

Contractors & the Control of Risk

Geoffrey Brown, HM Principal Inspector

Key Points:

- Organisations often believe - erroneously - that employing a contractor absolves them from their health and safety responsibilities. **Health and safety duties imposed by law are not delegable.**
- Employers have responsibilities under Section 3 (1) of the HSWA law: “It shall be the duty of every employer to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment who may be affected thereby are not thereby exposed to risks to their health or safety.”
- It is not necessary for an employer to closely supervise the activities of a contractor but it is their responsibility to ensure that the correct controls are in place to reduce the risks and hazards.
- Take the time and the effort to select a suitable, ie competent contractor to carry out the work and be clear what needs to be done. Ask questions like have they done this job before. The HSE website has a list of suggested questions.
- Ensure there is no performance versus safety conflict and allocate sufficient time and resource.
- Engage directly with the contractor’s leader and carry out a joint risk assessment.
- As an example of how misunderstandings can arise regarding an employer’s or contractor’s responsibilities, Geoff referred to the outcome of the Associated Octel Limited case in the 1990s. The employer clearly had a responsibility to ensure the safety of the contractor’s employee who was working to clean the inside of their tanks, which was an essential part of their undertaking.
- CDM Regulations 2015 clearly set out the duties of the client and the principal contractor.