



Technical Talks is our series of risk management articles, produced by our in-house team of portfolio underwriting, risk managers and surveyors, offering support and guidance for you and your clients in relation to everyday business solutions.

Introduction

Temporary (including agency and contract) workers are sometimes unnecessarily exposed to increased risk of injury at work. Accidents involving temporary workers frequently involve:

- Manual handling
- Slips, trips and falls
- Impact by falling or moving objects (hand tools, pallet trucks, ejected from machines, etc.)
- Contact with moving machinery

The following issues are commonly identified in the course of subsequent claims investigations:

- Lack of risk awareness by temporary workers
- Inadequate training of temporary workers
- Poor supervision and/or monitoring of temporary workers
- Lack of understanding of and/or over-reliance upon previous experience by employers
- Lack of competence on the part of temporary workers to undertake hazardous tasks

- Unauthorised actions by temporary workers
- Inadequate documentation and/or record keeping by employers
- Reluctance or uncertainty by temporary workers around the reporting of hazards, defects or incidents
- Failure by employers to properly record, report and investigate accidents

By prioritising the above areas, employers can significantly reduce the potential for accidents and personal injury claims involving temporary workers and, where such claims do arise, improve the prospect of a successful defence.



Source: Arch Insurance

Selection of Temporary Workers

Prior to assignment, it is important to ensure temporary workers meet any competency (qualifications, training, knowledge, experience, etc.) and other requirements (health/fitness, language, skills, etc.) necessary to perform their duties without putting themselves or others at increased risk of injury or ill health. Documentary evidence of this should be obtained and kept on record.

Health & Safety

Temporary workers should be informed of the significant hazards and risks arising from their work activities and the arrangements in place to remove or control those risks. Information provided to temporary workers should typically include the following:

- Health and safety policy
- Risk assessments and safe systems of work
- Employee handbook
- Restricted and prohibited areas and activities
- Fire and emergency procedures
- Hazard and defect reporting procedures
- Accident and near miss reporting procedures
- Welfare facilities including first aid arrangements

Employment agencies have a duty to ensure prospective temporary workers are suitable for their assignment and provided with any necessary health and safety information. Once assigned and at their place of work, it becomes the hirer's responsibility to ensure temporary workers are not unduly exposed to any health and safety risks.

Employers are required by law to provide the same standards of health and safety protection for temporary workers – whether supplied by an employment agency or otherwise – as they do for permanent employees.



Source: Arch Insurance

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Induction and Training

Employment agencies commonly provide temporary workers with an initial health and safety induction in a format agreed with the hirer. Where not the case, this will instead need to be done by the hirer.

Upon arrival at the workplace, temporary workers should additionally complete a formal premises induction to include a familiarisation tour of the workplace, introduction to colleagues – including supervisors and managers – and any job-specific training.

Where hazardous activities are involved, training should follow a written safe system of work with temporary workers authorised in writing after being formally assessed as competent following a suitable period of enhanced supervision and monitoring.

Post-delivery knowledge and/or practical tests are an effective way to validate training and ensure understanding of the subject matter by individuals. Test results should be recorded and retained.

Employers must allow sufficient time to induct and train temporary workers properly; to do otherwise due to commercial pressures (e.g. to meet production deadlines) or on other grounds could not only compromise claims defensibility but also lead to criminal prosecution for breaches of health and safety law.



Source: Arch Insurance

Communication

Where temporary workers do not speak English as a first language or have low literacy levels, employers should take extra care to ensure health and safety rules are properly communicated and understood.

Trainers should allow sufficient time for information to be absorbed and encourage discussion and questions.

Communication should be in a format which meets the needs of the recipient. Examples include the use of clear and simple language and materials, pictures, approved pictograms, spoken and/or written translation.



Source: Arch Insurance

Documentation and Record Keeping

Where appropriate, we recommend the use of a written declaration which should:

- Confirm receipt and understanding of, and compliance with, the information/instruction/ training provided, including how and where to seek assistance or information in the event of any uncertainty.
- Expressly state that temporary workers must not undertake work activities or access hazardous or restricted areas unless formally trained and authorised by the hirer.
- Acknowledge that any breach of health and safety rules may result in disciplinary proceedings.

- Be signed and dated by the temporary worker. Training records should be countersigned by the trainer/assessor to confirm satisfactory completion.

Any significant information, instruction or training provided to temporary workers – particularly where this may have health and safety implications – should be documented and recorded on a signed receipt basis.



Source: Arch Insurance

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