

Dawlish Town Council

Contractor Health and Safety

1. Statement of Policy

The Council contracts out many tasks. Court cases, notably the Associated Octel case, have made it clear that employers who engage contractors to carry out work do have a responsibility in law to take certain steps to ensure that the contractor works in a safe manner.

Section 3(1) of the Health and Safety at Work Act 1974 requires an employer to conduct their undertaking in such a way as to ensure, so far as is reasonably practicable that persons not in their employment are not exposed to risks to their health and safety. This duty extends protection not only to members of the public but also to employees of the contractor where the work is part of the conduct of the undertaking.

Other legal requirements may also apply. Section 4 of the Health and Safety at Work Act. would apply where contractors work in non-domestic premises controlled by the Council. This places a duty on the person in control to ensure that the premises, and any plant and substances supplied, are so far as is reasonably practicable, safe and without risks to health. Regulation 11 of the Management of Health and Safety at Work Regulations requires co-operation and co-ordination on health and safety matters between employers who share workplaces. Regulation 12 applies to persons working in host employers' premises and requires exchange of information on risks. This includes risks present in the host employers' premises and also those brought into the premises by the contractor.

Contracts may be issued for many different types of work. Construction is a particularly hazardous occupation and is often contracted out but this policy applies to all types of contracted work. A separate policy deals with construction health and safety.

Contracts may be for one-off events or for provision of a service on an ongoing basis. They may be granted for high risk work such as construction or demolition or for work which involves very little risk. Clearly more effort should be put into ensuring health and safety for high risk activities of long duration than for one-off activities where the work involves few hazards and little risk. It is not possible to be prescriptive as to how much time and effort should be put in to ensuring health and safety for any particular contract, although the arrangements given in this policy are designed to apply to all situations.

The Council believes that work carried out on its' behalf by contractors should be performed to high standards of health and safety. This policy is designed to achieve this aim.

2. Organisation and arrangements

2.1 Town Clerk

- should check that the contractor is competent to undertake the work in a safe and healthy manner. This may involve checking if the contractor has carried out similar work before, if the contractor's employees are qualified and if they have been adequately trained;
- should check that the contractor has a system for managing health and safety. Checks on the contractor's health and safety policy and their risk assessments and safety method statements would fall into this category;
- should arrange for the health and safety performance of the contractor to be monitored. This may involve placing a clause in the contract requiring them to report to us all accidents occurring to their staff or members of the public. Other forms of monitoring may be appropriate such as site inspections by an officer of the Council, by our safety representatives or by the health safety and welfare officer;
- will pass to the health safety and welfare officer copies of any accident report received from the contractor;
- will provide the contractor with information on any risks and measures taken to control them (identified by our risk assessments) that may affect the contractor's employees. A minimum requirement would be for contractors working in our premises to be given information on what to do in the event of a fire and emergency evacuation;
- will receive from the contractor details of any risks that their work generates and that may affect Council staff, elected members, other contractors or members of the public. This information may be provided by the contractor in order for them to comply with regulations 11 and 12 of the Management of Health and Safety at Work Regulations 99 and should include details of the measures taken to control the risks. This information would typically be in risk assessments and safety method statements;
- will pass details of any risks and control measures notified to them by the contractor to the line manager(s) of any Council employees who may be affected by the risks;

- will, where appropriate to ensure health and safety, devise rules to be followed by the contractor. Such rules may be made with assistance from the health safety and welfare officer;
- will nominate a site contact for the contractor and ensure that the contractor is aware of the name and telephone number of the contact.
- will, on request, carry out safety inspections on the work of contractors as part of our monitoring of contractor health and safety;
- will keep records of contractors accidents where such reports are notified to him.

2.2 The Health Safety and Welfare Forum

- Contractor accidents will be reviewed at the Health Safety and Welfare Forum along with other accident data.

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