

HSE takes landmark enforcement action against occupational health service provider

The Health and Safety Executive (HSE) has issued its first ever Prohibition Notice against an occupational health service provider, following findings that inadequate health surveillance was putting workers at risk of serious and irreversible harm.

The action marks a significant milestone in HSE's regulation of occupational health provision and is evidence of the regulator's focus on the prevention of ill-health. This enforcement sends a clear signal that substandard occupational health services will not be tolerated where they create real risks to workers' health.

HSE inspectors found that the provider was delivering health surveillance through personnel who were inadequately trained, unqualified, and unsupervised. The ineffective surveillance meant that early signs of serious occupational diseases – including occupational asthma, dermatitis, and noise-induced hearing loss – were at risk of going undetected, leaving workers exposed to wood dust and noise without appropriate intervention.

A Prohibition Notice was issued to stop this activity on the grounds that it created a risk of serious personal injury.

HSE subsequently issued an Improvement Notice after finding that the provider's health surveillance arrangements were fundamentally unsuitable. Inspectors identified a lack of competent occupational health oversight, inadequate clinical governance, no quality assurance processes, and no clear procedures for escalating adverse findings or reviewing workplace controls.

HSE Occupational Health Inspector Julie Wood said: "This is the first time HSE has taken enforcement action of this kind against an occupational health service provider, and we have not done so lightly. It reflects the seriousness with which we view the quality of occupational health provision and our determination to act where substandard services are putting people in harm's way.

"Health surveillance exists to protect workers from work-related health conditions that can cause permanent, life-changing harm. When it is carried out poorly, employers are given false assurance and workers are left unknowingly at risk.

"We expect occupational health providers to demonstrate genuine competence, proper clinical governance, and clear processes for acting on what they find. Anything less is a failure of the workers these services are meant to protect."

Health surveillance is a legal requirement for many employers and exists to identify occupational diseases early so that appropriate action can then be taken to protect the affected worker and their colleagues. When health surveillance is carried out poorly, it creates a false sense of assurance for employers while leaving workers unknowingly at risk.

This case underlines the importance of occupational health services being delivered by competent, appropriately qualified professionals with robust clinical governance in place. Supporting employers to access competent occupational health services is a key part of HSE's strategy to reduce work-related ill health, alongside ensuring that where health surveillance is legally required it is carried out effectively. HSE expects employers to satisfy themselves that the occupational health providers they appoint are capable of delivering services that meet legal requirements and help protect workers from preventable occupational disease.

Further information:

1. The HSE public enforcement register can be found at www.hse.gov.uk.
2. To account for the appeals process and internal quality assurance, enforcement notices are published 5 weeks after they are served
3. A Prohibition Notice requires an activity to stop immediately where HSE believes it involves a risk of serious personal injury or ill health.
4. An Improvement Notice requires specific remedial action to be taken within a set timeframe to address a contravention of health and safety law.
5. Health surveillance is required under a range of regulations including the Control of Substances Hazardous to Health Regulations 2002 (COSHH) and the Control of Noise at Work Regulations 2005.