



HSE Policy on the Management of Health and Safety in Contract Work: Co-operation and Coordination with Contractors and Others 2022

Policy ☒ Procedure ☐ Protocol ☐ Guideline ☐

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Part A:

1.0 Introduction

The management of Contractors is recognised by the Health Service Executive (HSE) as an integral component of the safety management system and will ensure that the selection and management of contractors is in line with current safety, health and welfare legislative requirements.

The following sections sets out the key general duties of the HSE and any Contractor in relation to the management of health and safety in contract work/services and any associated cooperation and coordination arrangements.

2.0 Procedure

The following procedure is adapted from the Health and Safety Executive UK document: Managing Contractors – A Guide for Employers¹. Persons involved in managing Contractors, e.g. appointed HSE Contract Managers, may find it beneficial to refer to the full text of this document for more detailed guidance on the management of Health and Safety in works/services delivered by Contractor².

Step 1 Plan	Policy Clause
Planning for Policy Implementation – Chief Officers (COs), Hospital Group CEOs (HGCEO) and equivalent	
• Support and promote the safe management of Contractors/Contract Workers and any initiatives that would facilitate the implementation of the policy	3.2.1
• Ensure this policy is brought to the attention of all staff	3.2.2
• Ensure that appropriate resources are available to support the implementation	3.2.3
Planning for any Contract Work – HSE Local Senior Manager	
• Ensure that a formal process for controlling and ensuring cooperation and coordination with contractors is established	3.3.2
• Ensure that arrangements for the provision of health and safety information, etc. to contractors/workers is implemented	3.3.3
• Ensure that procedures for the monitoring, review and audit of the following are implemented: ○ Contract management procedures ○ Specific contracts	3.3.4
• Ensure that an HSE “Contract Manager” is appointed for each project/contract	3.3.1
Planning for a Specific Project – HSE Contract Manager	
• Define the work/project/service required	3.4
• Is this a construction project? If yes, make the necessary appointments in accordance with the Act 2005 (Section 17) and the Safety, Health and Welfare at Work (Construction) Regulations 2013 (i.e. Project Supervisor Design Process)	3.4
• Identify hazards and assess risks	3.4.1

¹ HSE, 2011. Managing Contractors – A Guide for Employers. HSG159. Second Edition, HSE, Crown Copyright.

² With regard to Construction Projects refer to information published by the Health and Safety Authority available at: https://www.hsa.ie/eng/Your_Industry/Construction/Construction_Duty_Holders/Contractors/.

Determine the measures necessary to ensure, so far as is reasonably practicable, safety, health and welfare – I.e. Control measures and conditions for the elimination and/or reduction of risks	3.4.1
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Step 2	Policy Clause
Select a Contractor	
HSE Contract Manager	
What safety and technical competence is needed and what are the minimum requirements/key attributes (tender pass/fail criteria)?	3.4.2
Follow a rigorous tender/selection procedure - Ask questions & seek appropriate evidence	3.4.2 3.4.3
Select a suitable contractor and develop an SLA with KPIs	3.4.6
If sub-contractors are proposed, how will H&S be ensured?	3.4.4
Provide information about the job and the site (or sites), hazards, risks, policies, procedures, local site rules, Permit to Work Systems/Procedures	3.4.7- 3.4.10
Obtain and review the contractor: Safety Statement, Risk assessments, Method Statements/, Systems of Work	3.4.12

Step 3	Policy Clause
Commence on Site	
HSE Contract Manager and other HSE Responsible Persons as appropriate	
Is this a construction project? If yes, make the necessary appointments in accordance with the Construction Regulations 2013 and amendment Regulations (e.g. Project Supervisor Construction Stage) before work commences on site	3.4
Ensure, so far as is reasonably practicable, the Safety, Health and Welfare of all employees, whether permanent, fixed-term or temporary in accordance with HSE Corporate and Local Site / Service Safety Statements.	3.4.8
Ensure, so far as is reasonably practicable, that any place of work, means of access thereto/egress therefrom, and any article or substance provided for use at that place of work, over which the HSE has any control and which have been provided for use by persons other than employees are safe and without risk to health	3.4.1
Identify a Client “Lead Contact Person” if not the HSE Contract Manager	3.4.5
Establish the identity of the Contractor’s “Lead Contact Person” or Contractor’s Representative in case of Construction Project.	3.5.1
Notify HSE staff that the contract/service is due to commence	3.4.12
Ensure a thorough induction is provided - Reinforce health and safety information, documents and site rules – and ensure fixed term and temporary employees receive appropriate training	3.4.8 3.4.9
Explain any Sign-in and permit to work (PTW) procedures according to local protocol	3.4.8
Ensure all relevant information has been provided to contract staff by the Contractor/Temporary Employment Business	3.4.8 3.4.11
Contractor/Temporary Employment Business, etc.	
Provide details of contract management staff and/or if different “Contractor Lead Contact Person” to the HSE Contract Manager	3.5.1
Obtain a licence from the Minister for Enterprise, Trade and Employment as appropriate	3.5.2
Ensure all employees are fully competent for the work in question - Provide CVs to HSE Contract Manager	3.5.3 3.5.5
Ensure all pre-contract award commitments are fulfilled	3.5.6

