

# Health and Safety Bulletin

## Managing contractors

### Articles in this newsletter:

- Managing contractors
- Asbestos ignorance
- Case law update
- HSE construction initiative

### Useful contacts:

HSE website  
[www.hse.gov.uk](http://www.hse.gov.uk)

HSE Books:  
PO Box 1999  
Sudbury  
Suffolk  
CO10 2WA  
Tel: 01787 881165

Environment Agency  
website:  
[www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

The Case Law update in this bulletin focuses on contractor management. Our experience is that often, when we explain to organisations that if a contractor has a serious accident on their site, they are extremely likely to be investigated by the HSE and even have the potential to be the focus of enforcement action, they are aghast!

However, this is logical when you think about the influence the client has on the way contractors work. The **Client** selects the contractor, so

- if they fail to check the contractor is competent to do the work, they increase the risk there will be an incident
- if they pressurize the contractor to accept a ridiculously short completion date or to cut costs, they shouldn't be surprised that short cuts are taken (probably affecting the quality of the work as well as health and safety)

So what are the procedures organisations should have in place to manage contractors effectively?

**Step 1-** Identify the task: The scope of the task must be specified at an early stage to clarify the activities involved. The overall level of risk associated with the job and the area in which it is to take place, will indicate the resources needed to manage the work

**Step 2-** Select a contractor: The choice of contractor will be dependent on the task and the associated risks, as this will dictate the level of competence required. Evidence of competence may be provided by membership of a relevant recognised professional body and/or evidence that similar work has been successfully completed before.

Other selection criteria should be used to demonstrate that the contractor has effective health and safety management systems and can achieve the client's risk management standards. The client should also check the contractor has suitable insurance

**Step 3-** Task Risk Management: Once the contractor has been selected, risk assessments should be prepared followed by the development of a safe system of work. This is often provided as a "method statement" that will list the prevention and mitigation measures needed to manage risk while the work is being carried out. Commonly, these documents are termed "RAMS"

**Step 4-** Training: Most organisations carry out a health and safety induction for any visitor arriving on site. When contractors are receiving an induction, it is an opportunity to reinforce requirements of their RAMS. A good contractor will already have briefed their employees and the discussion can be used to assess the level of preparation

**Step 5-** Management and Supervision: While the contractors are working on site, procedures must be in place to supervise them

**Step 6-** Review the success of the work: This review will provide information on the contractor's performance and whether they met expectations in terms of health and safety. It also allows the client to review their contractor control procedures and improve them

### Conclusion

Commonly contractors are brought onto a site to carry out unusual and higher risk work that the client has assessed they are not competent to do. However, giving this work to a contractor does not eliminate the client's moral and legal responsibility to ensure the risks are being managed effectively.

## Recently issued health and safety information:

- HSE's EH40/2005 Workplace exposure limits  
<http://www.hse.gov.uk/pubns/priced/eh40.pdf>
- IOSH webinar on asbestos management  
<https://www.youtube.com/watch?v=bjIBIS--uW0&list=PL0kuRS1454q18XFf2dvooCjEgiSQL6DnS&index=23>
- HSE books catalogue 2018  
[https://books.hse.gov.uk/gempdf/HSECatalogue\\_2018.pdf](https://books.hse.gov.uk/gempdf/HSECatalogue_2018.pdf)
- OSHtober – RoSPA's driving for work campaign  
<https://www.rospace.com/occupational-safety/our-projects/oshtober/>

## Asbestos ignorance

A recent survey completed on behalf of ARCA (Asbestos Removal Contractors' Association) has indicated that

- 32% of respondents have never checked the asbestos register before starting work on a new site
- almost half of these workers (15% of the total sample) do not know about asbestos registers
- 23% stated that they believed they may have been exposed to asbestos fibres
- while 85% said they had been given training on the risks of asbestos, 18% admitted they would either be unsure or have no idea what to do if they found asbestos

Many buildings in the UK contain asbestos – its use was only restricted by law in 1999. Under the Control of Asbestos Regulations 2012, dutyholders must arrange for a suitable and sufficient risk assessment to be carried out to identify the presence of asbestos and the risk of exposure (e.g. taking into account the type of asbestos, condition, effectiveness of current control measures).

Work-related asbestos exposure is estimated to cause about 5,000 deaths every year.

## Case Law update

*This issue focuses on cases that involve contractor management*

Bus company Go Ahead London was prosecuted after a worker was killed when he fell from a ladder he was using to access the top of a fuel tank. He fell two and a half meters backwards suffering fatal head injuries. The HSE's investigation found that the company did not implement and keep to their own procedures for managing contractors. As a result they failed to manage their contractors effectively and ensure that they conducted work in a safe manner. Go Ahead London were fined **£600,000** and ordered to pay

costs of **£78,531**

An egg production company was fined **£50,000** with costs of **£2,855.32** after a worker fell through a roof. The company had employed a contractor to re-roof an old feed mill building and had instructed one of their own employees to help. The employees fell through the roof and landed on a concrete floor causing serious head and arm injuries. The prosecution showed that the roof work was not properly planned and no measures had been implemented to prevent or mitigate a fall. The roofing contractor was given a **16 week prison sentence, suspended for 12 months**

A manufacturing company and contractor have been prosecuted

after failing to prevent exposure of workers and others to asbestos whilst cleaning an asbestos cement roof. The court heard that the work to clean the roof was unnecessary and had not been agreed in advance with the landlord. The HSE investigation found that the contractor had failed to identify the risks involved and implemented inadequate measures to prevent exposure - asbestos was subsequently found in debris around the premises. They also found that the manufacturing company did not select a suitable contractor and did not monitor or supervise the work. The manufacturer was fined **£8,000** with **£3,913.94** costs and the contractor was fined **£330** with **£3,910.94** costs

### About Clwyd Associates...

We are a management consultancy, focusing on health and safety, and SAP based in the Midlands.

In business since 2000, we employ consultants with at least 15 years practical experience backed up by recognized professional and academic qualifications - ensuring our clients receive first class service.

Clwyd Associates Ltd  
[www.clwydassociates.co.uk](http://www.clwydassociates.co.uk)



### HSE Construction Initiative

HSE has announced they will be conducting a targeted inspection initiative in the construction industry in October 2018.

The initiative will focus on health, in particular the measures in place to protect workers from occupational lung disease caused by exposure to asbestos, silica, wood and other dusts when carrying out common construction tasks.

When they completed a similar campaign in 2016 the results were:-

- more than 1,100 construction sites failed safety checks
- enforcement action was taken at one in every six sites visited

Clwyd Associates Ltd  
[www.clwydassociates.co.uk](http://www.clwydassociates.co.uk)



Orton House  
Overton Close  
Leicestershire  
LE67 8FY

PHONE/FAX:  
01530 837477

E-MAIL:  
[enquiries@clwydassociates.co.uk](mailto:enquiries@clwydassociates.co.uk)