

Managing Contractors

Employers have general duties to contractors under the Health and Safety at Work Act, the Occupiers Liability Act and under common law. Detailed duties are stipulated in legislation such as The Construction (Design and Management) Regulations 2007 etc. In summary, employers must ensure contractors are not at risk from their business or premises and vice versa. There will often be a shared responsibility between employers for the safety of employees and the self employed, and for other persons present at the premises. Lack of control will lead to injuries to contractors, client employees and members of the public, resulting in civil compensation claims and possible criminal action against both client and contractor.

Employers should understand the difference between 'labour only' subcontractors (LOSCs) and 'bona fide' subcontractors (BFSCs). LOSCs work under the employer's direction and control, and for insurance purposes are deemed "employees". These will include Temps, Agency Workers and hired-in labour. BFSCs work under their own company's direction and supervision or in association with a principal contractor, and will have their own insurance arrangements - the adequacy of which should be validated in writing by their insurers or brokers.

MINIMUM STANDARDS

HSE guidance recommends a five step approach to managing contractors' health and safety.

Planning

Define the job, identify hazards, assess, eliminate and reduce risks, specify health and safety conditions and discuss with the contractor. Plan and risk assess the job involving those affected, including employees, visitors and the contractor's operatives etc. Schedule 'pre-work meetings' to ensure the proper planning and control of work.

Choosing a contractor

Check the contractor's competence and references for the job. Stipulate the minimum standards of competence, qualifications, training and experience. Discuss the job, the site, site rules and obtain a safety method statement. Decide if sub-contracting is acceptable and will be safe.

Managing contractors on site

Ensure contractors sign in and out. Name a site contact and reinforce health and safety information and site rules. Communicate any other information of relevance to the contractor.

Keeping a check

Assess the required contact with contractors. Check the work is going as planned and that the contractor is working safely and as agreed. Check for any incidents, changes in personnel and if any special arrangements are required. Ensure that any further sub-contracting is properly understood and managed.

Reviewing the work

Consider and assess the contractor's performance. Formally review and action any findings.

BEST PRACTICE STANDARDS

- Develop a set of "Contractor Health and Safety and Performance Standards".
- Audit all contractors against those standards.
- Keep a list of approved pre-assessed contractors who can be called in at short notice.
- Nominate a competent person with authority to liaise with, and manage contractor projects.
- Develop a systematic method for ensuring all contractors' insurances are current and adequate.
- Develop a contractor's induction training session covering relevant site and task issues.
- Obtain signed records for all training and documentation issued.
- Lead by example on health and safety standards. Mandate the contractor on safety initiatives.
- Set, monitor and review contractor health and safety performance metrics.

GUIDANCE/USEFUL INFORMATION

- Management of Health & Safety at Work Regulations
- HSE: Five steps to Risk Assessment (INDG163) www.hse.gov.uk/pubns/indg163.pdf
- HSE: Sample risk assessments: www.hse.gov.uk/risk/casestudies/index.htm

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