Communicate the HSE “Policy on Co-operation and Coordination with Contractors and Others” to all employees and sub-contractors, sign and return the Declaration (Appendix 1) to HSE Contract Manager	3.5.7 3.5.9
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Make staff aware of all relevant risk and safety information provided by the HSE	3.5.8
Provide copies of company Safety Statement, Risk Assessments, Method Statements and Safe Systems of Work to HSE Contract Manager	3.5.10
Ensure staff attend site induction and Keep records of attendance	3.5.11
Comply with all relevant legislation and ensure the Safety, Health and Welfare of all workers in accordance with this Policy and all relevant company and HSE Safety Statements, Procedures, etc.	3.5.12 3.5.16
Ensure that staff are screened, immunised, etc., in accordance with HSE Occupational Health Dept. stipulations	3.5.14
Report incidents in line with HSE policy and comply with/participate in any HSE investigation	3.5.15

Step 4 Keep a Check (Monitoring)		Policy Clause
HSE Contract Manager	and Contractor	
Assess the degree of contact and supervision needed		3.4.13- 3.4.15 Section 6.0
- At suitable intervals check how the job is going: - As planned, as per the SLA? - Are KPIs, targets, milestones and key deliverables being met? - Is the contractor working safely and as agreed? - Have there been any incidents? - Have there been any changes in personnel?		
Are any changes or special arrangements required?		

Step 5 Review and Audit		Policy Clause
Reviewing the Work – HSE Contract Manager		
- Review the work and the Contractor - How effective was your planning? - How did the Contractor perform? - How did the job go? - Record the lessons		3.4.13- 3.4.15 Section 6.0
Auditing and Reviewing the Management Process		
HSE Local Senior Manager	and HSE Contract Manager	
- Audit the formal process for controlling and ensuring cooperation and coordination with Contractors: - Overall has it achieved the desired results? - If not, what needs to be changed or improved? - Learn and make any necessary changes to the process?		3.3.4 3.4.15 Section 6.0

3.0 Roles and Responsibilities

3.1 Responsibilities of the CEO

The CEO has overarching responsibility to ensure, so far as is reasonably practicable the safety, health and welfare at work of all employees and others affected by HSE activities by:

- 3.1.1 Ensuring compliance with this Policy
- 3.1.2 Delegating operational responsibility for the day-to-day discharge of statutory duties under the Safety, Health and Welfare at Work Act, 2005, to the Executive Management Team, Senior Management Team, Extended Senior Management Team, Senior Managers and Line Managers for all matters within their control.

3.2 Responsibilities of the Chief Officers (COs), Hospital Group CEOs (HGCEOs) and equivalent

- 3.2.1 Support and promote the safe management of Contractors/Contract Workers and any initiatives that would facilitate the implementation of this policy
- 3.2.2 Ensure this policy is brought to the attention of all staff
- 3.2.3 Ensure that appropriate resources are available to support the implementation of this policy in their area

3.3 Responsibilities of the Local Senior Manager, e.g. Hospital GM/CEO, Heads of Service, Directors of Nursing

The local Senior Manager shall ensure that:

- 3.3.1 For each project or contract (or stage thereof), a suitable HSE Contract Manager is appointed
- 3.3.2 There are formal processes for ensuring cooperation and coordination with Contractors who work for, or on sites under the control of, the Senior Manager
- 3.3.3 There are suitable local arrangements for the timely provision of relevant safety and health information, instruction and training to Contractors and Fixed Term and Temporary Employees as appropriate
- 3.3.4 Suitable procedures are implemented for the monitoring, review and audit of contract (including works, service and labour) management and delivery³
- 3.3.5 Local Responsible Persons and staff understand that their responsibilities with regard to Health and Safety⁴ extend to others (e.g. non-exhaustively their staff, colleagues, patients, visitors, contractor/staff and Fixed Term, Workers, etc.)

³ See Section 6.0 Part B of this policy document for further information.

⁴ E.g. as set out in Legislation and the Corporate Safety Statement, Local Safety Statements and other policies, procedures and guidelines.

3.4 Responsibilities of the Appointed HSE Contract Manager

With regard to any contract, including the provision of services or labour to the HSE, a manager of appropriate seniority (Responsible Person) shall be appointed as the “HSE Contract Manager”. This may be the person who leads the procurement process and/or the person (if different) who will proceed to supervise the work on the HSE’s behalf once the contract/work/service has commenced (e.g. Line/Service/Department Manager). In “construction”⁵ projects there may be a requirement to appoint an “Employer’s Representative”⁶. It is recommended that the Estates Department is contacted for further advice where a contract involves or may involve a component which falls under the definition of construction. In such cases it may be appropriate for this person to perform (in addition to any duties attached to the role in the Contract Documents) the duties of the HSE Contract Manager set out in this policy.

Note: that if the work/project in question involves construction it may be necessary to make additional appointments⁷ in accordance with the Act of 2005 and the Safety, Health and Welfare at Work (Construction) Regulations 2013. The duties of these persons are not reproduced here – refer to the Act 2005⁸, Construction Regulations 2013 and accompanying Summary of Key Duties under the Procurement, Design and Site Management Requirements of the Safety Health and Welfare at Work (Construction) Regulations, 2013.

