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1961 EUROPEAN SOCIAL CHARTER

Answers to additional questions related to

43rd National Report on the implementation of the European
Social Charter

submitted by

THE GOVERNMENT OF THE UNITED KINGDOM

Articles 2, 3, 4, 5, 6, and 20

CYCLE 2024

European Social Charter Group 1 Provisions Report Follow-Up

UK Government's Response to questions
submitted by the European Committee of Social
Rights

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The following document presents the United Kingdom's response to the European Committee of Social Rights' request for additional information relating to its 2024 Group 1 Provisions report received on 10 July 2025.

Q.1 – Article 3§3 of Revised Charter (Article 3§2 of 1961 Charter) Enforcement of health and safety health regulations

Information on measures taken to ensure the supervision of implementation of health and safety regulations by the labour inspection or other competent authorities concerning the following categories of workers:

- *domestic workers;*
- *posted workers;*
- *workers employed through subcontracting;*
- *the self employed;*
- *workers exposed to environmental-related risks such as climate change and pollution.*

United Kingdom

As outlined in the UK's 43rd report, UK health and safety law¹ applies equally to workers on non-standard contracts, with concerns investigated by regulatory authorities who may take proportionate enforcement action, including advice, notices, or prosecution, depending on the severity of the breach.

HSE and HSENI provides guidance on managing risks and risk assessment at work. HSE and HSENI takes proportionate enforcement² action where a dutyholder does not meet their legal responsibilities to protect people.

Domestic workers

Employees working in private households who are self-employed, employed through an employment agency or whose role extends beyond domestic duties, for example those that involve complex healthcare activities or require specialist training, are covered by duties in the Great Britain and Northern Ireland Occupational Health and Safety legislation.

Posted workers

Workers who are sent by their employer to work in Great Britain and Northern Ireland are protected under UK health and safety law for the period of their posting.

As outlined in the UK's 43rd report health and safety law applies in the same way as to other workers. The employer (dutyholder) where they are based, has a duty to protect them from harm by assessing and identifying the risks from the work activity and putting measures in place to eliminate, or if this isn't possible, to control the risk.

¹ [Health and Safety at Work etc. Act 1974](#)

² [HSE - Enforcement action](#)

Workers employed through subcontracting

Health and safety law applies to workers who are employed as subcontractors. Where contractors or sub-contractors are employed, the business should make sure that their activities fit in with the overall work scheme, without increasing risks unduly.

The business will need to provide the contractor with appropriate Health & Safety information in relation to the work to be carried out, so that the work can be done safely. HSE and HSENI provides guidance for contractors and subcontractors.

Self-employed

Self-employed workers are covered by the duties in the GB and NI OSH legislation.

They are protected by health and safety legislation in the same way as other workers. They also have a duty to protect others who may be exposed to risks to their health and safety from their undertaking. In Northern Ireland it is the duty of every self-employed person to conduct work activities in such a way as to ensure, so far as is reasonably practicable, that they and other persons (not being their employees) who may be affected, are not exposed to risks to their health or safety. This is set out in the [Health and Safety at Work \(Northern Ireland\) Order 1978](#).

Enforcement action can be taken against the self-employed, including prosecution, if they had failed to ensure, so far as is reasonably practicable, persons affected by their work were not exposed to risks to their health and safety. Further information on self-employed workers can be found on the HSE website - [Self-employed workers - Overview - HSE](#).

Workers exposed to environmental-related risks such as climate change and pollution

HSE and HSENI regulates to protect people against ill health, injury or death from work activities in Great Britain and Northern Ireland. HSE and HSENI regulates risks within the scope of the Health and Safety at Work Act, the Health and Safety at Work (Northern Ireland) Order and associated regulations.

Where environmental conditions may have an impact on the risks from work activity, these factors must be identified and control measures put in place in the same way as for all workplace risks. HSE and HSENI sets out what dutyholders must achieve, but not how they should achieve it. Within the general duties, dutyholders must take measures to protect people from risks 'so far as is reasonably practicable' (SFAIRP).

Isle of Man

Domestic Workers

Where workers are employed via agencies or are self-employed, and their activities pose risks to others, they fall within the remit of the [Health and Safety At Work Order 2024](#). The health and safety regulator, the Department of Environment, Food and Agriculture (DEFA) may intervene where work activities in domestic settings present broader public or occupational risks.

