

CARDIFF COUNCIL

CODE OF GUIDANCE

TEMPORARY, CASUAL AND AGENCY WORKERS, AND VOLUNTEERS

Purpose

The purpose of this Code of Guidance is to give advice on the information and training that must be given to temporary staff and volunteers.

The Code of Guidance contains the following sections:

- 1.0 Introduction
- 2.0 Legal Requirements
- 3.0 Information that must be given at the start of employment
- 4.0 Job specific information
- 5.0 Supervision
- 6.0 Training requirements

1.0 Introduction

The Council directly employs a large number of temporary workers, some for one day only, others over a number of years. These workers are employees, and are therefore subject to the same health and safety legislation as permanent staff.

Agency staff are employed by the external agency, or by Cardiff Works internally, but while they are working for the Council, they are entitled to the same considerations as any other employee. In general, the higher the control that is exerted by the Council over the work undertaken, the greater the duty of care that is imposed, for example, a temporary administrative officer is directed and supervised by an employee of the Council and will undertake the same work as a permanent employee, so should be afforded the same protection.

Volunteers are not employees from the legal standpoint, however guidance from the HSE states

‘In general, the same health and safety standards should be applied to voluntary workers as they would to employees exposed to the same risks. However, if the risk assessment shows that the risks to voluntary workers are different, the preventive and protective measures taken should reflect the different risks.

The HSE considers it good practice for a volunteer user to provide the same level of health and safety protection as they would in an employer/employee relationship, irrespective of whether there are strict legal duties. ‘

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2.0 Legal Requirements

The Health and Safety at Work etc. Act 1974 specifies that it is the duty of an employer 'to ensure as far as is reasonably practicable, the health safety and welfare at work of **all** his employees'. There is also a duty imposed on employers 'to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment who may be affected thereby are not thereby exposed to risks to their health or safety'.

The Management of Health and Safety at Work Regulations 1999 specifies the information that must be given to employees for emergency evacuation of the premises, information concerning competent persons dealing with fire evacuations, first aiders, and the results of risk assessments that may affect them. Employers must also take into account employee capabilities as regards health and safety, and provide employees with adequate health and safety training.

3.0 Information that must be given at the start of employment.

New temporary and casual employees and volunteers must be given some health and safety information at the very start of their employment, and if their workplace changes. This information is specified in the Council Code of Guidance on Induction of New Employees. It will vary from workplace to workplace, but it must include:

- Emergency/fire evacuation procedures, including nearest fire exits, fire assembly points, the responsible fire warden and reporting procedures.
- Workplace specific hazards, any dangerous areas or situations within the work area – for example vehicles manoeuvring in particular areas, or slippery floor surfaces near doorways.
- The results of relevant risk assessments, safe systems of working/method statements and any residual risks to the individual.
- Any area that is 'out of bounds' for health and safety reasons, workshops or plant rooms for example.

It is also good practice to give some indication of the following

- Accident reporting procedures.
- Location of first aid boxes and first aiders.
- Welfare facilities – rest rooms, canteen, showers, storage lockers.
- Safety Representatives.

Where agency staff and casual staff are employed on a regular basis, it is important to ensure that this information is given to every individual as they report for work – this may be the first time they have worked for the Agency, or the first time they have worked at a particular venue. Records must be kept of all information given to temporary and casual employees and volunteers.

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4.0 Job specific information

Suitable and sufficient risk assessments should have been made of every task that is to be done by the employee or volunteer.

Risk assessments must take account of the inexperience of the worker, and may need to be revised depending on the capabilities of the temporary employee.

Where a need for personal protective equipment has been identified, the equipment provided must be suitable for the individual, and fit correctly.

5.0 Supervision

As with any new employee, the level of supervision required will be high. This is even more important with temporary employees, where their competence to do the required task has not been proven. Consideration will need to be made of the time and staff required to supervise temporary staff, and the task adjusted accordingly.

6.0 Training Requirements

It is not acceptable to expect temporary workers or volunteers to undertake tasks that would or could not be done by permanent employees.

Most tasks undertaken by employees require training. Where an individual is required to use equipment or undertake a task for which they have not received training, that training must be provided in the same way that it would be provided to a permanent employee, i.e. during working hours, (or at a time convenient to the volunteer) and without cost.

Where individuals are subject to specific risks, for example manual handling, chemical hazards requiring personal protective equipment, or lone working, then job specific training will be required. This should be given before the task is undertaken.

Some agencies (for example Commensura and Cardiff Works) will arrange for suitable training to have been undertaken before their employee starts work, but the training required must have been specified by the Service Area prior to appointment.

Basic training may be needed for equipment in an office situation, for example how to adjust the seat at a computer workstation, use of photocopiers etc.

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If more specialised equipment is to be used, then the individual may be required to prove their competence in the use of the equipment, for example a volunteer lighting engineer for school plays, or a temporary employee using mowing machines.

It is the responsibility of the employing Service Area to ensure that such training has been received. Records must be kept of any training given to the individual, whether an agency employee or volunteer.

Further Information

The Health and Safety at Work etc. Act 1974

The Management of Health and Safety at Work Regulations 1999. – plus the Approved Code of Practice and Guidance (L21)

Charity and Voluntary Workers – A guide to Health and Safety at Work 1999 (HSG 192)

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