

Health and Safety Legislation Consultation

Health and Safety (Consultation with Employees) Regulations 2025

Department of Environment, Food and Agriculture

Rheynn Chymmyltaght, Bee as Eirinys,



Isle of Man
Government

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Closes 31 Mar 2026
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Overview

The Department of Environment, Food and Agriculture (DEFA) is reviewing and updating specific legislation to align with UK best practice. This consultation continues the process of updating Isle of Man (IOM) Health and Safety legislation and refers directly to the following draft legislation:

- **Health and Safety (Consultation with Employees) Regulations 2025**

Recognising the potential impact on IOM businesses, DEFA will implement a phased approach designed to give businesses sufficient time to prepare for compliance. Following public consultation and incorporation of any necessary amendments, the Department aims to submit the proposed legislation to Tynwald in early 2026, with a target commencement date of 1 Aug 2028.

DEFA welcomes stakeholder and public feedback on the updated and proposed health and safety legislation, and where appropriate any associated guidance documentation, through this public consultation process.

The end date for this consultation has been extended to 31st March 2026.

What these Regulations do

The IOM **Health and Safety (Consultation with Employees) Regulations 2025** establish a legal duty for employers in the IOM to consult employees on workplace health and safety matters. This consultation with employees must occur either directly or through elected representatives known as "representatives of employee safety."

Employers are required to provide relevant information to support meaningful consultation and must offer paid time off and training for elected representatives and candidates. The regulations also define the functions of these representatives, including raising safety concerns and liaising with inspectors.

Legal protections are introduced to prevent detriment to employees participating in consultations or elections, and disputes over time off or pay can be addressed by the Employment and Equality Tribunal. The regulations exclude civil liability for most breaches and do not apply to sea-going ship crews.

How do these Regulations compare with the current UK Legislation?

The IOM **Health and Safety (Consultation with Employees) Regulations 2025** largely mirror the existing UK framework, combining elements of the **UK Safety Representatives and Safety Committees Regulations 1977** and the **UK Health and Safety (Consultation with Employees) Regulations 1996 (amended)**.

Differences are minimal and mostly lie in procedural details and the specific exclusion of sea-going ship crews, aligning with UK maritime exceptions. In essence, the **IOM Health and Safety (Consultation with Employees) Regulations 2025** align closely with UK law, ensuring consistency in employee consultation practices and representative rights across both jurisdictions.

Practical Implications

The **IOM Health and Safety (Consultation with Employees) Regulations 2025** introduce a structured framework for employee consultation on health and safety matters in the IOM. Practical implications of the regulations are as follows:

- Employers must consult employees in good time on health and safety matters, including:
 - Introduction of measures affecting health and safety.
 - Appointment of safety personnel.
 - Provision of health and safety information or training.
 - Introduction of new technologies.
- Employers may consult employees directly or through elected representatives of employee safety.
- Employers must provide sufficient information to enable meaningful consultation, except where restricted by national security, legal prohibitions, privacy, or commercial sensitivity.
- Representatives of employee safety are entitled to reasonable training, paid time off, and necessary facilities to perform their roles.
- Candidates for election as representatives also receive paid time off.
- Employees participating in consultations or elections are protected from detriment under the **IOM Employment Act 2006**.
- Breaches of these regulations generally do not give rise to civil liability, except where specified.
- The Employment and Equality Tribunal can hear complaints about failure to provide time off or pay and award compensation.
- These regulations do not apply to the master or crew of sea-going ships.

What other Legislation is referred to within the Draft IOM Regulations?

The following legislation is mentioned within the new draft regulations

- **The IOM Health and Safety at Work etc. Act 1974.**
 - Provides the enabling powers for these Regulations under sections 2(4) and 15(1).

- The IOM **Employment Act 2006**
 - Specifically amended by Regulation 9 to protect employees from detriment for participating in consultations or elections under these Regulations.
- The IOM **Management of Health and Safety at Work Regulations 2003**
 - Referenced in Regulation 4(b) regarding appointment of competent persons.
- The IOM **Safety Representatives and Safety Committees Regulations 2025**
 - Referenced in Regulation 4 and 5 regarding representation and consultation structures. Currently under draft and consultation.
- The IOM **Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2025**
 - Referenced in Regulation 6(2)(b) regarding access to records relevant to consultation. Currently under draft and to be consulted on.

Consultation Objectives

The following are the objectives of this consultation:

1. **Legislative alignment:**
Assess stakeholder support for aligning Manx health & safety legislation with UK standards, ensuring consistency and regulatory compatibility.
2. **Regulatory scope and clarity:**
Identify specific areas within health & safety regulation that may require additional focus, clarification, or enhancement to meet industry needs and best practices.
3. **Industry impact and readiness:**
Understand potential challenges for IOM-based businesses in adapting to the new framework, including operational, financial, or compliance-related concerns.
4. **Support mechanisms:**
Identify the support needs of stakeholders (e.g., guidance, training, transitional arrangements) to facilitate effective implementation and compliance with the new regime.
5. **Feedback on draft legislation:**
Collect stakeholder input on the draft legislative instruments for each stage of consultation.
6. **General feedback:**
Provide an open channel for additional comments, concerns, or suggestions to inform the development of a robust and responsive health & safety framework.

IOM Health & Safety at Work Inspectorate

When any new legislation is introduced the Department is conscious of the need to ensure that the best guidance documentation is available. The current [IOM HSWI website](#) states the following:

"UK legislation and their associated codes of practice is best viewed as an illustration of good practice which may be helpful in explaining the general duties imposed by the Health and Safety at Work etc. Act 1974".

