



SAFETY, HEALTH & ENVIRONMENTAL FACT SHEET



EMPLOYING SUB-CONTRACTORS

The Health and Safety at Work etc Act 1974, Section 3 requires employers (and the self-employed) to ensure that non-employees (eg the general public, contractors and contract staff) do not have their health and safety adversely affected by the employer's actions and, where necessary, to give such people information about hazards.

The Management of Health and Safety at Work Regulations 1999 states:

In any client/contractor relationship, both parties have duties to ensure that their employees, other contractors and members of the public are not put at risk by the work being undertaken.

- Key requirements of the Regulations are:

Identifying the Work

The client needs to clearly identify all aspects of the work they want the contractor to do. The client needs to consider the health and safety implications of the work required. The level of risk will depend on the nature of the work and this will require the client to undertake an assessment of the risk. The risk assessment will enable the client to make the following decisions:

- What level of competency or licensing is required by the contractor
- Information and training required
- Methods of co-ordination and communication between different parties
- Level of management and supervision required

Selection of Contractor

Clients need to satisfy themselves that contractors are competent to do the job required safely and without risks to health and safety. The degree of competency required will depend on the level of risk associated with the work required. To assess a contractors competency it is necessary to review their experience with work involved, their health and safety management systems and performance records etc.

Co-operation and Co-ordination

The client is required to set up liaison arrangements between all parties to ensure that they co-operate and co-ordinate activities to ensure maintenance of health and safety at all workplaces and anyone else likely to be affected.

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Risk Assessment

The client is required to undertake a risk assessment for work activities of their own business. The contractor must assess the risks for the contracted work. This information must be then exchanged and agreed so that the necessary preventative and protective steps are applied when work is in progress. If sub-contractors are involved they should also be included in any discussion and agreement.

Management and Supervision

Clients need to effectively manage and supervise the work of contractors. The level of management required will vary depending on the level of risk to health and safety posed by the work. There is a need to monitor the contractors and sub-contractors health and safety performance as work progresses. Where problems occur it is the client's responsibility to investigate, have all matters of health and safety concerns put right and if necessary stop the work until requirements can be met.

Public Liability Insurance

Even when every effort has been made to ensure that everything runs smoothly, an upset or mistake can still occur. Any organisation should always very seriously consider taking out Public Liability Insurance to provide adequate protection against the unknown. Public Liability Insurance protects an organisation should a member of the public or any other third party suffer damage to property or injury to their person due to the negligence of any member of the organisation.

Public Liability Insurance is not, as yet, a legal requirement but too many Voluntary Sector Organisations operate without it. Public Liability Insurance, particularly for the smaller organisation, is relatively inexpensive when arranged by a Voluntary Sector Insurance Specialist. Most Public Liability Insurance Policies these days will carry a maximum limit of indemnity (or maximum payment for any one event) of £2 million. Indeed, many Local Authorities will insist that organisations that use their premises have Public Liability Insurance with a limit of indemnity of at least £5 million.

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