



GMB **UNION** GUIDE

Contractors and agency workers

The presence of contractors and agency workers has become a commonplace part of everyday work in most industries. However, the use of contractors can lead to major risks because they are working in jobs, and situations, which are unfamiliar to them.

Often the host companies' employees do not know that contractors are working nearby. These types of situations can be avoided if the work is properly assessed, supervised and managed. However, all too often this is not the case, and the use of contractors creates confusion, because no-one takes responsibility for the health and safety of the differing workforces who often have to work closely together.

This should never be the case, as there are clear and well established legal responsibilities for everyone involved.

GMB – Britain's General Union – takes the view that ALL workers have the right to protection at work.



We believe that ALL workers, whether they are a contractor or work for a company that uses contractors, have the right to work in a safe and healthy environment. This leaflet sets out the key legal duties that apply to your employer - and we explain how the GMB can help make your workplace safer.

GMB represents contractors, agency workers, and workers whose employers use contractors, in both the public and private sectors. GMB is committed to improving health and safety standards and reducing accidents for all members.

Good contractors already work with GMB to ensure effective health and safety standards apply to their work. This leaflet has been produced to inform agency workers and contractors of their rights at work - and to highlight the legal duties that the host employer has to safeguard the safety of the permanent workforce.



IF YOUR EMPLOYER IS A CONTRACTOR OR AN EMPLOYMENT AGENCY

Many contractors and agency workers receive inferior treatment compared to permanent employees. Rates of pay, holiday entitlement and sickness absence provision are often worse for contract workers than the permanent staff whom they work alongside. Contractors can also be marginalised or forgotten when it comes to workplace health and safety issues.

This is particularly true for cleaners, security officers, maintenance contractors and other workers who are on site 'out of hours'.

Added to this, contractors often have to work on sites and in situations which are unfamiliar to them, usually with minimal or no site induction. In the worst cases this can have lethal results, it can also result in needless injury and ill health at work.

If you work for a contractor or an employment agency you have a number of legal rights - these are set out overleaf.



YOUR HEALTH AND SAFETY RIGHTS

Your employer must:

- Provide a written health and safety policy if they employ more than 5 people. This should state who is responsible for health and safety.
- Appoint a nominated 'responsible person' for health and safety for each contract.
- Produce written details of accident and incident statistics.
- Carry out workplace inspections to identify hazards.
- Produce a written risk assessment - identifying potential health hazards and the steps that the employer is taking to eliminate or reduce them. This must include hazards and risks that may be created when your work interacts with the work of others on site.
- Provide you with suitable health and safety training for the tasks you will be performing.
- Provide you with suitable and sufficient Personal Protective Equipment for the tasks you will be performing. This may include safety footwear, eye protection (glasses or goggles) and respiratory protective equipment (face mask or respirator).
- Provide you with information about changes in work practices, and give you data sheets and risk assessments that you need to carry out your work safely.
- Supply you with details of relevant emergency procedures for evacuation, first aid, incident/near miss reporting and procedure following an accident etc.

If your employer is not carrying out these legal duties then you should contact your GMB Regional Organiser.

IF YOUR EMPLOYER HAS CONTRACTORS IN THE WORKPLACE

Working together, your employer, contractors and the GMB can protect your health and safety at work. However, where contracts are issued on the basis of the lowest bid alone, health and safety standards can suffer.

GMB works with all parties to ensure that this does not happen. Many contractors have a transient workforce who never get properly trained and are often ignorant of relevant legislation and safe working practices. This can lead to accidents and ill health, which affect ALL employees at the workplace.

The problem is often made worse where contractors are part of labour supply chains, and are allowed to sub-contract to other contractors, who are also allowed to contract out etc.

In many cases, Safety Representatives have been prevented by employers from directly dealing with contractors, meaning the union has not been able to offer advice and assistance to the contract employees.

WHAT YOUR EMPLOYER MUST DO

Your employer should only put contractors on the approved tender list who can guarantee health and safety standards at or above that of the previous service provider.

- Your employer has a legal duty to supervise the contractor/agency and their health and safety systems.

- The contractor/agency must comply with the health and safety rules that your employer has.
- The contractor/agency should include their health and safety policy as part of the bid.
- Contractors should be able to demonstrate their knowledge of the duties that will be placed upon them by health and safety law.
- Contractors should also be able to recognise likely hazards within the specification.
- The contractor should have a written plan for reducing accidents, they should also write down the health and safety methods that will be employed to achieve this.
- The cost of health and safety measures should be included in any bids for contracts.
- Contractors must agree to consult employees on health and safety, and the contractor must consult Safety Representatives on health and safety matters.



HOW THE GMB CAN HELP

The GMB believes that to make real improvements in health and safety standards at work, employers need to work together with GMB Safety Representatives to jointly seek solutions to health and safety problems.

This is of particular importance where services are contracted out. The GMB has members in every type of occupation, and we are the union for contractors. This means we have a great deal of experience in

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YOU'RE SAFER AND HEALTHIER IN THE GMB

GMB is proud of its focus on workplace health and safety. Will Thorne founded GMB in 1889 in part because of the terrible working environment he experienced, and we will always fight to improve conditions and provide protection for GMB members.

It's been an established fact for more than 25 years that trade unions make the workplace safer. Time after time, research has shown that the presence of trade union Safety Representatives identify hazards and resolve issues before they can cause harm, and reduce exposures to substances that may damage health.

To back up our Representatives the GMB has a network of health and safety specialists in our Regions. The GMB also has a National Health and Safety Department that is widely acknowledged to offer amongst the best health and safety service of any trade union.

It has been proved many times that workplaces with active Safety Representatives have half as many major and serious injuries as workplaces without them – in other words you're safer and healthier in the GMB.



WHEN INCIDENTS OCCUR AT WORK - UNIONLINE

Report all accidents, incidents and attacks to your employer and get it recorded in the accident book.

Make sure you also tell your GMB Safety Rep and GMB Workplace Organiser, they will make sure that your employer acts to stop anyone else being hurt in the same way.

ROLE OF GMB SAFETY REPRESENTATIVES

GMB Safety Reps have rights on health, safety and welfare issues over and above their fellow workers. They have the right:

- To **INVESTIGATE** potential hazards and causes of accidents at the workplace.
- To **INVESTIGATE** employee complaints concerning health, safety and welfare at work.
- To **MAKE REPRESENTATIONS** to the employer on any health and safety matter in the workplace.
- To **INSPECT** the workplace on a quarterly basis.
- To **INSPECT** the workplace after a reportable accident, dangerous occurrence or reportable disease.
- To **VIEW** documents relating to health and safety in the workplace.
- To **REPRESENT** employees in consultation with HSE inspectors and to receive information from them.
- To **ATTEND** safety committee meeting.
- To **TIME OFF** for **HEALTH & SAFETY** training.
- To **PAID TIME OFF** to carry out all of the above functions.

You could also contact UnionLine on **0300 333 0303** to trigger the process to make a claim against your employer to get compensation. As a GMB member you are covered against the cost of lawyers and court cases or tribunals that may be necessary to get justice for you.

