

Managing Contractors - Property Owners

A lack of control of contractors can and does lead to many accidents and injuries not only to contractors' employees, one's own employees, and tenants, residents and visitors. Accidents can result in civil claims for compensation and statutory proceedings against property owners and their managing agents. Clients, that is those who employ contractors, may not fully appreciate the extent of their duty towards their contractor.

The following information relates to those statutory provisions of particular relevance to the control of contracted out services including general building work. A separate Aviva Risk Services Hardfacts contains more specific guidance for those circumstances where the Construction (Design and Management) Regulations 1994 apply.

Legal Duties

The legal situation is spelt out in the Health and Safety at Work etc Act 1974 (sec 3) which 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, your employees, tenants, residents and visitors are not at risk from their activities.

Other more detailed legal requirements are contained in The Management of Health and Safety at Work Regulations 1999, The Occupiers Liability Act 1984 and the Workplace Regulations 1992.

Selection of Contractors

The term "contractor" does not merely refer to building contractors. In its widest sense it includes any individual or company who enters premises to fulfil a contractual obligation between the property owner or their managing agent and a third party company.

Likely "contractors" could include:

- Builders/joiners etc.
- Telephone engineers.
- Window cleaners.
- Contract cleaners.
- Plumbers.
- Electrical/mechanical maintenance engineers e.g. lift engineers.
- Grounds maintenance/gardeners.



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When selecting contractors, health and safety aspects must be taken into account as well as their ability or competence 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.

Planning

Many accidents involving contractors have happened because of a failure to plan the job properly i.e. to take 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 working at heights, the contractor should be asked to prepare and then work to a written method statement.

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 a leaflet. 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 leaflets is strongly recommended.

Training

Even if they are fully competent specialists, contractors will still need some training or induction if they are to appreciate any special features and hazards they may come across whilst working at your premises. Individual records of training/induction given should be kept.

Monitoring of Contractors

The client or employer, that is the property owner or their managing agent, 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 all staff, so as to ensure all hazards are promptly reported and rectified
- routine inspection as the work progresses.

Contractor Appraisal

When the contractor has finished the work, an important decision has to be taken: In the light of your experiences, would you offer the particular contractor work in the future?

A simple appraisal form could be used to record your findings. It should be made clear to all contractors that each contract will be subject to appraisal and failure to meet safety requirements WILL affect the chances of future work, and that satisfactory health and safety performance is a pre-requisite for remaining on the "Approved List" and/or be considered for future contracts.



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Key Action Steps

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

Communication

- Consider compiling a list of approved contractors. Update such a list regularly and ensure that all employees involved in the selection and management of contractors know of its existence.
- Appoint a company nominee for each project to liaise with contractors.
- Establish communication between your management and the contractor's staff at pre-contract stage.
- Before they come onto site make contractors aware of your health and safety policy, contractor induction/information, access control procedures, fire drills/emergency arrangements, accident reporting requirements, welfare and first aid facilities.
- Examination of contractor arrangements with regard to health and safety, insurance and employee training should always be included.

Method Statements

- Ensure contractors prepare prior to start of work.
- Ensure the needs and requirements of tenants, residents and visitors are included.

Contractor Management on Site

- Include contractors' operations in all safety audits/inspections, paying special attention to access and egress.
- Inform your staff, tenants and residents 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 your equipment or facilities should never be allowed. Similarly, hazardous substances should be used safely.
- Contractors should provide 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. Managing Contractors - A Guide for Employers. All available from HSE books 01787 881165 Aviva Risk Services Hardfacts 1005 - Control of Contractors.



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