The appointed HSE Contract Manager shall:

- 3.4.1 Ensure that the HSE’s (Employer and the Client) duties, for the safe and effective delivery of the contract are fully discharged^{9,10}. As part of this duty the Contract Manager must ensure that any foreseeable hazards and risks within the HSE’s control arising from the project, service or contract and the potential control measures are identified and assessed
- 3.4.2 Consider, when developing the specification, and clearly state in the tender documentation, the minimum requirements (e.g. pass/fail and qualitative assessment criteria) in relation to (non-exhaustive list)¹¹:
 - Insurance/Indemnity
 - Garda Clearance
 - Overseas Police Clearance
 - Competency: Training (Statutory and Mandatory), qualifications and experience (e.g. years served, blend of experience and projects of a similar nature and scale)
 - Work Permits and Visa requirements
 - Occupational Health (including Immunisations and Clearances) and Health Surveillance
 - Professional Registrations and Memberships

⁵ See: Construction Regulations 2013 and the HSA Guide to Definition of Construction Work, Revision 2012 (available on HSA website).

⁶ See the “Forms of Contract for Public Works” as set out in the Capital Works Management Framework.

⁷ E.g. Project Supervisor Design Process and Project Supervisor for the Construction Phase.

⁸ Section 17, Duties Related to Construction Work.

⁹ That is, ensure that all duties imposed on the HSE by relevant Acts and Regulations – and as set out in the HSE Corporate Safety Statement, Local Safety Statements and other applicable policies, procedures and guidelines - are appropriately executed. See, non-exhaustively, Section 8(3), 8(4), 9(4), 9(5) and 21 of the Act 2005 and Regulations 6 to 10 inclusive of the Safety, Health and Welfare at Work (Construction) Regulations 2013.

¹⁰ Note: This may require assistance from, or be executed on a day-to-day basis by other HSE Responsible Persons, e.g. Ward/Department/Service/Line Managers.

¹¹ Note: It may be beneficial to seek further advice and assistance from other HSE specialists/Departments, e.g. Health and Safety, Occupational Health, Infection Control, Estates and Procurement, when discharging this responsibility.

- Confidentiality and data protection (e.g. need for registration with Data Protection Commissioner)
- A Contractor's past Health and Safety Performance (e.g. in relation to HSA enforcement actions)
- Evidence of a Functional Safety Management System
- Recruitment requirements under Commission for Public Service Appointments (CPSA) licence
- Tax Clearance Certification

3.4.3 Ensure, when selecting contractors (i.e. during the procurement/tender process)¹¹:

- That all relevant tender/contract award procedures are followed
- That each applicant Contractor's competency^{12,13} is given due consideration and that all applicable pass/fail criteria referred to in 3.4.2 are met
- That due regard (to be identified in any tender documentation) is paid to (non-exhaustively): The Corporate Safety Statement (and other relevant Statements, Policies, etc.); COVID-19 Infection Prevention and Control Guideline for Maintenance Staff and Contractors providing services in HSE Health and Social Care Facilities including clinical settings during the COVID -19 Pandemic Version 2 02.07.2020¹⁴ ; Financial Regulations; Procurement Guidelines; the Capital Works Management Framework; the Capital Projects Manual and Approvals Protocol, HBS Estates¹⁵ (June 2018); the Safety, Health and Welfare at Work Act 2005 and the Safety, Health and Welfare at Work (Construction) Regulations, 2013

3.4.4 Ensure that only Contractors and any sub-contractors who have been successful in the tender-process and placed on any framework are engaged by the HSE

3.4.5 Clearly identify, prior to the commencement of a contract/service, the person responsible for all communications with the Contractor (the "Client Lead Contact Person") if this is not to be the HSE Contract Manager¹⁶

3.4.6 Develop a Service Level Agreement (SLA) for each contract/service. The SLA shall contain Key Performance Indicators (KPI) (and Key Deliverables) against which the Contractor's Performance can be measured and assessed

3.4.7 In accordance with local procedures, ensure that such information and instruction is provided to the Contractor as is required under the Act 2005¹⁷. Non-exhaustively this may include information and/or instruction on:

- The hazards and risks
- Protective and preventive measures to be taken in respect of the place of work and each specific task to be performed at the place of work

¹² Note: A useful checklist is given on pages 33 and 34 of the HSE UK document HSG159, Second Edition, 2011 (full reference given in Section 9.0 of this policy). Whilst checklist refers to chemical business the same principles can readily be applied to contractors being considered for work in the HSE.

¹³ Note: With regard to construction contracts, helpful checklists for the assessment of competency are given in the Health and Safety Authority Document: *Clients in Construction – Best Practice Guidance* – see forms BPC1 and BPC2.

¹⁴ <https://www.hpsc.ie/az/respiratory/coronavirus/novelcoronavirus/guidance/employeremployeesguidance/IPC%20Contractor%20and%20Maintenance%20staff%20guidance.pdf>

¹⁵ <http://ihbs.healthirl.net/Estates/Capital-Projects/Capital-Projects-Protocol-Documents.pdf>

¹⁶ In construction projects this may be the "Employer's Representative".

