

Migrant worker health and safety – Employers' Responsibilities.

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“Employing Migrant Workers” – 01/04/2008



What does HSE expect?

- That vulnerable and migrant workers are provided with the same standard of protection as indigenous workers.

Vulnerable and Migrant Workers



- The Health and Safety Executive (HSE) and local authorities are responsible for enforcing health and safety legislation in Great Britain (GB). The law provides protection for overseas workers whether they are working here legally or not.

www.hse.gov.uk



New Website – “Working in Great Britain from Overseas”

- www.hse.gov.uk/migrantworkers/index.htm

“Working in Great Britain from Overseas”



- Advice for Employers

 - Useful contacts for Employers

 - The Law

- Advice for Workers

 - Further help

 - Useful contacts

 - FAQs

For Employers

If you are an employer, this website will help you find out about:

- good practice when employing temporary and overseas workers; and
- your legal responsibilities to them.

For Workers



**If you are working here from overseas,
this website will help you:**

- find out about your rights and responsibilities under health and safety law; and
- find information on health and safety including your basic rights and conditions of work such as working hours, rest breaks and time off.

Legal Protection



All workers get the same level of protection under British health and safety law whether they are entitled to work here or not. It applies to employers, self employed people, employment businesses (including agencies and gangmasters) and employees whether working full-time, part-time or on temporary contracts - for example as 'agency' workers.

Some Definitions:

- A migrant worker is considered to be someone who is or has been working in Great Britain (GB) in the last 12 months, and has come to GB from abroad to work within the last 5 years.
- A labour provider is a person or company who supplies workers to a third party. This includes employment agencies, employment businesses and gangmasters.

Definitions:

- A gangmaster is someone who supplies a worker to another person to do work to which the Gangmasters (Licensing) Act 2004 applies.
- A labour user (user) is a person who hires or uses workers.

Who is responsible for the health and safety of migrant workers?

- There is no simple answer to this question - it depends on the relationship between the labour provider and user and the circumstances under which the work is being carried out.
- In many cases, the employer, for the purposes of health and safety legislation, is likely to be the user rather than the labour provider, particularly where he/she controls and directs their activities.
However, this will not always be the case.

Advice for Employers: 1

- Introduction
- What do the terms used mean?
- Who is responsible for the health and safety of migrant workers?
- What are the main responsibilities?
- What do labour providers and users have to do?

Advice for Employers: 2

- What is the role in risk assessment?
- What about information, instruction, training and supervision?
- Do I need to keep records?
- Can I get help with language issues?
- What else do I need to do?

Main responsibilities?

- A duty to provide information, instruction, training and supervision and making sure all their workers can understand it.
- Making sure overseas workers have the necessary knowledge and skills to do the work for which they have been employed, competently and safely.
- Making sure workers understand that the employer and employment agency/business or other labour provider (eg gangmaster) have responsibilities for their health and safety.

Information, instruction, training and supervision?

- Provide essential induction training and any necessary job-related/vocational training.
- Provide relevant information about the risks to which they may be exposed and the precautions they will need to take to avoid those risks.
- Consider the needs of workers who may not speak English well, if at all, and whether you need translation services.

Information, instruction, training and supervision ?



- Make sure workers have received and understood the information, instruction and training they need to work safely and consider how to ensure it is acted upon.
- Make sure workers are adequately supervised and can communicate with their supervisors.
- Make sure workers know where and how to raise any concerns about their health and safety and about any emergency arrangements or procedures.

If you are a “Labour Provider”

- Make sure you know what induction and job-related training the labour user is providing for the workers you supply.
- Agree with the labour user how, when and by whom training will be provided for the workers you supply.
- Advise the labour user about how well the workers you supply can speak and read English.

To put this in context:

- As an employer, do you have to do anything you do not already do?
- Answer – No!

Sensible Risk Management is about:



- Workers / public properly protected.
- Providing an overall benefit to society by balancing benefits & risks.
- Enabling innovation – not stifling it.
- Ensuring risk creators manage risks responsibly.
- Individuals should understand that as well as the right to protection they must exercise responsibility.

Sensible risk management is not about:



- Creating a totally risk free society.
- Generating useless paperwork.
- Scaring people by exaggerating/publicising trivial risks.
- Stopping important recreational & learning activities where risks are managed.
- Reducing protection of people from risks that cause real harm.

HSE in 2008/09



- Proactive inspection
- Reactive work
- Joint working with other agencies

Contact HSE



- www.hse.gov.uk
- Bristol 0117 9886000