

Using contractors

A brief guide



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This leaflet is aimed at businesses that use contractors. A contractor is anyone you ask to do work for you who is not an employee.

The guidance tells you what you must do to comply with health and safety law when you use contractors. However, it doesn't apply to temporary or agency workers – there is more specific information about them at www.hse.gov.uk/workers/agencyworkers.htm.

The guide includes:

- Case studies that show the importance of taking the work of contractors seriously.
- 'Stop check!' boxes that tell you when you may need to take extra steps and provide sources of more detailed guidance and industry-specific advice.

A checklist at the end of the leaflet will help you ask the right questions and prioritise your actions.

Your responsibilities

Both you and the contractor you use have responsibilities under health and safety law. Everyone needs to take the right precautions to reduce the risks of workplace dangers to employees and the public. Make sure everyone understands the part they need to play in ensuring health and safety.

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*.
- If you are a small to medium-sized chemical company, there is more detailed guidance in *Managing contractors: A guide for employers*.

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.

Other questions you can ask which may help you to decide which contractor to choose include:

- Do they have any independent assessment of their competence?
- Are they members of a trade association or professional body?
- Will they be producing a safety method statement for the job? A safety method statement is not required by law. It does however describe in a logical sequence exactly how a job is to be carried out in a safe manner and without risks to health. It includes all the risks identified in the risk assessment and the measures needed to control those risks. This allows the job to be properly planned and resourced.

Case study

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.

Assess the risks of the work

Both you and the contractor need to think about the planned work:

- What can harm people?
- Who might be harmed and how?
- How will you control the risks?

You can find more detailed information on risk assessment and control at www.hse.gov.uk/risk/index.htm.

You should already have a risk assessment for the work activities of your own business. Make sure your assessment covers risks to contractors from your business (eg asbestos, on-site vehicles). 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.

You need to think about any risks to your workers and members of the public, because you have contractors on site. Also, make sure you agree the measures needed to control risk with the contractor before work starts.

Stop check!

- Include health risks, such as high levels of noise or exposure to harmful substances, as well as safety risks.
- Once you have agreed action to control risks, be clear about who will do what and when. An easy way to communicate and record your findings is to use the risk assessment template (www.hse.gov.uk/risk/risk-assessment-and-policy-template.doc).
- There are specific requirements for some higher risk workplaces. For more information go to HSE's industries pages at www.hse.gov.uk/guidance/industries.htm.

Case study

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.

Provide information, instruction and training

You and the contractor need to communicate with each other throughout the process. Make sure that the contractor and their employees have information on:

- health and safety risks they may face;
- measures in place to deal with those risks;
- your emergency procedures.

The information you provide should be in a form that is easy to understand.

Similarly, you must provide clear instructions, information and adequate training for your own employees.

Stop check!

- For more advice, see HSE's leaflet *Health and safety training: What you need to know*.
- Pay particular attention to those whose first language may not be English – see HSE's migrant workers web pages for more information, at www.hse.gov.uk/migrantworkers.

Case study

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.

Cooperate and coordinate with the contractor

You and the contractor must work together and coordinate your activities, to make sure the work can be done safely and without risks to health. One way of doing this is to have regular meetings throughout. The level of cooperation and coordination needed will depend on:

- the job to be done;
- the number of contractors (or subcontractors) involved;
- the risks involved.

Case study

A delivery driver was injured when a lift truck hit him as he walked into a factory to find out where he should deliver his load. The employer should have identified the risks to the driver and given him clear instructions.

Consult the workforce

You have to consult your employees on health and safety matters. Involving your workers will help you make better decisions on the actual risks and the measures to control them. Involve your workers in the process and consult them on:

- how the contractor's work will affect their health and safety;
- information and training;
- making sure they know how to raise any concerns they may have about the contractors and their work.

Case study

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.

Manage and supervise the work

Decide what you need to do to manage contractors' work. The measures you put in place should be consistent with the level of risk, ie the greater the risk, the more you need to do.

Consider:

- Who will be responsible for the work and what do you expect them to do?
- Who will supervise the work and how?
- How will the work be done and what precautions will be taken?
 - What equipment should or should not be worked on/used?
 - What personal protective equipment is to be used and who will provide it?
 - What are the working procedures, including any permits-to-work?
- What are the arrangements for stopping the work, if there are serious health and safety concerns?

Once the work has started, make sure you keep a check on how the work is going against what you have agreed. You can do this by:

- regular checks – ask yourself 'are the control measures working?'
- investigating if things go wrong, eg near misses, accidents, ill health. Ask yourself 'what went wrong and what can we do to prevent it happening again?'

After the job is finished, there will be benefits in reviewing and learning from any lessons to see if performance can be improved in future.

Case study

Contractors were employed to install new guttering on a 7 m high building. The workers could get onto the roof from a mobile tower at the front of the building, but there wasn't any equipment to stop them falling at the back where work was taking place. The employer should have made a decision about how the work would be carried out, what equipment would be used and who would supply it before work started. Don't assume that the contractor will have the right equipment to carry out the job safely.

Stop check!

This guide provides basic information on managing health and safety when using contractors. Further guidance on managing health and safety can be found in *Successful health and safety management*.

Checklist

Questions you should ask:	Yes/ No
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?	
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?	

Want to know more?

Consulting workers on health and safety: Safety Representatives and Safety Committees Regulations 1977 (as amended) and Health and Safety (Consultation with Employees) Regulations 1996 (as amended). Approved Codes of Practice and Guidance (Second edition) L146 HSE Books 2012
ISBN 978 0 7176 6461 0 www.hse.gov.uk/pubns/books/l146.htm

Health and safety training: A brief guide Leaflet INDG345(rev1)
HSE Books 2012 www.hse.gov.uk/pubns/indg345.htm

Managing contractors: A guide for employers HSG159 (Second edition) HSE Books 2011
ISBN 978 0 7176 6436 8 www.hse.gov.uk/pubns/books/hsg159.htm

Managing health and safety in construction. Construction (Design and Management) Regulations 2007. Approved Code of Practice L144 HSE Books 2007
ISBN 978 0 7176 6223 4 www.hse.gov.uk/pubns/books/l144.htm

Successful health and safety management HSG65 (Second edition) HSE Books 1997
ISBN 978 0 7176 1276 5 www.hse.gov.uk/pubns/books/hsg65.htm

Want construction work done safely? A quick guide for clients on the Construction (Design and Management) Regulations 2007 Leaflet INDG411 HSE Books 2007
www.hse.gov.uk/pubns/indg411.pdf

For more information about risk assessment, see www.hse.gov.uk/risk/index.htm

Further information

For information about health and safety, or to report inconsistencies or inaccuracies in this guidance, visit www.hse.gov.uk/. You can view HSE guidance online and order priced publications from the website. HSE priced publications are also available from bookshops.

This guidance is issued by the Health and Safety Executive. Following the guidance is not compulsory, unless specifically stated, and you are free to take other action. But if you do follow the guidance you will normally be doing enough to comply with the law. Health and safety inspectors seek to secure compliance with the law and may refer to this guidance.

This leaflet is available in priced packs from HSE Books, ISBN 978 0 7176 6467 2. A web version can be found at www.hse.gov.uk/pubns/indg368.pdf.

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