¹⁷ Safety, Health and Welfare at Work Act 2005 – E.g. Sections 9(1), 9(2), 9(4) (b), 10(5) and 21.

- Names of persons who have a designated role in emergencies or in the case of serious or imminent danger
- Names of any Safety Representatives

With specific reference to the use of Temporary Employees, information supplied to the Temporary Employment Business shall include the occupational qualifications necessary for and the specific features of the work for which such an employee is required.

3.4.8 In accordance with local procedures, ensure that such information is provided to fixed term and Temporary Employees as is required by the Act 2005¹⁸. Non-exhaustively, this includes information on:

- Potential risks to the safety, health and welfare of the contractor's employees and measures for controlling them
- Health Surveillance requirements
- Special occupational qualifications or skills required in the place of work
- Any increased specific risks which the work may involve
- Incident reporting procedures
- Local fire and emergency procedures
- Permit to Work and Sign-in Procedures or Systems
- A copy of the HSE Corporate and Local Safety Statements (and other relevant policies, procedures and guidelines) shall also be provided

This shall be achieved through the timely provision of relevant documentation and through a suitable induction process. The HSE Contract Manager may either deliver this induction, or make suitable alternative arrangements for its provision.

3.4.9 Ensure that fixed-term and Temporary Employees receive training appropriate to the work to be carried out¹⁹

3.4.10 Ensure that the contents of this Policy are communicated to all Contractors who are engaged to carry out work or provide a service or labour to the HSE. In the case of Request for Tenders (including tender frameworks), this document (or web link to same) should form part of the tender documentation. The Contract Manager shall communicate this policy to the Contractor prior to the drawing up of any SLA (see 3.4.6)

3.4.11 Request that Contractors, etc., sign the declaration in Appendix 1 stating that they have read any documents supplied and that they clearly understand and accept their legal obligations and responsibilities

3.4.12 Following contract award and prior to work/services being commenced on site, obtain:

- A Schedule/Programme of Works for agreement and sign-off
- The Contractor's Risk Assessments for the services to be delivered/work to be carried out

¹⁸ Safety, Health and Welfare at Work Act 2005 - Section 9(1), 9(4) (a) and 9(4) (b).

¹⁹ Safety, Health and Welfare at Work Act 2005 – Section 10(6)

- The Contractor's Method Statements or Safe Systems of Work for the services to be delivered/work to be carried out
- A copy of the Contractor's Safety Statement

At this stage the Contract Manager shall also:

- Notify local HSE staff that the contract/service is due to commence

3.4.13 Ensure that the information/documents referred to in 3.4.12 above, is/are:

- Reviewed prior to the commencement of work/services and periodically thereafter
- Brought to the attention of any HSE Staff who may be affected by the activities of the Contractor

3.4.14 Following the commencement of work/services on site, ensure that arrangements for the following are implemented²⁰:

- Ongoing communication with the Contractor on Safety and Health related issues
- Co-operation between Contractors
- The reporting and reviewing of incidents

3.4.15 Review, monitor and audit Contract execution/Contractor performance in accordance with local procedures and Section 6.0 of this Document

3.5 The Contractor (inc. Agency/Temporary Employment Business, etc.)

Under this policy the Contractor, etc., shall:

- 3.5.1 At Tender Stage identify to the HSE the principal management staff, who will be fully responsible for the work being carried out/Service being provided and the team proposed. In particular the Contractor shall identify a "Contractor Lead Contact Person" who will have overall responsibility for project/service delivery on behalf of the Contractor and who shall be accountable to the HSE. In construction contracts this may be the "Contractor's Representative"²¹. Forms of Contract for Public Works may require the Contractor to appoint a full-time on-site "Supervisor", who is authorised to receive instructions and other communications on behalf of the Contractor. The Lead Contact Person, Contractor's Representative and the Supervisor may, but need not, be the same person
- 3.5.2 In the case of an Employment Agency, obtain a licence to carry on the business of an employment agency from the Minister for, Enterprise Trade and Employment²²
- 3.5.3 Ensure that all its employees and any sub-contractors are fully trained and competent and have the key attributes²³ for the area/work/services in/for which they are to be

²⁰ This may include regular contract/site review meetings.

²¹ See the "Forms of Contract for Public Works" as set out in the Capital Works Management Framework

²² See Employment Agency Act, 1971. This requirement applies to Employment Agencies.

²³ This may include, as applicable (requirements to be identified by HSE Contract Manager at Specification and Request for Tender Stage): Garda clearance; Overseas Police Clearance; Work Permits and Visa Authorisations; Evidence of attendance at Statutory and Mandatory Training; Occupational Health Clearances; Etc. See also Section 3.4.2 of this Policy.

engaged and provide appropriate resources to ensure the safety, health and wellbeing of all personnel in their employment and that of any others who may be affected by their activities

