

Union Inspection Notices



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A Union Inspection Notice [UIN] is a formal notice issued to an employer by a recognised trade union. The purpose of the UIN is to highlight, that in the view of the union, an employer is not complying with health and safety legislation in respect of an identified workplace hazard. The UIN should also identify action to be taken to comply with the legislation and specify a date by which the action is requested.

Union Inspection Notices are not part of the regular workplace inspection process, H&S reps should only issue a UIN when all company procedures have been exhausted and the employer has failed to take relevant action to resolve the problem within a reasonable time. H&S Reps must only issue a UIN when a specific breach of health and safety legislation has been identified.

A Union Inspection Notice must NOT be issued for circumstances where there is a serious and imminent risk of injury.

When a serious and imminent risk has been identified it must be dealt with immediately by the employer either by remedying the problem straight away or suspending the activity until the problem is remedied.

When to Issue a Union Inspection Notice

Before issuing a Union Inspection Notice H&S reps should be able to satisfy the following five considerations:

- All internal company health & safety procedures have been exhausted
- There has been a breach of health & safety legislation
- The breach has been brought to the attention of the employer and/or their appropriate representatives, through the agreed channels in a correct manner, and that documented evidence exists to support this.
- The employer has failed to take relevant action to resolve the problem within a reasonable time.
- The identified breach of legislation or workplace hazard is not already subject to an enforcement action by the HSE or Local Authority Inspectors.

It is crucial that a Union Inspection Notice is issued in accordance with the above criteria.

The legislation that has been contravened must be clearly identified.

A reasonable timescale for the employer to make an appropriate response must be given. The timescale should be relevant to the situation.



How to Issue the Union Inspection Notice

The Union Inspection Notice must be served by a recognised health and safety rep to the relevant manager/company representative.

Ensure that receipt of the UIN is confirmed. The employer's senior Safety & Quality Director [or equivalent] should be advised when a UIN has been issued.

The employer should advise the safety representative of what actions will be taken to address the issue.

A copy of the UIN should then be posted in the relevant workplace in a prominent location. The UIN should be brought to the attention of members by the Safety Representative as soon as possible.

The UIN is not an enforcement notice such as those issued by the HSE or other enforcement agency, but it can still be used, should the need arise, to involve the local HMRI Inspectorate.

They are also a powerful tool to ensure employers take health and safety seriously and take the appropriate action. It is also another method to raise the unions profile and engage with our membership.

If the UIN is disputed or action is not taken within the designated timescale TSSA Health & Safety reps should contact their Senior/Regional Organiser for further guidance.

Protection for Health and Safety Reps

The rights and functions of safety reps do not place any legal duties on them.

This means that a safety rep has no greater liability in law for health and safety breaches than any other employee.

BROWN BOOK

For further information on regulations, points of clarity and guidance, reps should also refer to the TUC Safety Representatives and Safety Committees, Commonly known as the 'Brown Book'.

