

Whilst Agency Workers and Contract staff are not your direct employees you still have an obligation for their health and safety at work. So what responsibilities are you expected to fulfil?

Who is responsible: Hirer, client or employment business?

As the hirer you carry the prime responsibility for the health and safety of a agency or contract worker supplied by an employment business whilst working on your premises or using equipment or substances provided by you. Prior to an assignment, when briefing the employment business, you should inform them of any specific risks or hazards identified by your own routine risk assessments plus the steps you take to prevent or control such risks; your rules regarding smoking at work; any requirements for long or unusual working hours; and the specific skills or knowledge requirements for the job.

You should also provide a copy of any written health and safety policy statement prepared for your own employees. The employment business has a responsibility to pass on your information to the prospective agency workers and to ensure that the worker is suitable for the assignment. However once the agency worker is assigned to you and arrives at your premises, you have an obligation to ensure that the premises, access to and from and any equipment or substances provided for their use do not expose them to any risks to their health and safety.

Risk Assessments

A key requirement of health and safety legislation is the obligation on employers to conduct regular risk assessments of all work place activities. It is the risk assessment that will identify potential problems with the environment regarding issues such as fire safety, noise, dust and fumes, lighting, sanitary facilities and refreshment provision. Specific risk assessments should be undertaken in respect of machinery and equipment, processes, chemicals and other agents, moving and handling items.

The risk assessments provide the information necessary to compile written guidance to employees and workers on the safe operation of equipment, machinery and plant, and on the use and handling of chemicals and other agents. They will also provide the information needed to ensure appropriate training provision.

Induction

When any new worker arrives on your premises, temporary or permanent, you should ensure that someone is responsible for explaining the layout of the premises, identifying the toilets, kitchen facilities (if any) or other drink making facilities, and coat storage. Attention should also be drawn to the fire alarm mechanisms, fire exits and assembly point arrangements; the first aid provision; the accident recording arrangements and the smoking rules.

Machinery, equipment and chemicals

You should not expect an agency worker to operate any machinery or equipment, without them first being shown the correct and safe operational controls. Ideally there should be a written operating statement to which the worker can subsequently refer, if in doubt. Similarly, you should also draw attention to any special arrangements required, or risks arising from the use of chemical agents and substances.

Manual handling

Workers should not be asked to lift or carry items without instruction on safe methods of handling. Where possible arrange for heavy or bulky items to be split down to be moved, especially if moved across or through awkward areas like steep winding staircases.

Computer screens

You have a duty to ensure that computer workstations are well designed ergonomically. If a worker finds the working arrangement uncomfortable, do not hesitate to arrange modifications. Workers should be encouraged to take regular breaks of 5 minutes in every hour where they work permanently in front of a VDU. For your permanent employees working consistently with a VDU you are required to provide eyesight tests, and if prescribed glasses.

Accidents and first aid

Larger employers with over 50 employees are encouraged to appoint and organise the training of First Aiders in addition to the provision of a First Aid Box equipped to the specified standard. The requirements are more stringent on factory and warehouse premises than offices. All employers are required to provide an accident book, in which all accidents, however minor, should be recorded, including all accidents to temporary workers.

Reporting of notifiable accidents at work

It is the responsibility of the employer or the person in control of premises where an accident occurs to report all accidents which cause major injury to any person as a result of their work. If an agency worker is injured on your premises it is your responsibility as the person in control of those premises to report it to the relevant authority within the allotted time.

Pregnancy

Where you employ workers of child-bearing age you must carry out a general risk assessment to ensure that they are not exposed to harmful agents such as radiation, lead, or rubella nor are carrying out work that is prohibited such as underground mining. All female workers must be encouraged to inform you promptly in writing on becoming pregnant. In those circumstances both you and the worker have a responsibility to conduct a specific risk assessment, to avoid risks to the worker and her unborn child.

Other health and safety requirements on employers

In addition to the general requirements of the Health and Safety at Work etc Act 1974 there are further regulations covering a wide range of specific work activities. Other general requirements on employers, including hirers of agency workers, include:

- The Workplace (Health, Safety and Welfare) Regulations 1992
- Accident reporting and notification requirements to the HSE
- Working Time Regulations 1998: controls on the maximum 48 hour week, night arrangements, rest breaks and rest periods
- Employers and Occupiers Liability insurance cover
- Electricity at Work Regulations 1989

For further information please visit www.hse.gov.uk. There is a specialist helpline for all matters relating to these and many more health and safety topics: 0845 345 0055.

The health and safety of persons at work is of paramount importance, reflected in the increasing range and scope of legislation. Reputable recruitment firms will want to ensure that agency and contract staff benefit from the protection offered by the legislation. In order to do this they require the co-operation of client employers hiring agency workers.

We hope you find this information useful, it is a brief overview of the main points of the relevant legislation. It should not be relied upon as your only source of information on this subject. It is your responsibility to familiarise yourself with your obligations and liabilities towards others.