- 3.5.4 Ensure that company recruitment policy and procedures meet the HSE's requirements under the Commission for Public Services Appointments (CPSA) licence where identified in the tender documentation
- 3.5.5 Provide the HSE Contract Manager with fully detailed curriculum vitae of all key personnel who will be engaged in the provision of services to the HSE. The tender documentation may stipulate that this must be provided at tender stage
- 3.5.6 Where a specification or requirement is not fully met at tender stage (and this is acknowledged and has been accepted by the HSE), ensure that any such specification or requirement is satisfied and relevant documentation supplied to the HSE Contract Manager prior to Contract commencement
- 3.5.7 Communicate this policy to all employees who are to be engaged in work or the provision of services/labour to the HSE and provide a completed Declaration (see Appendix 1) to the HSE Contract Manager
- 3.5.8 Ensure that all relevant information, including any information supplied by the HSE under the Act 2005²⁴, is passed on to its employees. Non-exhaustively this information would cover potential risks to the employee, any increased specific risks, health surveillance, occupational qualifications necessary and specific features of the work for which such an employee is required
- 3.5.9 Bring all relevant details of this policy and health and safety requirements to the attention of any sub-contractor(s)
- 3.5.10 Following contract award and prior to commencing work on a HSE site, provide to the HSE Contract Manager:
 - A Schedule/Programme of Works for agreement and sign-off
 - A copy of all relevant Risk Assessments
 - Method Statements or Safe Systems of Work for the services to be delivered or work to be carried out
 - A copy of the Company Safety Statement
- 3.5.11 Ensure that all workers (including any sub-contractors) under its control attend a site induction and that a record of such attendance is kept. Induction sessions may be arranged with the HSE Contract Manager or other HSE nominated Lead Contact Person
- 3.5.12 Comply with (non-exhaustively):
 - All applicable employment legislation
 - The European Working Time Directive and the Organisation of Working Time Act 1997

²⁴ Safety, Health and Welfare at Work Act 2005 - Section 9(4) and 9(5). See also clauses 3.4.7. and 3.4.8 of this Policy.

- Legislation including (as applicable, but not limited to):
 - The Health, Safety & Welfare at Work Act 2005
 - The Safety, Health and Welfare at Work (General Application) Regulations 1993 and 2007
 - The Safety, Health and Welfare at Work (Chemical Agents) Regulations 2001
 - The Safety, Health and Welfare at Work (Biological Agents) Regulations 2013
 - The Safety, Health and Welfare at Work (Construction) Regulations 2013
 - European Union (Prevention of Sharps Injuries in the Healthcare Sector) Regulations 2014
 - The Freedom of Information Acts 1997 & 2003, where applicable
 - The Data Protection Acts of 1988 & 2003 ^{25,26,27}
 - All other relevant legislation and statutory obligations
- Appropriate HSE local and national policies and guidelines
- The tender specification, HSE Standard Terms, any other Contract Terms and the SLA (including any KPIs embedded therein)
- Any measures, procedures or arrangements specified/established by the HSE (or others) in the interests of facilitating communication, cooperation and coordination with contractors²⁸

3.5.13 Keep accurate records and have all relevant documents and records available, when required, by the HSE Contract Manager

3.5.14 Provide for all their employees, occupational health screening, immunisations and care in accordance with local HSE Occupational Health Dept. guidelines and policy and the tender specification, etc.

3.5.15 Report all incidents in line with the HSE procedures. Refer to the HSE website for links i.e.: <https://www.hse.ie/eng/about/qavd/incident-management>

3.5.16 All Contractors (and sub-contractors) and their employees engaged to carry out work or provide a service/labour to the HSE must fully comply with this policy

²⁵ The HSE Contract Manager will have addressed/stipulated any confidentiality requirements in the Tender Specification, the Contract and the Service Level Agreement.

²⁶ All agencies must sign up to and abide by the Health Service Executive's "Service Provider Confidentiality Agreement", "Standard Terms for Services and Supplies" and "Information Classification and Handling Policy".

²⁷ The contractor may also be required to provide evidence to the HSE Contract Manager that they have registered with the Data Protection Commissioner.

²⁸ Note that sign-in and/or Permit to Work (PTW) Procedures/Systems may be in place. All such procedures must be observed by the Contractor and sub-contractors, Temporary Employees, etc.

Appendix 1

Declaration

I hereby declare that I have read the HSE ***“Policy on the Management of Health and Safety in Contract Work: Co-operation and Coordination with Contractors and Others”*** and any other relevant Policies, Procedures and Guidelines. I clearly understand and accept my legal obligations and responsibilities under each of the headings and agree to communicate the contents of this policy to all my employees and any persons, businesses/agencies sub-contracted by our undertaking to carry out work in the Employer’s Undertaking or at HSE premises.

Principal Contractor/Agency name:

Contractor/Agency address:

Contractor/Agency representative name (block capitals):

Contractor/Agency representative signature:

Name of HSE witness (block capitals):

HSE witness signature:

Date:

