

GUIDANCE FROM THE HEALTH & SAFETY COMMITTEE

Guidance on Use of Agency Workers & Agency Drivers

Many businesses use agency workers to supplement their normal workforce during times of peak demand or exceptional absence etc. It is important to recognise that although the agency worker is not a direct employee, duties under H&S legislation mean that the agency worker should be treated in a similar way to an employee. Although some duties are strictly the responsibility of the agency, in practice it is the hiring business that needs to do the work (e.g. provide training & information), or ensure it is done to a good standard.

This arises as the contract is typically “Labour Only”, so the agency worker will be working to business systems / rules / procedures, and directly supervised by the business.

As a result, the following points should be noted when using agency workers:

- The selection process should ensure that the agency worker is physically capable of carrying out the work – if the work is physically arduous be aware of workers with previous problems of back or other musculo-skeletal problems.
- The same Personal Protective Equipment (PPE) regime must be applied to agency workers as to employees. It may be appropriate to place the onus for PPE provision on the agency, such that the employee arrives on site suitably equipped – PPE should always be checked, however, to ensure it is of the required standard.
- The agency worker should be given an appropriate induction. Whilst this may be shorter than an induction given to a new employee, it must still cover all of the essential H&S issues relevant to the work he/she is to carry out – emergency procedures, reporting accidents, site rules etc. In the induction it is equally important to specify what the agency worker **cannot** do, as well as what they can.
- The agency worker should be given training / guidance on the specific job to be done. Take workers through the procedures related to the work, and provide some on-the-job training and guidance appropriate to the task. It may be necessary to provide basic manual handling training for some tasks, or training in proper use of PPE. Both the induction and job-specific training / guidance should be documented.



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- For each of the above it may be possible to get the agency to cover some or all of these requirements, particularly if long-term relationships exist or can be developed.
- Competence in operating mobile plant (cranes, FLT's etc) should not be taken at face value – licences should be checked and the job-specific guidance should cover critical aspects of the activity – loading, unloading, stacking, sling selection, pre work checks etc.
- Businesses should be aware of the working time regulations such that agency workers are not doing multiple jobs, and are not so tired that they will put themselves or others at risk.
- Related to the above, use of agency drivers needs particular attention. Recent activity of driving & associated rest patterns should be investigated and documented to ensure legality. Knowledge of driver hours and tachograph regulations should be confirmed.

Overall, it should be remembered that the main onus is on the company taking on agency workers to show that they have trained and supervised people correctly if criminal or civil proceedings are to be avoided should an incident occur.

Attached is a typical Agency Drivers' Policy that members may care to use as a template to draw up their own policy statement if they do not already have one. A very useful Driver's Declaration Sheet is also included that can be completed by each Driver and the Employer and attached to company records.



**Template for
AGENCY DRIVERS POLICY**

Introduction

From time to time this company requires the use of agency drivers. This policy has been developed to ensure that only suitable agency drivers, with adequate instruction, information and training are selected and allowed to drive for
(insert company name)

The transportation of steel can present risks, that if not adequately controlled may pose a significant risk to the following groups:

- The Driver;
- Members of the Public – including road users and pedestrians;
- Customers and customer employees;
- Employees working at *(insert company name)*

Aim

The aim of this policy is to offer guidance on how to ensure that all agency staff are suitable, and have received adequate instruction, information and training.

Responsibilities

It is the responsibility of the **Transport Manager** to:

- a. Contact agencies with our requirement for an agency driver.
- b. Ensure that the agency has sufficient public liability insurance.
- c. Ensure that the agency is fully aware of the requirements of a potential driver.
This will include:
 - The type of license held by the driver;
 - Experience with straps, chains and ratchets.
- d. Ensure that the agency is aware of the risks associated with the transportation of steel.
- e. Ensure that the agency is aware that any potential driver must wear the following personal protective equipment (PPE) whilst working for the Company:
 - Hardhat and chinstrap – to be supplied by the driver or agency;
 - Safety footwear – to be supplied by the driver or agency;
 - High visibility vest or jacket – to be supplied by the driver or agency;
 - Industrial Safety Gloves.



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It is the responsibility of the **Agency** to:

- a. Ensure that a suitable driver is supplied to the Company.
- b. Ensure that the driver is medically fit to drive.
- c. Ensure that any driver supplied will not have exceeded his legally allowed working hours.
- d. Ensure that the potential driver is aware of the risks associated with the transportation of steel.
- e. Ensure that any potential driver attends induction training at
(insert company name). This training will be at the agency's expense.

It is the responsibility of the **Health and Safety Manager** to:

- a. Ensure that any potential agency drivers receive adequate instruction, information and training to allow them to be able to safely carry out their duties. The instruction, information and training will cover:
 - Lorry checks;
 - Risks associated with the transportation of steel;
 - Securing of loads using straps, chains and ratchets;
 - Checking loads before leaving the yard;
 - Unloading of materials on customer premises;
 - Loads "over the top";
 - Manual handling;
 - Accident and near miss incidents;
 - First aid arrangements;
 - Using mobile phones;
 - How to contact base;
 - Drink and drugs policy;
 - Where to park when returning to base.
- b. Check and take a photocopy of the driver's licence for Company records.
- c. Judge on the suitability of the driver.
- d. Monitor the performance of any agency driver taken on by the Company.
- e. Monitor the performance of each agency used, making recommendations to the Transport Manager where necessary.
- f. Monitor and review this policy and the arrangements for the recruitment of agency drivers.

It is the responsibility of the **Agency Driver** to:

- a. Follow any instruction, information and training given by the Company.
- b. Inform the Company of any disqualification or convictions as soon as they arise.
- c. Never use a hand held mobile phone whilst driving for the Company.
- d. Report any accidents or near misses that they may be involved in.
- e. Carryout a lorry defect report before leaving the yard.



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- f. Get their load checked by a suitable Company employee before leaving the yard.
- g. Not drive recklessly whilst working for the Company.
- h. Never drive whilst under the influence of drink or drugs.

Review

This policy will be reviewed:

- a. When an accident or incident has occurred.
- b. Following a change in procedures.
- c. After a change in legislation.
- d. After a complaint.
- e. Annually.

Date For Next Review:



NEW OR TEMPORARY DRIVER DECLARATION

Employee - please complete

- 1. Date of last employment
2. Start of duty on that day hrs
3. End of duty on that day hrs
4. Last weekly rest commenced on (date) at (hrs)
5. Last weekly rest ended on (date) at (hrs)
6. Number of hours driving this week previous week
7. Have you received training on drivers' hours and tachograph regulations? Yes / No
8. Are there any aspects of those regulations that you would like clarified before commencing this employment? Yes / No
9. To your knowledge, is there anything that would prevent you legally from commencing this employment? Yes / No

Signed:

Dated:

Employer Checklist

- 1. Driver has chart from last driving day []
If no, reason given
2. Driver has digital tachograph card []
Card Number
(If a driver attends without his card he must not be allowed to drive. If he has lost his card, then he must report the loss to the Police in the area it was lost in and get an Incident Number.)
3. If no chart, activity confirmation issued []
4. Driver's licence checked and copied []
5. Health and safety instruction given []
6. (If applicable) company drugs/alcohol policy requirements completed []
7. (If applicable) driver photographed []
8. Driver Appraisal []
- Driver Hours knowledge []
- Safe Loading practices / use of equipment []
- Vehicle handling []

Signed:

Dated: