

The Meaning of ‘Contractor’ and ‘Competent Contractors List’

(SUPPORTING DOCUMENT TO INS/QS/009/01 ISSUE 4)

Contractors means any person, firm or company, or any employee, agent and/or sub-contractors of or for such person, firm or company; who or which undertakes building, engineering or other work and enters into or upon the site for the purpose of performing such work or service for INS. Everyone involved in any work activity for reward is, in the legal sense, a contractor, i.e. he or she contracts to do something for another party and, in consideration for what is done, receives a payment.

In the context of health and safety at work, it is the status of the corporation body or individual which determines the exact nature and extent of the statutory health and safety duties to which they are subject.

Whether acting as employer, self-employed or employee everyone involved in work activity has health and safety duties to themselves and others. General duties are stated in the Health & Safety at Work etc. Act 1974, whilst more explicit duties are contained in other documents including the Health & Safety (Miscellaneous Amendments) Regulations 2002 (S.I. No. 2174) and the Management of Health & Safety at Work Regulations 1999 (S.I. No. 3242). A most pertinent requirement of the latter is to carry out an assessment of the risks associated with the undertaking and to ensure co-operation and co-ordination between employers and contractors.

The purpose of issuing the INS Selection and Control of Contractors Questionnaire is for the company to maintain a database of organisation/individuals, which have a record of health and safety management awareness. This will enable us to meet our obligations under regulation 6 of the Management of Health and Safety at Work Regulations that requires employers to appoint *competent persons*.

The competent person is defined as one who has sufficient training, experience and knowledge of EH&S to enable him/her to comply with EH&S legislation.

In assessing potential external resource providers, INS must assess their ‘good reputation’, including high standards EH&S awareness. The required standards will in part be dependent on the type of services, although there is EH&S legislation which covers every work related activity, with specific laws embracing many types of work/trade.