

Key Points To Consider With Regards To Safety While Out Sourcing

B.Arunachalam*

INTRODUCTION

Out sourcing of activities has become the trend. Generally sensitive activities are not out sourced. Out sourcing brings with it the attendant financial as well as health and safety risks. Also at times the contractors get into arm twisting mode to get benefit. In this article we will look into the safety aspects angle.

The motto with any contract should be 'live and let live' and not outwitting each other. The terms should be clearly spelt out in the Notice Inviting Tender. Looking into the viability angle and the gestation period, the Tenth Conference on Safety in Mines has made specific mention suggesting to go in for long term contracts and also to introduce Health and safety aspects in the terms of contract.

The contract should include a separate section on safety of men, machines and environment. At times an unhealthy practice is also observed where the acceptable risk of an activity differs between contractual worker and departmental worker (a contractor assigned to do an activity with higher risk which departmental worker may be reluctant to do). The conditions should be common for all.

Any agreement needs to be two sided. Conditions imposed unilaterally could only mean that each would search for loop holes / grey areas for non compliance or outwit the other. Unilaterally imposed conditions could lead to malpractices as also questionable integrity at various levels of hierarchy. Wherever financial implications arise unless compensated it would result in more of non compliance, ultimately leading to accidents and blame games.

Mutually accepted and reasonable Gestation period should be spelt out. This should also consider reasonable mobilisation impacts for time, finance, manpower, machinery etc

In general Outsourcing could be for

- All regular mining activities like drilling, blasting, loading, hauling, dumping etc entrusted one agency or total quantity split to more than one agency in separate defined locations. Called as turn key contract
- Regular mining activities split to different contractors like all loading by one agency, hauling by another agency etc. This at times leads to conflict in interest between contractors which could affect safety.
- Regular mining activities split to different contractors but equipments owned by principal employer known

as manpower supply contract. This could lead to abuse of machine

- One time contract like plant/equipment erection or maintenance.

This will decide on scope of responsibility.

Depending on the scope, the contract document should cover the following on Health and safety

1.0 Vocabulary – This should clearly define words, terms, and phrases etc. that could have different meaning under varying context or be ambiguous. This will eliminate guess or misrepresentation. Such definition should be in conformity to general as well as legal usage and not a unique one. These definitions should not have high sounding jargons that could only result in confusions

2.0 Scope: - Total Quantity of each job as also quantity per unit time at different stages of execution should be spelt for each activity. It also should to explain coverage of areas and or activities. (egs)

- Drilling
- Storage, transportation, use of inflammable material
- Blasting
- Excavation of ore and waste in volume
- Transporting along with lead and lift.

Mutually agreed gestation periods that include mobilisation of finance, infrastructure, men and machinery also should be spelt

Should also detail site and activity specific clauses to cover hazardous activity (egs)

- Noisy areas
- House keeping
- Lock put/Blocking up – Work permit/authorization
- Working at height
- Electric work/installations.

3.0 References- Detailed list of laws pertaining Obligations of Company and that of Contractor should be given

4.0 Obligations: - This document should mention all mandatory and obligatory provisions

4.1 Principal employer should depute a representative who will determine whether or not the contractor is complying with the contractual obligations. There should also be a window for the contractor to appeal if the representative oversteps his authority .This representative will

1. Ensure that the contractor subjects all activities to hazard identification and risk assessment and install control measures, reviews and audits on a predetermined period.

* **Manager**, Mines group Vocational training Society

2. ensure that whenever working conditions change the contractor subjects all such activities to hazard identification and risk assessment
3. Ensure that contractor's provide the machinery, operator and other staff with written safe work procedures for the work to be carried out, stating clearly the risk involved and how it is to be managed.
4. Ensure that the contractor has and follows an effective health and safety management system in relation to the work under the contract.
5. Ensure to impart appropriate orientation and Health and Safety induction training including emergency procedures to all personnel of contractor before work against any Contract starts.
6. Ensure to monitor the contractor's work with respect to and carry out reviews with them that include health and safety performance.
7. in case non adherence to safety/ health requirements by contractor /his workmen to issue spot safety violation ticket
8. Ensure to prepare and document the action plans to correct the areas of under-performance.
9. ensure to follow all action plan in regular reviews with the contractor
10. ensure to keep records of health and safety performance of the contractor and use them in future selection process of the Contractor
11. Ensure to conduct final inspection and overall performance evaluation of the work completed by the contractor. The evaluation process should be documented and should be handed over to the Head of establishment. This evaluation should be used by Contracts department of the site(s) on the prequalification list and eligible to be considered for the future work.

