



Work and Pensions Committee

House of Commons, London SW1A 0AA

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From the Chair

Sarah Albon
Chief Executive
Health and Safety Executive

1 February 2021

Dear Sarah,

I am writing to you following recent reports that, despite Government advice that people should only leave their home for work where they cannot reasonably work from home, some employees have faced pressure to travel to their place of work.

According to a survey by the Royal Society for Arts, Manufactures and Commerce, 1 in 9 workers said that they had been told to return to their workplace, despite being able to do their job from home. Others have reported being asked to return to work in premises that have remained open, despite being “non-essential”.

The Committee has seen reports that HSE has not issued any enforcement notices since the start of the current lockdown, despite being contacted almost 3,000 times during the period of 6-14 January. It would be helpful to have answers to the following questions:

- 1. How does HSE measure its effectiveness in addressing health and safety in the workplace? Does the number of enforcement notices issued form part of this measure? What other criteria do you use?**
 - a. What are the reasons why HSE has not served any enforcement notices so far this year?**
 - b. How many times has HSE been contacted about potential breaches so far this year, and how many inspections has it carried out?**
 - c. What proportion of the reports that you have received this year is HSE responsible for investigating, and how many have you had to refer to other bodies?**
- 2. Are you confident that HSE has the enforcement powers it needs to take action against employers?**

- a. What impact has the latest lockdown had on HSE inspectors' ability to carry out their duties? Have staffing levels been affected by the lockdown or number of coronavirus cases?
3. In response to the pandemic, the Government announced additional funding of £14 million for HSE in May 2020. We recommended that HSE's funding should be reassessed at "regular intervals". What discussions have you had with the Government about future levels of funding?
 - a. Is the current level of funding that HSE receives sufficient? If not, have funding constraints had any impact on your ability to carry out enforcement action during the current lockdown?
 - b. You have said to the BBC that you are scaling up checks on employers. Please can you give us the details of that work? How many checks do you plan to carry out?
4. Government guidelines say that people should only travel to work where they cannot "reasonably" work from home. Who is responsible for providing guidance on whether employers can "reasonably" expect an employee to return to their workplace?
 - a. Has HSE taken any action so far against employers that have required employees to return to their place of work, despite it being reasonable for them to work from home?
 - b. How is HSE working with the Chartered Institute of Environmental Health and other bodies to ensure that workplaces are safe?
5. Is HSE responsible for enforcing regulations around hospitality venues such as pubs? If not, who does responsibility sit with?
 - a. How well do business owners and employers understand the roles and responsibilities of the different organisations which advise on and enforce health and safety legislation?
6. Under RIDDOR (The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013), only infections and deaths of people who contracted coronavirus during the course of their work should be recorded. There is no requirement to record infections of other people who may have contracted coronavirus from a workplace, for example customers or patients. Why are employers not required to record these cases, and is there a risk that this creates an incomplete picture of transmission in the workplace?
 - a. A study by Professor Raymond Agius at the University of Manchester, published in September 2020, found that HSE's guidance on recording Covid-related deaths "may miss many thousands of cases and needs further iteration". What consideration have you given to the findings of this study?

- b. Your own website acknowledges that “the RIDDOR notification system suffers from widespread under-reporting which has the potential to give a distorted view of both the scale and spread of cases by important risk factors such as industry sector” and that many reports are misclassified by employers. What action are you taking to address this as a matter of urgency?**
- c. Does HSE have a sufficient number of specialist inspectors needed to carry out investigative work into Covid transmission in the workplace?**

It would be helpful to have a response by Friday 12 February.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Stephen Timms', with a horizontal line above the name.

Rt Hon Stephen Timms MP
Chair, Work and Pensions Committee