
Contractors and the control of risk

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What's the problem?

- “It’s not our responsibility”
- “They’re insured”
- “They’ve agreed to take responsibility for health and safety”
- “I’ve known ‘em for years”
- “They’ll be in and out in a couple of hours”

Yet....



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- Health and safety duties imposed by law are not delegable
 - It's all about the conduct of the employer's 'undertaking'
 - S3 HSWA requires this to be conducted in a way that does not create risks to people's health or safety

Section 3(1) HSWA

- 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
- Section 3(2) imposes a like duty on the self-employed

The Associated Octel Ltd case

- Section 3 HSWA ...

“...imposes a duty upon the employer himself. That duty is defined by reference to a certain kind of activity, namely the conduct by the employer of his undertaking. It is indifferent to the nature of the contractual relationships by which the employer chooses to conduct it.”

Quick questions



- What is a contractor?
- What about temporary/agency workers?
- Who has responsibilities?
- What determines the level of risk?

What do you need to do?

- Select a suitable contractor – i.e. a **competent** contractor
 - This takes some effort
 - Need to ask questions
 - Need to gather information
 - Need to make judgements

Leaders



- Be clear about the work
- Think about contingencies
- Ensure no performance v safety conflict
- Allocate sufficient time & resource
- Engage directly with contractor's leader

Managers



- Monitor contractor's performance
- Carry out a joint risk assessment
- Have the right procedures in place
- If you have an accident...
- Check everyone understands the risks

What is CDM 2015 about?

CDM 2015 applies to all construction work.

- The Regulations provide requirements for managing health and safety on construction PROJECTS
- The regulations set out the standards to be achieved BUT NOT how to achieve them
- The Regulations provide a flexible framework.
- Compliance strategies will vary dependant on the projects risk profile

A project is more than a construction site



CDM 2015 – philosophy and objectives



Key Aims

- **to integrate health and safety into the project management system; and**
- **Encourage all involved to work together to:**
 - Improve planning and management from the outset
 - Identify hazards early on
 - Target effort where it can do most good
 - Discourage unnecessary bureaucracy

Remember C6



- Competence
- Command
- Control
- Communication
- Consultation
- Check