



## SAFETY, HEALTH & ENVIRONMENTAL FACT SHEET



# CONSIDERATIONS WHEN EMPLOYING AGENCY STAFF

### Understand your duties in relation to agency workers' health and safety:

- When a business uses agency workers, the business and the agency have a shared duty to protect their health and safety.
- Some health and safety responsibilities depend on whether you are the employer. This is determined by the circumstances of each individual case (and you should be aware that agency workers could be considered your employees for health and safety purposes even if they are not for tax and National Insurance).

### Health and safety risk assessment for agency workers:

- By law, businesses must ensure that they assess health and safety risks when using agency workers.
- If agency workers are on your site (either under your direct employ or through another company), your assessment needs to take them into account. You should take into account the special problems they may face. For example, they will know less about your business than ordinary employees, and so could be at greater risk.

### Co-operate to protect agency workers' health and safety:

- Responsibility for agency workers' health and safety is often shared regardless of where contractual obligations lie. The business using the workers, the employment agency and the workers themselves can all have responsibilities. Co-operation is essential.

### Agency workers and health and safety information and training:

- Each new work placement poses health and safety risks. It's essential that the business using the workers, the agency and the workers themselves share information to ensure worker health and safety is properly protected.
- You will need to think in particular about what health and safety information, instruction and training workers need (whether you are the user business or the agency), and clarify who will provide it to meet the legal duties you both have under the Management of Health and Safety at Work Regulations 1999.

*Disclaimer: The above information is given in good faith and is a brief summary of more detailed information. No liability is accepted for any inaccuracies in respect of information provided without charge. Clients should seek specific advice on any Safety, Health and Environmental matter that might affect them.*



# SAFETY, HEALTH & ENVIRONMENTAL FACT SHEET



## CONSIDERATIONS WHEN EMPLOYING AGENCY STAFF

### Ensure agency workers use health and safety equipment and follow procedures:

- Businesses using agency workers must ensure that the workers have the same level of health and safety protection as ordinary employees.
- For example, if user businesses provide employees with Personal Protective Equipment (PPE) such as protective clothing, agency workers will also need PPE if they are exposed to the same risks.
- Legal responsibility for providing this free of charge lies with whoever is the worker's employer - this might be the agency or the user business. If you're not the employer, you may agree to provide what is necessary (whether you're a user business or an agency), but you cannot charge the worker for it.

### Monitor agency workers' health and safety:

- Depending on your assessment of the risks, you may need to carry out health checks on employees (whether you are the user business or the agency). For example, you might need to do this if employees work with chemicals that can damage health. While health checks are not a substitute for controlling risks, they can help you tell whether your controls are working.

### Control agency workers' working hours:

- The Working Time Regulations set limits on working hours. They also set out workers' entitlement to rest breaks and to holidays. Unless agency workers are genuinely self-employed (running their own business), they are covered by the regulations.
- The worker's employer is responsible for complying with the regulations.

*PFA Consulting provide consultancy advice covering Safety, Health and Environmental matters and would be pleased to undertake a review of your existing procedures.*

*Please contact us for further details.*

*Disclaimer: The above information is given in good faith and is a brief summary of more detailed information. No liability is accepted for any inaccuracies in respect of information provided without charge. Clients should seek specific advice on any Safety, Health and Environmental matter that might affect them.*