Posted Workers

Although the Isle of Man is not subject to the EU Posted Workers Directive, employers are expected to:

- Ensure that Isle of Man workers posted abroad receive protections equivalent to those under local health and safety laws.
- Comply with the Health and Safety at Work Order 2024 (HASWA), which require employers to take all reasonably practicable steps to ensure worker safety, including when operating internationally, this might include supervision.

Workers Employed Through Subcontracting

Subcontracted workers are protected under the general provisions of the HASWA.

In addition the [Management of Health and Safety at Work Regulations 2003 \(MHSWR\)](#), and the [Construction \(Design and Management\) Regulations \(CDM\)](#) apply to relevant projects, requiring coordination, competence checks, and ongoing supervision.

Self-Employed Workers

Self-employed individuals are subject to health and safety law if:

- Their work poses a risk to others, or
- They operate in high-risk sectors (e.g. construction, agriculture).

They are required to conduct risk assessments and implement appropriate control measures in line with the HASWA.

Workers Exposed to Environmental Risks

The Isle of Man Government recognises the occupational risks posed by climate change and environmental hazards, although not enforced by the HASWA.

Measures include:

- Guidance on heat stress, UV exposure, and air pollution for outdoor workers.
- Encouragement for employers to adjust work schedules during extreme weather, provide hydration and shelter, and monitor environmental indices.
- Integration of occupational health considerations into the Climate Change Plan 2022–2027.

DEFA, as the Isle of Man's health and safety enforcing authority, is responsible for enforcement and provides support, inspections, and guidance to ensure compliance across all sectors with regards to excessive heat and cold in the workplace, to ensure that employers are monitoring extremes of temperature which is likely to affect the health, safety and wellbeing of their employees.

Supervision of Employees in Isle of Man Health and Safety Legislation

Under the HASWA, employers have a general duty to ensure, so far as is reasonably practicable, the health, safety, and welfare of their employees. This duty explicitly includes the provision of supervision necessary to ensure employees can carry out their work safely.

The requirement for supervision is further supported by the MHSWR, which requires employers to implement effective arrangements for the planning, organisation, control, monitoring, and review of health and safety measures. These arrangements inherently involve supervisory responsibilities to ensure that employees are working safely and in accordance with established procedures.

Additionally, employers must ensure that employees are competent, which includes providing appropriate training and oversight (supervision). Where employees are working under the control of another employer, there must be clear coordination and communication to ensure adequate supervision is maintained.

During both proactive and reactive workplace visits, Health and Safety at Work Inspectors assess the adequacy of the arrangements in shared workplaces. Specifically, they examine how the different employers involved work together to exchange information on the potential risks and the arrangements in place for supervising the staff from different employers.

Where the arrangements are found to be insufficient then Inspectors will take appropriate steps, through advice or enforcement, to ensure that improvements are made and that legal duties regarding sharing workplaces are met.

Q.2 – Article 6§1 Joint consultation

Please provide concrete information on any joint consultations conducted on matters related to the digital transition.

United Kingdom

Through the Plan to Make Work Pay³, the UK Government is creating a new partnership approach of cooperation and negotiation that sees Government, employers and trade unions working together to tackle challenges impacting on our economy.

The Plan includes the following proposals on workplace technology and surveillance:

1. to examine what AI and new technologies, including automation and AI, mean for work, jobs and skills;
2. to promote best practice in safeguarding against the invasion of privacy through surveillance technology, spyware and discriminatory algorithmic decision making; and
3. to make the introduction of surveillance technologies in the workplace subject to consultation and negotiation with trade union or employee representatives.

Implementation of these proposals are currently in development and a public consultation on surveillance technologies and negotiations with trade unions and staff representatives will launch in due course. This forms part of the UK

³ [Next Steps to Make Work Pay \(web accessible version\) - GOV.UK](#)

Government's extensive work on employment policy and legislative change, which involve consultation at all levels with employer and worker representatives.

The Department for Science, Innovation and Technology (DSIT) is committed to supporting start-ups and small and medium-sized enterprises (SMEs) in implementing responsible AI practices. To help achieve this, DSIT has developed the AI Management Essentials (AIME)⁴ tool—a self-assessment resource that distils key principles from existing AI governance frameworks to guide firms, particularly SMEs, in adopting baseline good practices. Earlier this year, a public consultation was launched to ensure the tool meets business needs. The response to this consultation, along with revisions to the tool, will be published in September 2025. Once released, AIME will serve as a blueprint for systematic responsible AI adoption and help smaller businesses engage employees in the AI implementation process.

