



## **Policy Statement for Managing the Health & Safety of Non English Speaking Workers**

### **Introduction**

The Health and Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999 require all employers to provide their employees with understandable and relevant information on risks to their health and safety and on precautions to take to avoid those risks. Information should be provided in a way that takes account of any language difficulties or disabilities. It can be provided in whatever form is most suitable in the circumstances, as long as it can be understood by everyone.

### **Legal requirements**

All employees expect to be treated fairly and considerately; current laws such as the Race Relations Act, the Disability Discrimination Act etc. generally supports this. It is illegal to discriminate against people at work on the grounds of Gender, Race, Disability, Sexual orientation, Religion or belief.

### **Organisation**

In the event that a trade contractor wishes to employ Non - English speaking workers, they must be able to demonstrate how they will discharge their statutory duty to provide understandable information on the risks to health & safety and relevant precautions. Trade contractors must not sublet any works without written permission from the Client / Principal Contractor; this must also be addressed during the tender process. Trade contractors must examine employee's roles and the way the workforce is organized & supervised, and make adjustments to maintain effective communication with all their employees & subcontractors to encourage a positive health & safety culture.

Trade Contractors must ensure that employee's roles and responsibilities are fully understood and that supervisory staff has the skills and support necessary to be fully engaged when supervising Non - English speaking workers.

Trade Contractors must pay particular attention to the fact that some English born workers / personnel may not be able to read or understand English due to possible learning or reading disabilities.

## **Communication**

Communications, training and leadership are all important organisational elements that will contribute to effective systems. Any trade contractor who wishes to employ Non - English speaking nationals must also provide a competent trained person who can communicate / translate the site induction, toolbox talks / safety briefings, health & safety information effectively amongst the workforce.

To ensure there is adequate support for Non – English speaking workers the trade contractor will need to provide at least one English speaking supervisor for every five Non- English speaking employees employed on the site. However, Site Management reserves the right to reduce this number for high risk activities.

The Supervisor must stay with the operatives at all times in order to deliver inductions, briefings and routine instructions and act as liaison with the rest of the team.

Effective communications are essential to the success of worker involvement in health and safety. Any trade contractor who fails to manage or supervise their workforce effectively on site will be involved in having their work suspended until such time that they can implement adequate supervision or resources.

## **Training/competence**

Any persons supervising the Non - English speaking workers must have a minimum standard of health and safety training e.g. SMSTS 5 Day Course or equivalent, as well as being competent, trained and experienced in their particular work. Persons identified for supervision roles must be confirmed in writing in Trade Contractors Method Statements and Risk Assessments.

All persons prior to working on site shall attend the Site Induction (the multi-lingual DVD from Construction Industry Publications “UK Construction Standards” is a very useful tool to assist with the delivery of inductions). Trades Contractors must be able to demonstrate that all persons employed as part of their works are competent, trained and experienced e.g. hold the relevant CSCS card. Any trade contractor who fails to provide satisfactory information relating to competency and training shall not start work on site.

## **Prohibited activities**

In the interests of health & safety the following high risk activities may not be undertaken by Non - English speaking workers:

- Excavation Works
- Demolition
- Lifting Operations
- Plant Operations
- Commissioning or De- Commissioning
- Confined Space Work
- Other Permit to Work activities
- Lone Working.
- Any other operations that are designated as safety critical or identified as such in the Construction Phase H&S Plan.

## **Example contractual terms**

The following statement could be included in contracts:

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Signed ..... Position: **Company Directors**

**Matt Bowen & Mally Power**

Date: **01<sup>st</sup> May 2015**