Differences between UK HSE ACOPs and UK HSE Guidance

When referring to UK codes of practice, better known as "Approved Codes of Practice (ACOPs)" it is important to note and be aware of the differences between UK Health and Safety Executive (HSE) guidance and a UK HSE issued ACOP. UK HSE clarifies the differences here: [Legal status of HSE guidance and ACOPs](#).

When reading a UK HSE published ACOP, individuals and organisations should be aware of the presentation convention; which is normally explained within the documentation. A common standard is that ACOP text is set out in bold, accompanying guidance in normal type, with the text of the actual Regulations in italics.

It should also be noted that whilst certain UK Regulations have an associated ACOP, others only have guidance. As an example there is no longer an ACOP for the **UK Construction (Design and Management) Regulations (CDM) 2015**; it was replaced by guidance when the regulations were last updated.

Using UK HSE Guidance Documents with IOM legislation

When referring to UK ACOPs and guidance to assist with compliance of IOM legislation, individuals and organisations must be aware that whilst the intent is to align with the UK best practice, there may still be specific elements of the IOM legislation that are different to UK legislation. Examples being different paragraph and section/article numbering or elements of the UK legislation being omitted (e.g. if UK is referring to legislation not currently in place or applicable on the IOM).

Relevant UK ACOP or Guidance

The key UK Approved Code of Practice (ACOP) and guidance documents relevant to the IOM's **Health and Safety (Consultation with Employees) Regulations 2025**:

- [ACOP L146 – Consulting Workers on Health and Safety.](#)
 - The UK HSE-ACOP covering both the **UK Safety Representatives and Safety Committees Regulations 1977** and the UK Health and Safety (Consultation with Employees) Regulations 1996, with guidance on implementation.

- Offers practical examples on when and how to consult, roles and responsibilities of representatives, information-sharing duties, and resolving disputes.
- [Leaflet INDG232 – Consulting Employees on Health and Safety: A Guide to the Law.](#)
 - A concise, web-friendly summary of legal obligations for employers arising under the 1996 Regulations and the 1977 Safety Representatives Regulations.
 - Explains the choice between direct consultations, or via representatives, when each regulation applies, and guidance on meeting legal requirements.
- [HSG263 – Involving Your Workforce in Health and Safety:](#)
 - Addresses broader engagement strategies, often recommended alongside L146.

Summary

The IOM **Health and Safety (Consultation with Employees) Regulations 2025** introduce a structured legal duty for IOM employers to consult employees; either directly or via elected representatives, on workplace health and safety matters, ensuring timely engagement, transparency, and access to relevant information.

These regulations promote a collaborative safety culture, empower workers to participate in decisions affecting their wellbeing, and align the Island's standards with proven UK practices, while also providing legal protections and tribunal recourse for employees.

Why your views matter

This consultation gives stakeholders, industry, and the public the chance to provide feedback on the proposed "draft Regulations". Your views will help ensure that the legislation is clear, practical, and effective in protecting workers' health.

Reasonable adjustments and alternative formats

The Department is committed to equal opportunities and our aim is to make our documents easy to use and accessible to all. The Department will take steps to accommodate any reasonable adjustments and provide such assistance as may reasonably be required to enable access or reply to this consultation. If this document is required in another format or assistance is required with accessing or replying to this consultation, please email DEFAOffshore@gov.im.

Responding to this consultation and questions

This consultation can be responded to by clicking on the 'Online Survey' link below. Alternatively you can download a paper version of this consultation from the links on the consultation hub and email it to DEFAOffshore@gov.im or post it to:

The Offshore Team
Department of Environment Food and Agriculture,
Regulation Directorate,
The Isle of Man, Foxdale Road, St Johns, Isle of Man, IM4 3AS.

About you

1. Which option best describes your interest in responding to this consultation?

- Member of public
- Isle of Man Government
- Business owner or Stakeholder
- Member of Tynwald
- Other (please specify)

Other:

2. Are you responding on behalf of an organisation or industry?

- Yes
- No

Organisation / industry:

Number of people or organisations represented:

3. Are you happy for us to contact you regarding your response if we need to?

- Yes
- No

If yes then please add your name and contact email address.

Name: Email:

4. May we publish your response?

Please read our Privacy Policy for more details and your rights.

More Information:

- **Publish in full** – your organisation name, or the industry you represent, along with full answers will be published on the hub (your email will not be published)
- **Publish anonymously** – only your responses will be published on the hub (your organisation name, or the industry you represent, and email will not be published)
- **Do not publish** – nothing will be published publically on the hub (your response will only be part of a larger summary response document)

(An answer is required)

- Yes, you can publish my response in full
- Yes, you may publish my response anonymously
- No, please do not publish my response

Consultation Questions

1. Do you agree that the Isle of Man should follow UK standards and processes for health and safety laws and its regulation?
(Yes/No – Please tell us why you agree or disagree).
2. Are there any parts of the legislation being consulted upon that require more clarity to aid understanding and assist with compliance?
(Yes/No – If yes, please tell us which areas and why).
3. Is the proposed implementation strategy and timescale for the introduction of the **Health and Safety (Consultation with Employees) Regulations 2025** appropriate for industry readiness?
(Yes/No – Please add any comments you may have).
4. Are there any specific support mechanisms (e.g., guidance, training, transitional arrangements) that would help you or your organisation prepare for the new legislation? *(Yes/No – If yes, please tell us what kind of support would be most helpful).*
5. Do you have any other comments on the draft **Health and Safety (Consultation with Employees) Regulations 2025** legislation attached to this stage of the overall consultation process?
(Comment Box)
6. Is there anything else you'd like to tell us about the proposed changes or the consultation process?
(Comment Box)