

Contractor Management and Responsibilities

Presented by:

Tony Phipps Health and Safety Consultant
Forge Mill Consultancy Ltd

Contractor Management

- This presentation covers the engagement and use of contractors for any range of services from maintenance and servicing to major construction.
- This means all and any hard and soft contract requirements that a Company may require in its use of Contractors.
- Management is the ensuring of: appointment of competent contractors, both parties are adequately informed, instructed and trained, that the contractor is managed and supervised as necessary and that co-ordinated and co-operation is carried out.

Contractors

- What is a Contractor?
- **contractor**(Noun) A person who executes the building or improving of buildings.
- **contractor**(Noun) A person or company that performs specific tasks or services like electrical or plumbing work, carries out cleaning and maintenance operations or undertakes a specified requirement for a defined period.

The Use of Contractors

Use of contractors may include a range of services and provisions, from maintenance and servicing to major construction..

A Range of Contract Requirements that could be used by Companies

- Construction projects
- Maintenance
- Security
- Pest control
- Waste
- Building Management System
- Window cleaners
- HV and LV contractors
- Fire engineers
- Domestic equipment service engineers
- Photocopier engineers
- Telecoms
- Refrigeration engineers
- Lift engineers
- Electrical vehicle engineers
- Water testing/monitoring engineers
- Fire systems services engineers
- Insurance inspectors/competence persons
- Boiler service/burner maintenance
- Asbestos contractors
- Validating engineers
- Vending machines
- Car parking

The list can be extensive and complex covering a wide range of requirements

Employing Contractors

- When employing contractors you should:
- select a suitable contractor – ensure they have sufficient skills and knowledge to do the job safely and without risks to health and safety
- assess the risks of the work – the level of risk will depend on the nature of the job. Whatever the risk, you will need to consider the health and safety implications
- carry out a risk assessment – you and the contractor should be aware of the findings. You should already have a risk assessment for the work activities of your own business. The contractor must assess the risks for the contracted work and then both of you must get together to consider any risks from each other's work that could affect the health and safety of the workforce or anyone else
- provide information, instruction and training to your employees. You should also provide any information to contractors on the risks from your activities and the controls you have in place. It may also be beneficial to consider, with the contractor, what instruction and training contractors will need
- set up liaison arrangements for co-operation and co-ordination with all those involved to ensure the health and safety of everyone in the workplace
- decide what you need to do to manage and supervise the work of contractors and agree the nature of the controls before work starts

What Basics are Needed

Comments

Does the Company have a current, approved policy and an underpinning set of procedures that comply with relevant legislation and published guidance in the use and appointment of Contractors?

Is there Documentary evidence relevant to how Contractors are appointed and what rules are in place e.g. evidence of policy and procedures, rules and regulations

Evidence

Health, safety and welfare policy
Code of conduct for Contractors
Site Safety leaflet and Information
Contractor Inductions
CDM policy
Asbestos information / Registers
Working at Heights controls
Confined Spaces Identification
Fire and Evacuation policy and procedures
Handover Procedures
Lifting Operations Information / Restrictions
Contractor Health and Safety Policy
Contractors Induction and Sign in sheet
Notice to Contractors

Legal and Regulatory Requirements

Comments

The Health and Safety at Work Act. Are both parties aware of their duties and responsibilities

What other legislation and regulations apply when Contractors are used

Does it mean that if legislation and regulations are not addressed or ignored that Enforcing Authority Action is likely

Evidence

Health, Safety and Welfare Policy

Code of Conduct for Contractors

Contractor Inductions

CDM Policy

Asbestos Registers

Fire and Evacuation Policy and Procedures

Contractor Policy

Contractors Sign in Register

Health and Safety Notice and Signs

Roles and Responsibilities

Comments

Do both the Company and the Contractor have appropriately qualified, competent and formally appointed people with clear descriptions of their role and responsibility which are well understood? Can evidences be provided by both parties

Evidence

CDM pre-construction plan
CDM construction phase plan
F10 notification
ASB5 notification to HSE
Generic risk assessment
Principal Designer appointment
Sample RAMS from Contractor
Project Risk Log
Training Records or Evidences
Competence Assessment for Contractors
Environmental Management Systems
Emergency Procedures
Permit to Work System
Pre-work Safety Checks
Health and Safety information
Site Inductions
Asbestos Registers
Asbestos Clearance Certificates

Risk assessment

Comments

Statutory requirements and guidance

Has there been a risk assessment undertaken with risks identified. Have necessary risk mitigation strategies been applied and will they be reviewed?

Documented evidence of audits and reviews to support compliance?

Adequate Insurance.

Preventative/corrective strategies with documented process and procedures

Agreed allocation of risk is monitoring.

Problem solving and dispute prevention and resolution where issues exist.

Auditing and Inspecting the contractors' work, ensuring that they comply with the contractual requirements on Quality, Health and Safety, Environmental and Legislative requirements.

Evidence

Health, safety and welfare policy

Project / Services RAMs

Project Risk logs

Code of Conduct

Site Safety Documents

Contractor Inductions

CDM Policy

Asbestos Information / Registers

Working at Heights

Confined Spaces

Fire and Evacuation

Handover Procedure

Lifting Plans

Notices / Communications to and from Contractors

Contractor Incidents

Contractors & Sub Contractor Claims

It is assumed that contractors or subcontractors working on somebody else's premises / site cannot make a claim, however, this is not the case.

Often, contractors are instructed by the management of the premises / site or are given tools and equipment to use by the Company who they are contracted to.

