



UNISON HEALTH & SAFETY
Information
sheet

• *Union Inspection Notices*

Last updated in October 2010

A Union Inspection Notice (UIN) is a formal notice issued to a manager by an accredited trade union safety representative. It registers that the employer is not complying with health and safety legislation in respect of an identified workplace hazard, describes the action which must be taken to comply with the law, and specifies a date by which action must be taken. A UIN is not an enforcement notice. Only statutory Health and Safety Inspectors (e.g. Health and Safety Executive Inspectors and Local Authority Environmental Health Officers) can take enforcement action against an employer in breach of health and safety law.

There is no right to issue a UIN nor, in law, is an employer explicitly required to respond, although that is certainly implied in the safety representatives and safety committee's regulations. However, branches can negotiate a voluntary system of UINs with their employer. This note gives a checklist of what should be covered in any agreement.

Please note that a UIN is not an appropriate way of dealing with very serious hazards that need immediate attention.

Who may issue a UIN?

A UIN can be issued by a trained and accredited safety representative.

In what circumstances may a UIN be issued?

A UIN may be issued where a breach of health and safety law can be identified. It is expected that the use will be rare. It is not a substitute for normal inspections and negotiations.

A UIN may be issued to deal with a hazard that does not pose an imminent and serious risk to the health and safety of employees individually or collectively, and where other action has failed to get the problem resolved within a reasonable time.

A UIN may also be issued to deal with lower level hazards that have been the subject of frequent complaints to the line manager, but where the manager has failed to take appropriate action.

Where the hazard is serious, advice should be taken from the regional office.

What steps must be taken before a UIN is issued?

Before issuing a UIN in relation to a hazard, the safety representative must be convinced of four things:

- that there is a breach of health and safety law,
- that the breach has been brought to the attention of the employer in a proper manner through agreed channels,

- that the manager has failed to respond appropriately within a reasonable time, and
- that the matter is not already the subject of enforcement action by HSE or Local Authority Inspectors.

The issuing of a UIN is a serious matter. It is a sign that the normal machinery for resolving health and safety problems at work has failed.

How should a UIN be issued?

Branches should ensure that they have agreed the wording of the UIN with their employer.

All sections of the notice must be completed carefully. It should clearly identify the legislation that has been contravened, and issued to the appropriate manager.

The steps the manager should take to remedy the situation must be explained briefly but clearly.

The amount of time that the manager should have to respond to the UIN should be specified in the agreement with the employer. However, what is reasonable is likely to depend on the nature of the hazard, but should not be less than seven days after the serving of the notice and, given that it may involve developing a policy or replacing equipment, may be up to 28 days.

The agreement should also specify who the completed UIN should be delivered to.

A copy of the UIN should be posted in a prominent position within the workplace and drawn to the attention of affected employees. The safety representative should keep a copy of the UIN. In addition a copy should be sent immediately to the branch health and safety officer.

The issuing of the UIN must be reported to the next meeting of the Safety Committee.

What happens if the manager disputes the UIN or does not act?

If the manager disputes the UIN and/or fails to take appropriate action within the designated time, it must be clear in the agreement about what steps the employer will take.

One solution would be to agree that any manager who does not respond to a UIN within the agreed period shall be subject to disciplinary action. In addition, where a manager does not respond, or does not take effective action to remedy the breach, then a more senior manager and the employer's health and safety advisor should be asked to intervene within an agreed timetable.

If, after senior management has intervened, remedial action is still not taken, nor a timetable for remedial action agreed, the safety representative may either raise the breach at the Safety Committee, notify the enforcing authority, or both.

Remember, that health and safety should be managed through a partnership approach with safety representatives and employers working together using the Local Negotiating Machinery to achieve change. If this fails, and legislation has been contravened, then Union Inspection Notices may be appropriate.

FURTHER INFORMATION

Is available in issue 20 of *Health and Safety Organiser*, April 2002. It carried a one page special feature on Provisional Improvement Notices (PINS) and UINs and is available on UNISON's website:

www.unison.org.uk The *Hazards* Magazine website also has further information on PINS and UINs.

Go to: www.hazards.org/notices

Union Inspection Notice

To:

(give name of manager as appropriate)

I

(give name of the safety representative issuing the notice)

appointed as a safety representative by UNISON under the Safety Representative & Safety Committee Regulations 1977 (SRSC), believe that you, as an employer, are contravening the following statutory provision(s):

(identify Regulation(s) contravened)

The contravention is occurring at :

(give address or area of the workplace)

The reason(s) for my opinion is/are as follows:

The said contravention(s) or, as the case may be, the matters occasioning them, should be remedied by:

(give date)

The following action should be taken:

Signature of safety representative:

Date:

Copied to: branch health and safety officer,
regional officer, and
employer's safety officer.