Appendix 2 Glossary of Terms/Definitions/Abbreviations

Agency	A business or other organisation providing a specific service. (Collins Dictionary 2000) (Appendix 2 refers)
Competent	for the purposes of the relevant statutory provisions, a person is deemed to be a competent person where, having regard to the task he or she is required to perform and taking account of the size or hazards (or both of them) of the undertaking or establishment in which he or she undertakes work, the person possesses sufficient training, experience and knowledge appropriate to the nature of the work to be undertaken. (SHWW Act 2005)
Contractor	A person of firm who contracts to supply materials or work equipment (any machinery, appliance, apparatus, tool or installation for use at work as defined by the Safety, Health and Welfare at Work (General Application) Regulations 2007 as amended) or labour (Collins Dictionary 2000) (Appendix 2 refers). In this document the term “Contractor” is used broadly and is intended to cover Contractors, Agencies and Temporary Employment Businesses. ²⁹
Employee	means a person who has entered into or works under (or, where the employment has ceased, entered into or worked under) a contract of employment and includes a fixed-term employee and a temporary employee and references, in relation to an employer, to an employee shall be construed as references to an employee employed by that employer (SHWW Act 2005)
Employer	In relation to an employee: (a) Means the person with whom the employee has entered into or for whom the employee works under (or, where the employment has ceased, entered into or worked under) a contract of employment, (b) Includes a person (other than an employee of that person) under whose control and direction an employee works, and (c) Includes where appropriate, the successor of the employer or an associated employer of the employer; (SHWW Act 2005)
Fixed-Term Employee	Means an employee whose employment is governed by a contract of employment for a fixed-term or for a specified purpose, being a purpose of a kind that the duration of the contract was limited but was, at the time of its making, incapable of precise ascertainment. Whilst these employees are commonly known as “Temporary”, care should be taken not to confuse this term with “Temporary Employee” (Appendix 2 refers) as given in the Act 2005 and used throughout this policy document
Framework	Forms part of the procurement process. Following tender, Contractors are sometimes appointed to a framework, and subsequently compete in mini competitions for specific requirements
Place of Work	Includes any, or any part of any, place (whether or not within or forming part of a building or structure), land or other location at, in, upon or near which, work is carried on whether occasionally or otherwise (SHWW Act 2005)
Temporary Employee	An employee who is assigned by a Temporary Employment Business to work for and under the control of another undertaking availing of the employee’s services (SHWW Act 2005). These employees are generally known as Agency Staff

²⁹ See Appendix 3 for examples of businesses, services or workers falling under this heading.

Temporary Employment Business	Means a business, including an employment agency within the meaning of the Employment Agency Act 1971, which provides temporary employees to other undertakings availing of the services of those employees (SHWW Act 2005). These businesses are generally known as Agencies
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Abbreviations

CEO	Chief Executive Officer
CO	Chief Officer
CPSA	Commission for Public Service Appointments
HGCEO	Hospital Group Chief Executive Officer
HSE	Health Service Executive
HSA	Health and Safety Authority
KPI	Key Performance Indicator
ND	National Director
OSH	Occupational Safety and Health
PPPG	Policies, Procedures, Protocols and Guidelines
SLA	Service Level Agreement

Appendix 3 Examples of Contractors, etc. (See Definitions in Appendix 2 of the Policy Document)

		Examples (non-exhaustive)
Contractor		General Building Contractor Laundry Services/Garment Rental and Washroom Services Housekeeping Services Security Pest Control Training TV/AV installation and maintenance Window cleaning Clinical equipment installation and maintenance Passenger lift inspection and maintenance Event Catering Services Catering Services Landscaping and Grounds Maintenance Inspection, validation and audit services
	Temporary Employment Business	Healthcare locum agency – Medical Nursing Agency
	Temporary Employee	Anaesthetics Consultant Psychiatry Registrar GP NCHD Nurse Healthcare Assistant
Fixed Term Employee		Registrar NCHD SHO Radiographer Clinical Specialist Director of Nursing Care Assistant

Part B:

1.0 Initiation

1.1 Purpose

This policy sets out key general duties of the Health Service Executive (HSE) and any Contractor in relation to the management of health and safety in contract work/services and any associated cooperation and coordination arrangements.

This Policy supersedes the HSE Policy on the Management of Health and Safety in Contract Work: Co-operation and Coordination with Contractors and Others, 2018.

1.2 Policy Statement

1.2.1 The HSE recognises its responsibilities to ensure:

- That any duties under Health and Safety Legislation fulfilled with respect to direct HSE Employees (See Appendix 2 Definition of Employee and Fixed Term employee), whether full-time, part-time, permanent or fixed-term, etc., are also discharged in respect of Temporary Employees (See Appendix 2)/Agency Staff³⁰. The HSE's policy and procedures in relation to these duties may be found, non-exhaustively, in the HSE Corporate Safety Statement and Local Site or Service Safety Statements³¹
- That working conditions are such as will protect the safety, health and welfare at work of any Temporary Employee working in the undertaking³². That is, persons engaged through a Temporary Employment Business/Employment Agency are treated in the same way as Employees of the host employer³³
- That persons engaged through a Temporary Employment Business/Employment Agency act in accordance with the policies of that employer
- So far as is reasonably practicable, that in the course of the work being carried on, individuals at the place of work (not being direct HSE employees) are not exposed to risks to their safety, health or welfare³⁴
- So far as is reasonably practicable, that the place of work, the means of access thereto, or egress therefrom, and any article or substance provided for use in the place of work are safe and without risk to health³⁵. Contracts put in place in accordance with this Policy relating to the repair or maintenance of the place of work or the means of access thereto or egress therefrom, or as regards the safety of/absence of risk to health arising from, any article or substance provided for use in that place of work may shift, at least in part, the burden of this duty³⁶

1.2.2 The HSE take cognisance of *"Procedural Agreement between Management & the Trade Union for use of Contractors by Local Authority and Health Service*

³⁰ Safety, Health and Welfare at Work Act 2005 (the Act 2005), Section 8(3).

