Building 16 John Dickie Street Kilmarnock East Ayrshire KA1 1HW	01563 553520	environmentalhealth@east-ayrshire.gov.uk
East Dunbartonshire Council	Southbank House 12 Strathkelvin Place Kirkintilloch G66 1TJ	0141 578 8811	environmental.health@eastdunbarton.gov.uk

East Lothian Council	John Muir House Brewery Park Haddington East Lothian EH41 3HA	01620 827365	ehts@eastlothian.gov.uk
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East Renfrewshire Council	191 Carnwadric Road Thornliebank East Renfrewshire G46 8HR	0141 577 3782	EnvironmentalHealth@eastrenfrewshire.gov.uk
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Falkirk Council	Abbotsford House Davids Loan Falkirk FK2 7YZ	01324 506070	fs@falkirk.gov.uk
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Fife Council	Protective Services, 3rd Floor, Fife House, North Street, Glenrothes KY7 5LT	03451 55 00 00	h&s.advice@fife.gov.uk
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Glasgow City Council	231 George Street Glasgow G1 1RX	0141 287 1059	foodsafety@glasgow.gov.uk
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Highland Council	21 Church Street Inverness IV1 1DY	01349 886606	env.health@highland.gov.uk
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Inverclyde Council	Municipal Buildings Clyde Square Greenock PA15 1LY	01475 717171	customerservice@inverclyde.gov.uk
Midlothian Council	Fairfield House 8 Lothian Road Dalkeith EH22 3AA	0131 271 3559	foodandsafety@midlothian.gov.uk
Moray Council	Council Office High street Elgin IV30 1BX	01343 563345	foodsafety@moray.gov.uk
North Ayrshire Council	Cunninghame House Irvine KA12 8EE	01294 324339	environmentalhealth@north-ayrshire.gov.uk
North Lanarkshire Council	Municipal Buildings Kildonan Street Coatbridge ML5 3LF	01236 856361	KildonanPS@northlan.gov.uk
Orkney Islands Council	Council Offices School Place Kirkwall Orkney KW15 1NY	01856 873535	customerservices@orkney.gov.uk

Perth and Kinross Council	Pullar House 35 Kinnoull Street Perth PH1 5GD	01738 476476	FoodHealthSafety@pkc.gov.uk
Renfrewshire Council	Renfrewshire House Cotton Street Paisley PA1 1 UJ	0300 300 0380	b-serv.es@renfrewshire.gov.uk
Scottish Borders Council	Newton St. Boswells Melrose TD6 0SA	0300 100 1800	Placehealth@scotborders.gov.uk
Shetland Islands Council	Charlotte House Commercial Road Lerwick Shetland ZE1 0LX	01595 745250	foodsafety@shetland.gov.uk
South Ayrshire Council	Burns House Burns Statute Square Ayr KA7 1TU	01292 618222	environmental.health@south-ayrshire.gov.uk
South Lanarkshire Council	Montrose House 154 Montrose Street Hamilton ML3 6LB	0303 123 1015	slc_environmental_services@southlanarkshire.gov.uk
Stirling Council	Endrick House Kerse Road Stirling FK7 7SZ	01786 404040	info@stirling.gov.uk

West Dunbartonshire Council	Environmental Health Aurora House 3 Aurora Avenue Queens Quay Clydebank G81 1BF	0141 951 7957	Environmental.Health@west-dunbarton.gov.uk
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West Lothian Council	West Lothian Civic Centre Howden South Road Livingston West Lothian EH54 6FF	01506 280000	environmentalhealth@westlothian.gov.uk
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Appendix 3

Freedom of Information Request Template

Your Address

HSE/Local Authority Address

Dear **Contact Name**

Date

I am submitting this request under the Freedom of Information (Scotland) Act 2005 as a health and safety representative appointed by **Insert name of union**

Please provide the date of the last enforcement visit to my employer ***insert name and address of your employer ?***

Was this a routine inspection, investigation of a complaint or investigation of an incident?

Please provide details of the outcome of any visit including any factual information connected to, and any action recommended following the visit?

Did any communication take place with trade union health and safety representatives prior to the meeting, if so to which trade union did these reps belong?