4.2 Contractor should,

1. Ensure to appoint a responsible person before commencement of work with regard to any Contract. The authorized person(s) who have signed the Contract shall only appoint this representative. Such Authorised person should be available on the site for all purposes and to supervise, take ownership and be responsible for all work carried out on premises / workplace by the concerned contractor's employees.
2. Ensure that all the personnel going to work on the site of the Company to carry out the works defined in the Contract, shall undergo appropriate orientation and Health and Safety induction training including emergency procedures before work against any Contract starts. To ensure that no person without this training shall enter and carry the work on the site
3. Confirm in writing to the site representative that all tools and equipments to be used while carrying works defined in the Contract are in safe condition. The site

- representative reserves the right to check this.
4. Provide all the relevant personal protection equipments to all the personnel of the contractor at their own cost. No personnel of the contractor should enter the site and/ or carry out the work without wearing the personal protection equipments (PPE). The PPE should correspond to the relevant standards.
5. Prepare written Safe Operating Procedure (SOP) for the work to be carried out, including an assessment of risk, wherever possible and safe methods to deal with it/them.
6. Provide a copy of the SOP to the person designated by the principal employer who shall be supervising the contractor's work.
7. Keep an up to date SOP and provide a copy of changes to a person designated by the principal employer.
8. Ensure that all work is carried out in accordance with the Statute and SOP and for the purpose he may deploy adequate qualified and competent personnel for the purpose of carrying out the job in a safe manner.
9. For work of a specified scope/nature, develop and provide to the principal employer a site specific code of practice.
10. Ensure that all sub-contractors hired by him comply with the same requirement as the contractor himself and shall be liable for ensuring compliance of all safety laws by the sub or sub-sub contractors.
11. All persons deployed by the contractor for working in a mine must undergo vocational training, initial medical examination, PME. They should be issued cards stating the name of the contractor and the work and its validity period, indicating status of VT & IME.
12. Every person deployed by the contractor in a mine must wear safety gadgets to be provided by the contractor. If contractor is unable to provide, principal employer of the mine shall provide the same.
13. the contractor shall submit to DGMS returns indicating – Name of his firm, Registration number, Name and address of person heading the firm, Nature of work type of deployment of work persons, Number of work persons deployed, how many work persons hold VT Certificate, how many work persons undergone IME and type of medical coverage given to the work persons. The return shall be submitted quarterly (by 10th of April, July, October & January) for contracts of more than one year. However, for contracts of less than one year, returns shall be submitted monthly.

4.3 Contractors representative

1. to represent the contractor , for all purposes of the contract, to supervise, take ownership and be responsible for the work carried out by the contractor and the contractor's employees on premises / work

- place and to ensure that all work is carried out in accordance with the contract
2. To receive instructions from company on behalf of the contractor. Any written instructions, directions or notices which company may give to the contractor's responsible person shall be deemed to have been given to the contractor
 3. To ensure that, before work begins on any contract, all contractor personnel are given appropriate orientation and health and safety induction.
 4. to ensure no polluting emission (corrosive, toxic or odorous gas or liquid or solid particles) into the atmosphere and no discharge of polluted water and all polluting products (chemical, bacterial, mechanical or radioactive) into mains, sewers, rivers and onto the ground of the site, is done.
 5. to ????? confirm in writing to company site management that all tools and equipment to be used are in a safe condition;
 6. to???? take all reasonable measures to comply with and enforce the requirements of Applicable legislation;:
 7. To take all reasonable measures to provide for the safety, health and discipline of all contractors's employees including all his visitors, whilst on premises / workplace.
 8. To ?monitor and enforce appropriate Personal Protective Equipments usage by all contractor's employees on premises / workplace.
 9. where any contractor employee is unable to read the regulations, rules, procedures and other requirements the person in charge shall ensure that such person understands the regulations, rules and procedures etc concerning him and his particular occupation and duties and if necessary an interpreter shall convey the message.
 10. The contractor's responsible person shall ensure that all contractor employees under his control are aware of and apply the Health and Safety requirements and expectations.
 11. The responsible person appointed by the contracting company shall be a competent person, sufficiently experienced in the scope of work to be performed on company site.
 12. The contractor's responsible person shall not be absent from premises / workplace at anytime that any work is carried out by the contractor until he has appointed a competent person to supervise and be responsible for the contract premises / workplace during his absence.

4.4 Employee

1. An employee must, while at work, take reasonable care for the health and safety of people who are at the employee's place of work and who may be affected by the employee's act or omissions at work.

