

## SAFE TIME

### Independent or Dependent Contractors?



by  
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**CONTRACTOR** safety is an often glossed over area in the implementation of the Occupational Safety and Health programme. In this article, I will use the term contractor to cover sub-contractors as well.

Whilst all multinationals have a pre-qualification and induction training programme for contractors, the same cannot be said for the medium and smaller size enterprises. Coming from both the client and the contractor side of the business, I found that if the contractor is under a less than professional client (or main contractor), then occupational safety and health would receive very little attention.

There is still a large disparity in terms of the implementation of contractor safety management in Malaysia. The situation is compounded by the frequent cost undercutting between contractors to win a contract and this leads to safety being put on the back burner. Some contractors are even reluctant to implement safety and health practices due to inconvenience!

This situation needs to change and it will require educating the industry in general (and industry leaders in particular), promotion and enforcement. We then need to weed out sub-standard contractors over time. Unless the industry does this collectively and objectively, sub-standard contractors will continue to exist.

Contractors are actually covered under the Occupational Safety and Health Act 1994. You might want to refer back to the February 2011 article entitled "Accountable or Responsible?" where we discussed the accountabilities of the employer. In summary, refer to Sections 15 and 17 which cover contractors.

Even employees play a role in ensuring that contractors are safe as Subsection 24 (1) (a) states that employees should take reasonable care for the safety and health of himself or others who may

be affected by his acts or omissions at work. The "others" that is mentioned here include contractors.

Basic requirements should be set up to ensure contractors understand the risks of the job they are undertaking. The process can include:

- 1) Contractor selection process – qualifications, licenses, references, *etc.*
- 2) General and specific site safety induction.
- 3) Including contractors in toolbox talks and pre-job briefings.
- 4) Specific trainings.
- 5) Provision of manuals, hazard communication and information relevant to ensure the job can be carried out safely.
- 6) Joint Job Safety Analysis in the preparation of Safe Work Methods.
- 7) Walking the site jointly – this helps to identify, for example, Lock Out or Tag Out points, job boundaries, communication process and meeting other relevant persons for the job.
- 8) Regular feedback and review of the contractor's performance.

The key point is to treat the contractors as an extension of the company.

I would like to hear your challenges as a contractor and as a client in the implementation of "Occupational Safety and Health" at work at [pub@iem.org.my](mailto:pub@iem.org.my). ■

*Management commitment, cost and time pressures are the top three cited issues in implementing Occupational Safety and Health. In order to achieve "Good Safety", we first need "Good Management". "Good Management" comes from "Good Leadership".*