

Charities FM Conference 2010

health & safety and the management of contractors

Emmie Galilee

Principal Inspector, HSE London

Outline

- Definition and types of contractors
- Legal overview
- Common health and safety issues and relevant legislation
- Client's responsibilities
- Contractor's responsibilities
- Tender, contract and beyond

What are “clients” and “contractors”?

HSE’s INDG 368 “*Use of contractors - a joint responsibility*”:

- **Client – anyone who engages contractors**
- **Contractor - anyone brought in by a client to work at the client’s premises who is not an employee of the client**

HSE Guidance



Use of contractors



a joint responsibility

Basic managing
contractor
essentials and
it's free!

Types of Contractors

- Cleaning
- Catering
- Security
- Electrical
- Mechanical
- Joiners
- Gas
- Builders
- Roofers
- Consultants
- Principal Contractors
- Asbestos removal / DTM
- Landscape

Regina v Associated Octel Co. Ltd.



Whether a work activity is part of the conduct of an employer's undertaking, is a question of fact. It does not depend on whether the employer engages employees or independent contractors to carry out that work or whether control is exercised over the activity. If the work itself is part of the undertaking, a duty is owed under HSW Act s.3(1) to ensure that it is done without risk - subject to reasonable practicability.

Lessons

- Work done on a Client's behalf for something the Client is responsible for e.g. maintenance of their premises, is still their responsibility
- Both parties can be liable

Lessons (continued)

Develop procedures to prevent injury or dangerous occurrence arising from either -




- Risks arising from own premises
- Risks arising from activities of the contractor

Common issues, relevant law

- Asbestos – duty to manage
- Legionella
- Work at Height
- Prevention of slips

Common issues, relevant law

- **Legionella**

-  Hot and cold water systems
-  Poorly Maintained Showers, spas, whirlpool baths
-  **Revised ACOP: “Legionnaires’ disease: the control of legionella bacteria in water systems” L8**

<http://www.hse.gov.uk/legionnaires/barrowreport.pdf>

Common issues, relevant law

Work at Height

- 💣 Unsafe window and building cleaning and maintenance methods

Prevention of slips

- 💣 floor cleaning methods

Other law

Don't forget-

- HSW Act
- Management Regulations
- CDM
- COSHH

Client responsibilities (1)

- Consider all H and S issues of the task
- Engage a competent contractor
- Consider sub contractors

Client responsibilities (2)

- Assess risks and agree the risk assessment
- Information, communication, coordination
- Management and supervision

Contractor's responsibilities

- Risk assessment
- Communication and coordination
- Competent workers
- Suitable work equipment
- Adequate ppe
- Supervision
- Control of subcontractors

Tender, contract and beyond

- Specification to include Health & Safety matters – e.g. site specific Risk Assessments and Method Statements
- Membership of professional bodies or accreditation may act as assurance of competence
- Contract must have clearly defined roles and responsibilities for all parties
- Early communication and sharing of information

Conclusions

Health & Safety must be an integral part of any contract by:-

- Being included in any contract specification
- Responsibilities for each party being clearly defined
- Transparency from both sides
- Regular communication between client and contractor
- Review and auditing procedures being built-in

HSE website



www.hse.gov.uk