2. An employee must, while at work, cooperate with his or her employer or other persons as far as is necessary to enable compliance with any requirement under the act or the regulations that is imposed in the interest of health, safety and welfare of the employee or any other person.
3. Any person of the contractor who fails to obey any instruction given to him in accordance with or for the proper observance of the requirements of company health and safety program shall have disciplinary action taken against him, which could lead to removal from premises / workplace.
4. No person shall engage in any form of horseplay on premises / workplace. Such person should be removed from the site(s).
5. No person shall sleep on premises / workplace.
6. All assaults shall be reported immediately to the company responsible person. People involved in the assault could be suspended from premises.

5.0 ENTRY INTO MINE

1. All personnel of the contractor working in mine are obligated to respect internal regulations for entry.
2. All personnel of contractor who are working on site(s) are obliged to possess appropriate permit for entry in to Company's premises issued by authorized person of the Company.
3. Entry of the vehicles, machines for work and carrying of required tools for work, must be checked in prior as per valid procedure.
4. An employer or a user of machinery, as the case may be, shall not permit any person on premises / workplace, who is or who appears to be intoxicated or if such a person's presence constitutes a threat to safety, to him self or other persons and shall be removed from premises / workplace
5. Before entering the Company, following requirements must be complied by contractor
 - Submit medical certificates for all personnel of contractor issued by competent hospital confirming that the personnel are medically fit to work in his position.
 - Submit a list of personnel to the company site representative that are required to be given training on health and safety instructions including emergency procedures.
 - Submit a request for entry permit for their personnel to the company site representative.
6. Contractors' employees shall be aware of all hazards associated with the tasks to be performed as well as the safety precautions to be taken to overcome them before commencing any work.
7. Contractors, who will hire sub- contractors during execution of works, have to inform them on above instruction and procedure and they are obligated to respect them fully.

6.0 GENERAL INSTRUCTIONS IN CASE OF ACCIDENT

It is the duty of the contractor's responsible person to ensure that all injuries to contractor employees, incidents and near incidents on premises / workplace are reported immediately to the company site representative

Any witness of an accident at work must carry out two essential actions:

a) PROTECT

- Protect the injured party if there is danger so that he is safe
- Remove the cause of the danger and ensure that it is neutralized, remove the victim if the danger threatens the injured party
- If there is no danger –do not touch anything.

b) ISSUE EMERGENCY PROCEDURES (OR HAVE SOMEONE GIVE THE ALERT)

- The nearest first aid attendant
- First aid assistance whose address and phone number is specified in the site instructions.

Rules for Emergencies:

- Specify the reasons for calling and indicate the place of the accident. The person having called will make sure the information is repeated.
- Give precise details of the accident location
- Wait for assistance.

7.0 GENERAL INSTRUCTIONS IN CASE OF AN INCIDENT

Any incident that occurs unexpectedly in the work place that has no consequences on the physical well-being of individuals must be reported and analyzed so that corrective actions can be taken. If there is an imminent risk, immediate measures must be taken to avoid further incident.

In all cases, contact a sector official service of company and fill out a specific form making it possible to manage the accident (or near-miss).

8.0 GENERAL INSTRUCTIONS IN CASE OF FIRE

8...1 PREVENTION

Information of occurrence of any fire or smoke noticed should be given to the representative of the company at site.

8...2. IN CASE OF A FIRE

In all cases, if fire is noticed and if it cannot be immediately extinguished keep calm and sound the ALARM to the professional Fire brigade

In the contacts with authorized persons in company or professional services for fire fighting the person must indicate clearly:

- his name and telephone number from where he is calling
- the reason for the call, the site of the fire and the

possible cause

- state if there are any injured persons
- And make sure this information is repeated.

The personnel will immediately start fighting the fire using the equipment available for this but only in a safe and considered manner.

9 COLLECTIVE AND INDIVIDUAL PROTECTION

9.1 Collective prevention

When adopting safety measures, collective prevention must have priority. All risks shown when preparing work must be eliminated or undergo appropriate preventive measures.

Examples:

- Fence around unprotected openings
- Scaffolding for work at height
- Screens around arc welders.

9.2 Individual protection

The contractor will provide all his personnel with items necessary for their protection at his own cost and provide appropriate training for use, notably:

- helmets (with chin-straps)
- safety shoes
- gloves
- Adapted goggles (welding, grinding, etc...)
- safety harnesses (for working on heights)
- gas protection equipment
- anti-noise protection
- anti-dust masks
- Any object necessary for individual protection.
- High visibility Jackets if necessary.