Yours sincerely

Appendix 4

Freedom of Information Addresses

Health and Safety Executive	InformationRequest@hse.gov.uk
Aberdeen City Council	foienquiries@aberdeencity.gov.uk
Aberdeenshire Council	foi@aberdeenshire.gov.uk
Angus Council	InformationGovernance@angus.gov.uk
Argyll and Bute Council	foi@argyll-bute.gov.uk
City of Edinburgh Council	informationrights@edinburgh.gov.uk
Clackmannanshire Council	FOI@clacks.gov.uk
Comhairle nan Eilean Siar	foi@cne-siar.gov.uk
Dumfries and Galloway Council	foi@dumgal.gov.uk
Dundee City Council	foi@dundeecity.gov.uk
East Ayrshire Council	FreedomOfInformation@east-ayrshire.gov.uk
East Dunbartonshire Council	foi@eastdunbarton.gov.uk
East Lothian Council	foi@eastlothian.gov.uk
East Renfrewshire Council	customerservices@eastrenfrewshire.gov.uk
Falkirk Council	foi@falkirk.gov.uk
Fife Council	information.requests@fife.gov.uk
Glasgow City Council	foi@glasgow.gov.uk
Highland Council	foi@highland.gov.uk
Inverclyde Council	foi@inverclyde.gov.uk
Midlothian Council	enquiries@midlothian.gov.uk
Moray Council	info@moray.gov.uk
North Ayrshire Council	contactus@north-ayrshire.gov.uk
North Lanarkshire Council	foirequest@northlan.gov.uk
Orkney Islands Council	foi@orkney.gov.uk
Perth and Kinross Council	foi@pkc.gov.uk
Renfrewshire Council	foi@renfrewshire.gov.uk
Scottish Borders Council	foi@scotborders.gov.uk
Shetland Islands Council	administrative.services@shetland.gov.uk
South Ayrshire Council	foi@south-ayrshire.gov.uk
South Lanarkshire Council	foi.request@southlanarkshire.gov.uk
Stirling Council	foi@stirling.gov.uk
West Dunbartonshire Council	foi@west-dunbarton.gov.uk
West Lothian Council	customer.services@westlothian.gov.uk

Appendix 5

Contact details for Scottish Fire and Rescue Services Enforcement Offices

NORTH

Aberdeen City	01224 268200	N.ABERFSE@firescotland.gov.uk
Aberdeenshire & Moray	01467 622137	N.ABMFireSafetyEnquiries@firescotland.gov.uk
Highland	01463 723000	N.HLNDPandPLegislationSupport@firescotland.gov.uk
Western Isles, Orkney & Shetland	01463 723000	N.HLNDPandPLegislationSupport@firescotland.gov.uk
Perth, Kinross, Angus & Dundee	01224 728600	N.PKADFSEO@firescotland.gov.uk

EAST

Edinburgh North	0131 315 3121	E.EdinFSE@firescotland.gov.uk
Edinburgh East	0131 550 4935	E.EdinFSE@firescotland.gov.uk
Edinburgh West	0131 453 4354	E.EdinFSE@firescotland.gov.uk
Edinburgh South	0131 664 0952	E.EdinFSE@firescotland.gov.uk
Midlothian	0131 660 1672	E.MELBFSE@firescotland.gov.uk
East Lothian	01620 826360	E.MELBFSE@firescotland.gov.uk
Scottish Borders	01896 758326	E.MELBFSE@firescotland.gov.uk
Stirling, Clackmannanshire & Fife	01259 724112	E.SCF.FireSafety@firescotland.gov.uk

WEST

City of Glasgow	0141 302 3333	W.GLAComsEnforcement@firescotland.gov.uk
Dumfries & Galloway	01387 252222	W.DGPreventionandProtection@firescotland.gov.uk
East & West Dunbartonshire	01389 385999	W.EWDFireSafetyEnforcement@firescotland.gov.uk
Argyll & Bute	01389 385999	W.EWDABHelensburghFSEnforcement@firescotland.gov.uk
East Renfrewshire, Renfrewshire & Inverclyde	01505 356625	W.ERRICSEnforcement@firescotland.gov.uk
North Lanarkshire	01236 433451	W.NLCommunitySafety@firescotland.gov.uk
East, North and South Ayrshire	01294 607000	W.ENSASFireSafetyEnforcement@firescotland.gov.uk
South Lanarkshire	01698 402362	W.SLCSLegislation@firescotland.gov.uk