This means if you suffer an accident as a result of mis-instruction, an unsafe environment or are given defective gear, the premises / site management are responsible for your injury.

Who is responsible?

If you contracted someone or a company to work in/on your premises or a site, it is the Company or site management's responsibility to make sure they are kept from harm while carrying out that contract or service.

In most cases, contractors are treated in the same way as Company employees because the Company will have decided it is the best working practice and may provide the Contractor with training or tools to complete their work.

A contractor has overall responsible for their own safety while working in / on a premises / site.

However if the premises / site presents risks to the Contractor where there are regulations and safety guidelines in place, those Companies who contracted them are still responsible for keeping you from harm.

All companies are legally required to take out Employers' Liability Insurance to cover employees.

Should anyone suffer an injury on / in a premises / site, this does not preclude the Contractor making a claim against the insurance those who have hired them, for accident in their workplace.

Case Study 1

A tree surgeon was felling a branch, when it fell into a neighbouring garden, damaging a fence panel. An hour earlier the neighbour had been in the garden playing with her 20-month-old child.

The tree surgeon had neither the qualifications to use a chainsaw nor the skill to carry out the job safely.

If the property developer who hired the tree surgeon had checked that he was competent to carry out the work, this incident would have been avoided.

Don't assume someone is competent, check it yourself.

Case Study 2

A worker was killed when she was run over by a vehicle operated by a contractor.

Neither the employer nor the contractor had identified pedestrian routes to keep pedestrians separate from moving vehicles.

Additionally, the contractor hadn't given his drivers adequate training to make sure they operated the vehicles safely.

The employer should have identified risks from the contractor being on site and agreed measures to control those risks before the work started.

Case Study 3

A farm worker received internal injuries and severe burns from electric shock when he lifted an irrigation pipe and it contacted 33 000 V overhead power lines.

The employer had not discussed the presence of the overhead lines and identified a safe way of moving the irrigation pipes. The employer should have made the contractor aware of the risks he faced and agreed a method of work before the job was started.

Don't assume that contractors will be aware of all risks, even if they seem obvious to you.

Case Study 4

A contractor working at a newsprint firm had his leg amputated when it was trapped in machinery.

He had climbed onto the conveyor to move a reel that was stuck and his leg was caught between the roller and the moving slatted metal conveyor.

The employer should have identified the risks from the work and provided a safe system of carrying it out.

If the employer had consulted employees, this method of working would have been identified and controls put in place to prevent the accident.

What you need to do

Identify the job

Identify all aspects of the work you want the contractor to do. Consider the health and safety implications of the job. Remember, the level of risk will depend on the nature and complexity of the work. You should provide potential contractors with this information and make sure they know and understand the performance you expect of them. You could include this information in the job specification.

Stop check!

If the work is construction or building work, as the client you have duties under the Construction (Design and Management) Regulations 2007.

You can find out more in the HSE leaflet *Want construction work done safely?*

A quick guide for clients on the Construction (Design and Management) Regulations 2007.

Select a suitable contractor

Select a suitable contractor

You will need to satisfy yourself that the contractor you choose can do the job safely and without risks to health.

This means making enquiries about the competence of the contractor – do they have the right combination of skills, experience and knowledge?

The degree of competence required will depend on the work. Similarly, the level of enquiries you make should be determined by the level of risks and the complexity of the job

Examples of questions you could ask potential contractors include

What arrangements will you have for managing the work?

For example, who will be responsible, how will the work be supervised, what checks do you make on equipment and materials etc?

Will you be using subcontractors and if so how will you check they are competent? The level of competence for subcontractors will depend on the risk and the complexity of the work.

What is your recent health and safety performance? For example, how many accidents and cases of ill health have you had, has HSE taken any action taken against you?

Do you have a written health and safety policy? (This is only a requirement if five or more people are employed.)

Can you provide existing risk assessments done for similar jobs? Again, written risk assessments are only required by law if five or more people are employed.

What qualifications, skills and experience do you have in this type of work?

What health and safety information and training do you provide for your workers?

If required, do you have Employers' Liability Compulsory Insurance?

These questions will help you find out whether the contractor is complying with their duties under health and safety law.

You can then decide how much evidence is needed to support what you have been told.

Questions you should ask yourself

- Have you identified all aspects of the work you want the contractor to do?
- Have you included the health and safety implications of the work in the job specification?
- Is the work construction or building work? If so, do you know what more you need to do to comply with the Construction (Design and Management) Regulations 2007?
- Have you made enquiries about the competence of the contractor? If so, have you checked for evidence before they get the job?
- Have you assessed the risks of the work and agreed action to control the risks with the contractor?
- Have you provided the contractor and their employees with information about the risks?
- Have you provided the contractor and their employees with your emergency procedures?
- Have you provided instructions, information and training for your own employees?
- Have you put in place arrangements with the contractor to coordinate your activities during the work?

Continued:

- Have you consulted your employees about the work and how they can raise any concerns?
- Have you identified who will be responsible for the work and what you will expect them to do
- Have you put in place arrangements with the contractor to coordinate your activities during the work?
- Have you consulted your employees about the work and how they can raise any concerns?
- Have you identified who will be responsible for the work and what you will expect them to do?
- Have you identified who will supervise the work and how?
- Have you put in place arrangements to keep a check on how the work is going against what you have agreed with the contractor?
- Have you agreed how the job will be reviewed to learn any lessons from it?

Thank you for your attention and interest

Questions