The protection equipments should be in compliance with relevant Indian Standards (IS) on international Standards as defined in the

The contractor must take care that this equipment is always adapted to the type of operation considered; in condition for immediate use and that it is effectively worn.

As for individual protection equipment, the contractor shall respect the instructions in force on the company site.

The contractor is responsible personal protection means except for equipment specific to the company site. In which case, the company is responsible for making them available for use by the contractor

11.0 PENALTY

The contractor shall strictly adhere to all the instructions provided in this document. In case of non-compliance or repeated failure in implementing these instructions, company should reserve its right to impose penalty to the contractor.

The total amount of penalty shall not exceed 1% of the total Contract value. This penalty shall be in addition to all the penalties that are defined in the Contract/service order.

Penalty- There needs a penalty clause for accident and loss of man hours which should also an incentive for accident free man days clocked. This would ultimately form base for Safety ratings of Contractors for extension /renewal for further periods Scope of financial responsibility will depend upon contractor rating .While bigger contractors will be totally responsible, in the case of smaller or short term contractors the financial responsibility may have to be taken by principal employer to ensure safety standards The amount of penalty applicable on different violations of the health and safety instructions is indicated in table below.

Repeated violation doubles penalty and third repetition can call for termination. However before levying penalty opportunity should be given to explain reason for non compliance. Also issue of safety violation ticket should be in place

Sl.No	Description of Violation	Suggested Penalty amount in rupees
1	For not using any one of the protection equipments (PPE)	500 per day/per item/per person
2	For working without work permit/clearance	5000 per occasion
3	For not using fall protection while working at height	5000 per occasion
4	For not anchoring(securing) the fall protection	5000 per occasion
5	For nor using fall prevention equipments while working at height	5000 per occasion
7	Failure to report accident, incident report including near miss case	25000 per occasion
8	For not keeping safety records by contractor	2500 per occasion
9	Poor house keeping	2500 per occasion
10	Absence of contractor's site representative from the site	5000 per occasion
11	Traffic rules violations	2500 per occasion
12	Failure to attend the safety meeting as and when called by the contractor's site representative	2500 per occasion
13	Degradation of environment	2500 per occasion

APPENDICES

APPENDIX-A

INDIAN AND INTERNATIONAL STANDARD REFERENCES FOR PERSONNEL PROTECTION EQUIPMENTS (PPE)

1) INDIAN STANDARDS

IS 2925 Industrial Safety Helmets
 IS 4770 Rubber Gloves for electrical purposes.
 IS 5983 Eye Protectors
 IS 6994 (Part-I) Industrial Safety Gloves (Leather and cotton Gloves)

IS 8519 Guide for selection of industrial safety equipment for body protection.
 IS 9167 Ear protectors

2) INTERNATIONAL STANDARDS

Safety Glasses ANSI Z 87.1, ANSI ZZ 87.1, AS 1337, BS 2092, BS 1542, BS 679, DIN 4646/58211
 Safety Shoes ANSI Z 41.1, AS 2210, EN 345
 Hand Gloves BS 1651
 Ear Muffs BS 6344, ANSI S 31.9
 Hard Hat ANSI Z 89.1/89.2, AS 1808, BS 5240, DIN 4840
 Goggles ANSI Z 87.1
 Face Shield ANSI Z 89.1
 Breathing Apparatus BS 4667, NIOSH

APPENDIX-B

REFERENCES OF Indian STANDARDS ON HEALTH AND SAFETY

SP: 53 Safety Code for the use, Care and protection of hand operated tools.
 IS 818 Code of practice for safety & health requirements in electric and gas welding and cutting operations.
 IS 1179 Eye & Face precautions during welding, equipment etc.
 IS 1860 Safety requirements for use, care and protection of abrasive grinding wheels.
 IS 3016 Code of practice for fire safety precautions in welding & cutting operations.
 IS 3764 Code of safety for excavation work.
 IS 3996 Safety Code of scaffolds and ladder.
 IS 4082 Recommendations on stacking and storage of construction materials and components at site
 IS 5121 Safety code for piling and other deep foundations.
 IS 5216(Part-I) Recommendations on safety procedures and practices in electrical works
 IS 6519 Selection, Care and repair of safety footwear.
 IS 7293 Safety code for working with Machinery
 IS 8519 Guide for selection of industrial safety equipment for body protection.
 IS 11006 Flash Back arrestor
 IS 11016 General and safety requirements for machine tools and their operation
 IS 11057 Specification for industrial safety nets
 IS 13367 Code of practice-safe use of cranes
 IS 13416 Recommendation for preventive measures against hazards at working place.