



Guidance on Health and Safety of Non-English Speaking Workers on HBF Sites

Background

The Health and Safety at Work Act and the Management of Health and Safety at Work Regulations require 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. For employees or workers with little or no understanding of spoken or written English, employers and those in control may need to make special arrangements. Employers should include their arrangements for dealing with this issue within their [Health and Safety Policy](#).

Introduction

Many employers cite risks to health and safety as one of their main concerns when employing persons who do not speak and/or understand English. On construction sites where changing conditions often require quick reactions to verbal communications, the inability to speak and/or understand English could create a particularly high risk to health and safety.

However, a blanket refusal to consider Non-English speaking employees for any vacancies or activities will almost certainly be in breach of the provisions of the Race Relations legislation.

This guidance is therefore intended to protect the health and safety of Non-English speaking personnel, and others on site, whilst ensuring that they are not unfairly discriminated against. It should be noted that this does not only apply to "foreign" labour, as British citizens cannot always read/write in English and their communication skills may be poor.

Irrespective of whether the employee meets other criteria for the job (eg. CSCS cardholder) employers will need to assess the risks of any language barrier to health and safety and the control measures required to overcome those risks before making a final decision. [Checks on individual's competence should be undertaken by the employing organisation](#).

Assessing the Risk

As with all health and safety hazards, in the first instance it is important to assess the risks associated with the fact that the individual does not speak and/or understand English. The employer will need to identify if the individual does not speak English or does not understand English, these are two very different issues. Many people find it easier to understand a second language before they can speak it with any degree of fluency.

Risks may arise from a range of issues: from the consequences of not being able to understand the site safety induction to the inability to communicate danger to others on site. The employer needs to assess the risk of each activity and identify where the ability to understand and speak English is critical and where it is not. Such critical activities may include those such as crane slinger/signallers; confined space working and activities that require a permit to work system. These types of activity may be deemed unsuitable for operatives who cannot understand or speak English.

The conditions on construction sites, by their very nature, are constantly changing. Employers need to consider how many new or unexpected potential dangers can be effectively communicated to those individuals who do not speak and/or understand English.

Reducing the Risk

Having identified and assessed the health and safety hazards, the next stage is for the employer to consider reasonable means of reducing the risk. These will vary according to the specific circumstances and the nature of the risk.

A well tried and successful method of dealing with the issue is to have all Non-English speakers working together in relatively small manageable gangs and a working ganger or supervisor with each gang who can act as their interpreter. This ganger or supervisor must to stay with the gang at all times in order to deliver inductions, briefings, routine instructions and generally act as their liaison with the rest of the site team. Under certain conditions the interpreter may even have a wider role in assisting with transport and accommodation arrangements.

This 'gang interpreter' approach should be discussed with sub-contractors at an early stage and included within the contract conditions; if necessary a maximum gang size per translator can be specified in the [Contract](#).

Details should also be contained within [the pre construction information and the Site Health and Safety Plan](#). You must also consider your arrangements if the 'gang interpreter' is not available for any reason.

In some instances, particularly for lower risk activities, the company may have other employees who speak both English and the first language of the Non-English speaking employees. They can therefore arrange for these workers to work together in order that they can act as translators. Where there is a relatively high density of a particular ethnic group in an area, there may be some external translator assistance available from local community groups.

For instances where lower risk activities are being carried out it may only be necessary for method statements and risk assessments to be translated into the appropriate language and issued to the nominated workforce - assuming that they can read. Just as there are British people who cannot read English, there are many Non-British people who cannot read their own language.

Other measures that can assist in the safe integration of Non-English speakers into the working environment include:

- Not allowing lone working or allocating safety critical roles to Non-English speakers
- The allocation of low risk work and/or areas for Non-English speakers
- Ensuring the maximum use of internationally recognised pictorial warning signs within the workplace
- Providing a greater degree of training and allowing additional training time.
- Providing a greater degree of supervision
- Using external translator services where the provision of written information is considered essential
- Considering English language courses for longer-term workers

Whatever methods are chosen, it is vital that their effectiveness is closely monitored. Simple observation of their working practices should indicate whether the requisite messages have been received and understood by the Non-English speakers and any deficiencies must be acted upon immediately.

In Summary

Once the employer has identified the risk and considered reasonable means of reducing it, if there is still a real health and safety risk, then it may be acceptable to refuse to employ Non-English speaking personnel for particular jobs. Any blanket ban on Non-English speaking employees is, however, still likely to be in breach of current race regulations legislation.

Information sources

CITB-ConstructionSkills induction booklets in 10 different languages www.citb-constructionskills.co.uk

HSE/TUC “Your health, your safety: A guide for workers” in 19 different languages www.tuc.org.uk

If you register with the Languages NTO at www.languagesnto.org.uk you can find a translator via the Business Language Information Service (BLIS).

A multi-lingual DVD from Construction Industry Publications “UK Construction Standards” is a very useful tool to assist with the delivery of inductions

Current information on the HSE website at www.hse.gov.uk

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

Introduction

The Health and Safety at Work Act and the Management of Health and Safety at Work Regulations 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 organised & 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 have 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 reserve 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 eg 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 eg 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:

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 reserve 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, 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.

Example of details to be included in the pre construction information and the Site H&S Plan

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.

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 reserve 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, routine instructions and act as liaison with the rest of the team.

Any persons supervising the Non - English speaking workers must have a minimum standard of health and safety training eg 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 eg 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.

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.

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.