GUIDANCE NOTE

AGENCY WORKERS

Agency workers (worker/s) can face particular problems due to unfamiliarity with workplaces, their particular hazards and activities thereby placing them a ‘greater risk’ than permanent workers.

Depending on circumstances such as who directs and controls the work, workers could be considered to be employees for health and safety purposes, even if they are not for tax and national insurance. Employers cannot transfer these responsibilities to others. The engaging manager and Agency needs to agree at the start of the contract the practical arrangements for day-to-day supervision, direction and control of agency work. Agency work should be assessed for specific hazards including unfamiliarity with the workplace and activities taking account of special cases such as:

- Young persons
- Night workers
- Lone workers
- Pregnant women and new mothers
- People with disabilities
- People who do not speak/understand well the language used day-to-day in the workplace

For more information or queries in relation to risk assessment please contact Safety Services.

Co-operation between the Agency and the engaging manager is essential. The manager must provide the Agency and via them the worker, with relevant information about risks and the procedures/instructions to control those risks before the placement starts. This in turn can help the Agency offer a candidate with appropriate training, qualifications and experience.

It is important that managers assess the workers’ suitability and competence at the outset of the placement. Managers should also consider:

- What health and safety training the worker needs
- Who will provide it
- Who will provide personal protective equipment (PPE) if required
- Checking that workers have understood the training and are continuing to follow procedures correctly

If employees get PPE such as protective clothing then workers will also require PPE if they are exposed to the same risks, free of charge. Agency workers who use computers will need suitable workstations and rest breaks etc.

Co-operation should continue throughout the placement, neither the Agency nor the manager should ‘assume’ that one or the other is taking care of health and safety communications.
Depending on the risk assessment either the manager (via the Staff Occupational Health Service (SOHS)) or Agency may need to carry out health checks for the worker if employees already receive such checks. In such cases, further advice/guidance can be sought via Safety Services and/or SOHS.

The Working Time Regulations (WTRs) set out working hours and workers’ entitlement to rest breaks and to holidays. For a summary of workers’ rights for working hours and rest breaks and rest periods please see:

http://online.businesslink.gov.uk/bdotg/action/openpopup?itemId=1087753505&type=ONEOFFPAGE

Both the manager and the Agency should ensure that the agency worker’s working hours and rest periods remain compliant with the WTRs. Both the manager and the Agency will be responsible for any Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR), accidents reports in respect of Agency workers and ensure that information will be exchanged so that the relevant forms can be completed. In any event the University’s accident report form must be completed and the ‘blue copy’ forwarded to Safety Services within 24 hours. Note that the Health and Safety Executive (HSE) have to inform The Department for Business, Innovation and Skills (BIS) when agency workers are involved in serious incidents.

Business Link: Agency Workers’ Health and Safety:

http://www.businesslink.gov.uk/bdotg/action/layer?r.i=1077244617&r.l1=1073858799&r.l2=1074409641&r.l3 =1077243939&r.s=ssc&r.t=RESOURCES&topicId=1077243939