

Control of Contractors

The lack of control of contractors working on clients' premises can and does lead to many accidents and injuries to both the contractors and the clients' employees. This has resulted in civil claims for compensation and statutory proceedings against clients who did not fully appreciate the extent of the duty of the client to his contractor.

The following information relates to those statutory provisions of particular relevance to the control of contracted out services.

Legal Duties

The legal situation is spelt out in the Health and Safety at Work etc Act 1974: Section 3 requires employers (and the self-employed) to ensure that:

- their activities do not endanger persons not in their employ, and
- information is given concerning potential health and safety hazards.

Section 4 places duties on occupiers and/or owners of premises to ensure that:

- the premises, plant and substances contained in them are safe and without risks to health, and
- reasonable measures are taken to provide safe access.

In short, you must ensure that your contractor is not at risk from your business and your contractor must ensure that you and your employees are not at risk from his activities.

Other more detailed legal requirements are contained in The Construction (Health, Safety and Welfare) Regulations 1996 and also The Construction (Design and Management) Regulations 1994.

Selection of Contractors

In its widest sense the term "Contractor" does not merely refer to building contractors.

It includes any individual or company who comes onto site to fulfil a contractual obligation between the site and a third party company. Likely "Contractors" could include:

- Telephone engineers
- Computer technicians
- Window cleaners
- Contract cleaners/caterers
- Electrical/mechanical maintenance engineers
- NURS personnel.

When selecting contractors, health and safety aspects must be taken into account as well as the competence of the contractor to complete the work. Many organisations have a policy of only using contractors from an 'approved list' of firms whose capability, quality and health and safety performance are already known. The selection procedure should also include a check that the contractor has adequate employers' liability and public liability insurance cover.



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Planning

Many accidents involving contractors have happened because of a failure to plan the job properly. i.e. taking account of health and safety aspects which are likely to arise. A risk assessment needs to be made and communicated to all involved. For high risk operations, such as demolition or working at heights, the contractor should be asked to prepare and then work to a written method statement. (Note: ALL demolition work must comply with the Construction [Design and Management] Regulations 1994.)

Clear Responsibilities

The work to be done, the areas in which the contractors can operate, together with what can and cannot be done, should be clearly defined. This is normally done in the form of 'Site Rules for Contractors', usually printed as a booklet. This should be kept as simple and 'user friendly' as possible and it is essential that the contractors on site actually doing the work are aware of the contents. Getting signed receipts on issue of these booklets is strongly recommended.

Even if they are fully competent specialists, contractors will still need some training or induction if they are to appreciate the hazards they may come across on the client's site, and also the safe systems of work and permit to work systems which apply. Individual records of training/induction given should be kept.

Monitoring of Contractors

The client is responsible for monitoring the health and safety performance of the contractor as the work progresses. The level of monitoring will be dictated by the nature and location of the work but performance can be monitored by:

- the continual vigilance of everyone on site, so as to ensure all hazards are promptly reported and rectified
- routine inspection as the work progresses
- periodic audits of the contract management process.

Contractor Appraisal

When the contractor has finished the work, an important decision has to be taken: In the light of our experiences, would we offer the particular contractor the job again?

A simple appraisal form could be used to record the client's findings and it should be made clear to all contractors that each contract will be subject to appraisal. Failure to meet safety requirements WILL affect the chances of future work, and satisfactory health and safety performance is a pre-requisite for remaining on the "approved list".

Key Action Steps

The responsibility for contractors on site is with line management. The following checklist may prove useful in ensuring that all contractors on site are effectively managed:



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Communication

- Ensure that a list of approved contractors has been compiled for site and is regularly updated.
- Appoint a company nominee for each project to liaise with contractors.
- Establish communication between the company and the contractor's staff at pre-contract stage.
- Before coming onto site make contractors aware of the company health and safety policy, contractor induction/information, permit to work systems/safe working procedures, access control procedures, fire drills/emergency procedures, accident reporting procedures, welfare/first aid facilities.
- Examination of contractor arrangements with regard to health and safety, insurance and employee training should always be included.

Method Statements

- Establish in writing prior to start of contract.

Contractor Management on Site

- Contractors' employees and vehicles should always be logged in and out.
- Include contractor's operations in all safety audits/inspections, paying special attention to access and egress.
- Inform company staff where contractors are working in their particular area, identifying any overlaps which may adversely affect health and safety.
- Contractor employees should be trained to recognise site dangers. Misuse of company equipment or facilities should never be allowed. Similarly, hazardous substances should be used safely.
- Contractors should either provide or be provided with safe plant and equipment and all necessary PPE.

References

The Health and Safety at Work etc. Act 1974, The Management of Health and Safety at Work Regulations 1999, The Construction Design and Management Regulations 1994, The Construction (Health, Safety and Welfare) Regulations 1996, HSE 1997, Managing Contractors, A Guide for Employers. The Work at Height Regulations 2005 All available from The Stationery Office Limited.



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