³¹ And other relevant HSE Policy, Procedure and Guideline documents.

³² The Act 2005 Section 8(4).

³³ The Act 2005 Section 2(1).

³⁴ The Act 2005 Section 12.

³⁵ The Act 2005 Section 15(3). This applies where the HSE has control, to any extent, of: a place of work made available as a place of work to persons other than its employees; the means of access to or egress from that place of work; or any article or substance provided for use by persons at that place of work.

³⁶ See the Act 2005 Section 15(2).

Management” and “Department of Public Expenditure and Reform Circular 15/2011: Mechanism to monitor compliance with employment law in outsourced operations under the Croke Park Agreement”

1.2.3 All Contractors carrying out work or providing labour or services to the HSE shall:

- Provide such information and documentation to the HSE as is reasonably requested.
- Cooperate with the HSE on all matters discussed in this document to the full extent necessary for both the HSE and the Contractor to discharge their moral and legal Health and Safety duties³⁷

1.2.4 Nothing in this Policy shall take from the general responsibilities of Contractors, etc., as Employers in their own right. Nor does it affect the duties of Employees (See Appendix 2 Definition of Employee and Fixed Term employee) as set out in the Act 2005³⁸, HSE Corporate and Local Site or Service Safety Statements and the Safety Statements of any Contractor, etc.

1.2.5 Failure to comply with all aspects of this policy may result in the termination of a contract or the discontinuation of the agency/contractor services

1.3 Scope

This policy is applicable:

- Throughout the HSE
- To all Contractors engaged in the provision of works/services or labour to or on behalf of the HSE
- To all those who work under the direct control of a Contractor or those who are employed by a Contractor and are under the control of HSE line management
- It does not cover:
 - Contracts for the provision of goods only
 - Third Party works and services that is/are not part of the HSE’s undertaking, where the HSE provides funding only and has no control over, or monitoring role in relation to, (non-exhaustively) the actions of the Third Party, any staff of the Third Party, the execution of the work, the work methods, any work equipment used or the place of work, etc.

In line with the HSE Code of Governance (2015) Section 38 and Section 39 Organisations are required to adopt this Policy or develop a Policy of their own which is consistent with this Policy and provide a statement of assurance to the HSE regarding same.

This policy document may be supplemented with other more detailed guideline documents/procedures as required³⁹.

³⁷ The Act 2005 Section 21

³⁸ Section 13 and other applicable legislation.

³⁹ E.g. Permit to Work Systems/Procedures.

1.4 Objective

- 1.4.1 To clearly set out the general duties of the HSE and Contractors in relation to the management of health and safety in contract work/services and to provide practical steps for the management of health and safety in contract work

1.5 Outcomes

- 1.5.1 Roles and responsibilities are clearly outlined to ensure the safety health and welfare of all those who come in contact with our service

1.6 Policy Development Group

Members of the Policy Development Group can be found in Appendix 4 of this Policy. Conflict of Interest Declaration Forms were signed by members of the Policy Development Group and are retained on file by the National Health and Safety Function (NHSF), Policy Team.

1.7 PPPG Governance Group

Members of the Policy Governance Group can be found in Appendix 5 of this Policy.

1.8 Supporting Evidence

- 1.8.1 The following legislation is pertinent and was referred to during the development of this Policy:

- Employment Agency Act, 1971
- European Working Time Directive and the Organisation of Working Time Act, 1997
- Data Protection Acts, 1988 and 2003
- Freedom of Information Acts, 1997 and 2003
- Safety Health and Welfare at Work Act, 2005
- Safety, Health and Welfare at Work (General Application) Regulations, 2007
- Safety, Health and Welfare at Work (Chemical Agents) Regulations, 2001
- Safety, Health and Welfare at Work (Biological Agents) Regulations, 2013 and 2020
- Safety, Health and Welfare at Work (Construction) Regulations, 2013 and amendment Regulations
- European Union (Prevention of Sharps Injuries in the Healthcare Sector) Regulations 2014

Codes of Practice

- Code of Practice, Commission for Public Appointments Service

1.8.2 Related PPPGs

- HSE Policy on Statutory Occupational Safety and Health Training
- Capital Projects Manual and Approvals Protocol HBS Estates, June 2018

1.9 Glossary of Terms/Definitions/Abbreviations

Refer to Appendix 2.

2.0 Development of PPPG

2.1 Literature Review Question

The objective of the literature search was to determine the legal requirements and best practice in relation to the management of contractors.

2.2 Method of appraising evidence

The process outlined in this document is based on a review of the relevant legislation, codes of practice and relevant publications as documented in section 1.8.

2.3 Recommendations

The Policy Development Group reviewed the results from the literature search in relation to the management of contractors. The evidence supported the objectives as outlined in Section 1.4

The key recommendations are to implement a contractor management system to ensure:

- Work activities are planned
- OSH requirements are considered at tender and selection stages
- Co-ordination and cooperation agreements are in place
- Systems are in place to monitor contractor performance

These recommendations have informed the revision of this Policy as set out in Part A of this document.

