

## A BRIEF GUIDE TO THE HEALTH AND SAFETY RESPONSIBILITIES OF CLIENTS TO CONTRACTORS

### Health and safety law

In any client/contractor relationship, both parties will have legal duties under health and safety law.

The Health and Safety at Work Act 1974 (HSWA), places legal obligations on employers and self-employed. Specifically, this relates to Sections 2 and 3 of HSWA.

- Section 2 places general duties on employers to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees.
- Section 3 places general duties on employers and self-employed to persons other than their employees.

In addition to this, provisions contained within the Management of Health and Safety at Work Regulations 1999 require an organisation to implement a health and safety management system.

### What is the nature of the contracted works?

It is the client's responsibility to ensure that all aspects relating to contracted works, that affect health and safety, are clearly identified and communicated to all parties involved. This should include:

- the nature and severity of hazards;
- the level of risk exposure;
- the level of information, instruction, training and supervision required;
- how the contracted works will be co-ordinated between the parties;
- provision of information to the workforce;
- ensuring contractors understand the level of health and safety performance you expect from them;
- ensuring contractors comply with site health and safety rules and procedures;
- informing contractors of all emergency procedures.

### Managing contractors

As the client, what should I do if I do not have the health and safety knowledge, skills or experience to manage the works being undertaken by contractors? In this instance it is important that you are able to demonstrate to the HSE or Local Enforcing Authority that you have taken all 'reasonably practicable' steps to manage the risks.

For this reason, you may choose to employ the services of a suitably qualified and experienced Health and Safety Consultant. This has the added benefit of providing fast advice and bespoke solutions which meet the needs of your organisation.

In addition, the HSE, IOSH and Trade bodies have a wide range of guidance documentation available to assist you in the decision making process.

Ultimately it is the client's responsibility to ensure that contractors are adequately supervised on site. The level of risk presented by the works may well determine the level of supervision necessary.

### Reaching agreement

Client and contractor(s) should ensure that they reach agreement on the following:

- The type of materials, equipment and machinery to be used
- Personal Protective Equipment (PPE) required
- Establishing who will have overall responsibility for the supervision of contractors on site.

### Risk assessment

Risk assessments must be undertaken by both the client and contractor(s) prior to any contracted works beginning. Importantly, risk assessments should only focus on the significant hazards associated with the works being assessed.

Upon the completion of assessments it is then necessary for both parties to discuss the findings and agree upon the preventative control measures to be implemented. Control measures must serve to eliminate the risks or where this is not possible reduce the risks to their lowest form.

### Selecting a suitable contractor

It is the client's responsibility to ensure that suitably qualified and competent contractors are selected to undertake any works. This requires an examination of the contractor's skills, knowledge and experience. In addition you should:

- request documentary evidence of health and safety performance from potential contractors i.e. accident rates, details of any health and safety prosecutions and convictions;
- request information concerning their sub-contractor selection procedure;
- obtain references from previous clients;
- inform contractors of your health and safety arrangements (i.e. policies and procedures);
- establish whether contractors are members of trade or professional bodies;
- Procedures and method statements
- Safe number of workers required on site
- Person(s) responsible for the reporting of reportable (RIDDOR) and non-reportable accidents/incidents. In addition, records relating to all accidents and reportable incidents must be safely stored and remain accessible at all times.

### Co-ordinate arrangements

Regular meetings and briefings should take place between the client, contractor(s) and sub-contractor(s). This will facilitate the sharing of information whilst also allowing any concerns to be raised quickly.

### Monitoring performance

Monitoring health and safety performance is a fundamental principle of effective health and safety management. Essentially, it assists in ensuring the continued effectiveness of control measures. For this reason, site inspections and health and safety audits should be undertaken during the course of the works.

Once complete, it is then necessary to communicate the findings of inspections and audits to all contractors.

It is important to note, that it is the responsibility of contractors to monitor the health and safety performance of sub-contractors on site. [[www.hse.gov.uk](http://www.hse.gov.uk)]

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