

TESA is objecting to the HSE's proposals 'for extending cost recovery', urging that they should be abandoned on the basis that businesses could be unfairly penalised, particularly in situations where enforcement officers are not skilled in specialist areas.

Under the proposals, the HSE would be given the right to recover all its costs where, in the opinion of an inspector, there is a material breach of health and safety law. With hourly rates quoted at around £133 and the average cost of an inspection £1500, the costs could mount significantly before any formal action is taken.

The proposals would also require businesses to have to bear the cost of any dispute not resolved in their favour – which is likely to put many smaller businesses off pursuing an issue where they feel aggrieved.

The Association suggests that the costs should only be recovered when a case has been investigated, prosecuted and proven to be in breach of the regulations.