2.5 Resources necessary to implement the PPPG Recommendations

This policy revision requires Service Managers to review existing practices and procedures to ensure they are aligned with the requirements as set out in this Policy.

This policy document may be supplemented with other more detailed guideline documents/procedures as required⁴⁰

3.0 Governance and Approval

Formal governance for this policy is provided by the National Director (ND) of Human Resources (see Appendix 5). The PPPG Checklist for developing Non-Clinical PPPGs was signed prior to approval and is retained on file by the NHSF, Policy Team.

⁴⁰ E.g. Permit to Work Systems/Procedures.

4.0 Communication and Dissemination

The Policy will be disseminated by the National HR Directorate for immediate implementation by relevant Services, in line with the agreed HSE protocol.

5.0 Implementation

5.1 Managers (Responsible Persons) are responsible for implementation of this policy to include the identification of responsible person(s), specifying the necessary actions and timeframes for implementation within their areas of responsibility.

5.2 Support

To support implementation of this policy, queries can be made through the National Health and Safety Function, Helpdesk <https://healthservice.hse.ie/staff/benefits-services/health-and-safety/health-and-safety-helpdesk.html>.

6.0 Monitoring, Audit and Evaluation

6.1 The management and delivery of Contract Work/Services shall be subject to monitoring, audit and review, both by the Employer/Client (HSE) and the Contractor

6.2 The HSE shall monitor, audit and review (non-exhaustively)⁴¹:

- The HSE's Local procedures for the management of cooperation and coordination with contractors and others. It is suggested that Criterion 11 of the Health and Safety Authority's Health and Safety Audit Tool would be a suitable vehicle for this⁴²
- Performance monitoring of Design Consultants and Contractors⁴³ with a view to providing all parties with the opportunity to respond and improve performance
- The Contractor's recruitment policy - vetting of employees – with a view to establishing whether all contract staff proposed (pre-contract award stage), or in place (post contract award and at suitable periods thereafter) meet the minimum competency criteria/key attributes specified by the HSE Contract Manager at Tender specification or any subsequent stage
- The Contractor's performance in relation to the Service Level Agreement (SLA) and associated Key Performance Indicators. This should be carried out during and at the conclusion of any contract
- The HSE Contract Manager shall discuss the details of any monitoring, audit and review systems with the Contractor prior to contract commencement
- Managers (within their area of responsibility) are responsible to audit implementation of this policy in line with section 2.0 steps 1 to 5

6.3 With regards to monitoring, audit and review the Contractor shall:

- Implement a performance appraisal scheme involving all staff. Following the appraisal the Contractor shall furnish the HSE Contract Manager with a report of

⁴¹ Additional monitoring, review and audit requirements may be specified in other HSE policies, procedures and guidelines and contracts for example.

⁴² HSA, 2006. Auditing a Safety and Health Management System - A Safety and Health Audit Tool for the Healthcare Sector.

⁴³ <http://ihbs.healthirl.net/Estates/Capital-Projects/Capital-Projects-Protocol-Document.pdf>

findings on request. Any issues arising must be dealt with by the Contractor to the satisfaction of the HSE

- 6.4** The HSE and Contractors shall meet regularly. The purpose of these meetings is to evaluate on a suitably frequent basis (as determined by the HSE Contract Manager, e.g. quarterly) progress and performance in line with the Tender Specification, SLA and associated KPIs. The HSE reserves the right to impose sanctions on any Contractor that fails to meet these standards
- 6.5** The HSE shall have access to Contractors' quality assurance and monitoring documentation as required
- 6.6** Implementation of this Policy shall be audited periodically at national level
- 6.7** This Policy shall be reviewed at national level every three years or earlier if circumstances require it

7.0 Revision/Update

- 7.1** This Policy shall be reviewed at national level every three years or earlier if circumstances require it.

8.0 References

- Collins Dictionary 2000
- HSA (2013) Summary of Key Duties under the Procurement, Design and Site Management Requirements of the Safety Health and Welfare at Work (Construction) Regulations, 2013
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- HSE (UK), 2012. Using Contractors – A Brief Guide. INDG368 (rev1). HSE, Crown Copyright
- HSE HR Circular 19/2008
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- HSE Standard Terms for Services and Supplies
- HSE Information Classification and Handling Policy
- Tweedy J. T. 2005. Healthcare Hazard Control and Safety Management. Second Edition, CRC Press. ISBN 1-57444-306-2

Appendix 4 Membership of the PPPG Development Subgroup Group

Brid Cooney, National Health and Safety Advisor
Laura Regan, National Health and Safety Advisor
Elaine Sheridan, Health and Safety Admin Support
Chairperson: Ms. Margo Leddy, National Health and Safety Manager

The group would also like to acknowledge the contributions from Deirdre Groarke, Estate Manager Health Safety and Infrastructural Risk.

Appendix 5 Membership of the Approval Governance Group

Anne Marie Hoey, National Director HR	Signature:  Date: 21.04.2022
Nicholas Parkinson Head of National Health and Safety Function	Signature:  Date: 8 April 2022