Q.3a – Article 6§4 Collective action

Please, indicate if the restriction on the right to strike of the members of the armed forces and the police is established by law, and why is it necessary in a democratic society for the protection of the rights and freedoms of others or for the protection of public interest, national security, public health or morals (Article G of the Charter).

UK Response:

In modern democratic societies, the relationship between the state and its population is generally balanced in favour of the freedom or autonomy of the individual.

Article 31 recognises the importance of maintaining public order and the effective functioning of essential services. The state intervenes in people's lives only where it is required to do so for example to uphold the law, provide welfare support and guarantee human rights.

The UK government upholds that our approach is in accordance with Article 31 of the European Social Charter 1961.

Police

The following expands on the information provided in the UK's 43rd national report.

Great Britain

The prohibition on strike action is established by s.91 of the Police Act 1996, which makes it a criminal offence for any person, including police officers, to cause, disaffection amongst the members of any police force, or induce or attempts to induce, or do any act calculated to induce, any member of a police force to withhold his services.

Police officers hold the Office of Constable, which is unlike any other role, and its importance has been reaffirmed by successive governments. Under s.280 of the Trade Union and Labour Relations (Consolidation) Act 1992, a member of the police service who has the powers or privileges of a constable (i.e. a serving police officer)

⁴ [AI Management Essentials tool - GOV.UK](#)

is not an employee or worker. Accordingly, under the same Act at s.219, they do not have protection from certain tort liabilities and at s.238A they cannot be dismissed related to such liabilities.

A police strike would risk public order, national security, and the safety and health of children and adults.

Northern Ireland

Prohibition of trade union membership for members of the Police Service of Northern Ireland (incorporating the Royal Ulster Constabulary) (as named in the [Police \(Northern Ireland\) Act 2000](#)) is regulated by section 35 of the Police (Northern Ireland) Act 1998. Police constables are represented by the Police Federation for Northern Ireland.

The Police Act 1919 did not apply to the Royal Irish Constabulary or Dublin Metropolitan Constabulary. This was the Constabulary and Police (Ireland) Act 1919. This was repealed by the Police (Northern Ireland) Act 1998. Section 35(2) of the Police (Northern Ireland) Act 1998 does, however, state that, "Where a person was a member of a trade union before becoming a member of the police force he may, with the consent of the Chief Constable, continue to be a member of that union during the time of his service in the police force".

Isle of Man

A police officer's ability to join a trade union and take part in a strike is prohibited under the Isle of Man's legislation ([Police Act 1993](#), s13 and s17)

A police strike would risk public order, national security, and the safety and health of children and adults.

Armed forces

United Kingdom

The UK Government's armed forces need to be governed by a more stringent set of rules and restrictions, designed to maintain discipline and, thereby, ensure the operational effectiveness of the armed forces. Members of the armed forces are prohibited from striking under the Incitement to Disaffection Act 1934

The maintenance of good order and discipline are essential components of operational effectiveness, even more so during conflict, and in hostile territory. At the heart of this is the requirement for personnel to obey lawful orders - even if that means taking action to kill the enemy, or to put their own lives at risk. Breaches of the military rules of conduct undermine morale, foster discontent and can jeopardise the safety of individuals and operations by adversely impacting unit cohesion and readiness.

Q.3b – Article 6§4 Collective action

Please indicate whether the members of armed forces have other means through which they can effectively negotiate the terms and conditions of employment, including remuneration

United Kingdom

The interests our personnel (and their families) are protected through a wide range of mechanisms. This includes (but is not limited to):

- the Armed Forces Pay Review Body and the Senior Salaries Review Body which provide independent annual recommendations on pay for the Armed Forces to the Prime Minister;
- the Soldiers, Sailors, Airmen and Families Association (SSAFA), the Royal Naval Association, the Royal Air Force Association, the Veterans Association and a great many more Regimental Associations and groups around the country which have regular access to the Chain of Command and Ministers to represent their members interests;
- more than 50 diversity networks operating within Defence, where Service personnel can also play an active role in the development of the policies which affect them.

The UK Government is expecting to appoint its first Armed Forces Commissioner in 2026 who will be a direct point of contact for the Armed Forces and their families to raise welfare issues that impact on their service life.

The Armed Forces Commissioner will be an independent champion for the UK's Armed Forces and their families, holding Government to account, strengthening parliamentary oversight, and raising awareness of the issues facing our Service personnel and their families.

The Bill⁵ to make the legislation a reality has completed the Parliamentary process and is awaiting Royal Assent.

⁵ [Armed Forces Commissioner Bill - Parliamentary Bills - UK Parliament](#)