



‘not just what to do, but more importantly how to do it.’

Migrant Workers Policy

FRESCA GROUP

This Policy is not intended to act as or replace existing operational procedures.

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Policy Statement

The COMPANY Ltd (the Group) is committed to providing a safe and healthy working environment for its employees and persons affected by its operations or activities and understands the importance of this to both employees and other stakeholders.

The Group accepts its responsibilities under the Health & Safety at Work etc. Act 1974 (herein known as the Act) and all other regulations under the Act. As such, requirements of the Act will be regarded by management and staff as being of primary importance. The Group provides information, instruction and training to ensure employee competence and an understanding of roles and responsibilities.

The Group structure is made up of wholly owned and Joint Venture businesses that have direct management and control of all activities undertaken on each site. They are subsequently delegated the responsibility to manage all of the Health, Safety and Welfare associated with these activities for the protection of their employees, visitors, stakeholders and contractors.

The Group is committed to pro-active management of health & safety and to ensure continual improvement and development in site performance. As such the Group has a risk management programme, which issues Group policies and continually assesses the processes and procedures on sites that ensure hazard identification and corrective actions are identified and implemented. This includes health and wellbeing issues and emergency planning.

Scope

This policy applies to all who attend COMPANY sites¹, staff, and contractors.

This policy will cover all risks that arise relating to isolation and permit to work activities on a COMPANY Site.

This policy will cover how workplace isolation and permit to work risks on COMPANY sites are assessed, controls monitored and reviewed in order to protect staff and others in order to comply with the relevant regulations, attain best practice and maintain continuous improvement.

This Policy should also be read in conjunction with site specific policies and procedures.

¹ Fresca Group Site / Fresca Businesses / Fresca Sites or any other term relating to Fresca for clarity- includes all businesses and Joint Ventures where Fresca has any level of Health and Safety legal responsibility.

Policy Aims and Objectives

This policy aims to ensure that staff, contractors and others are all aware of their responsibilities in relation to workplace activities on COMPANY sites.

The policy also aims to ensure that if the workplace risk(s) cannot be eliminated it will be reduced to as low as is reasonably practicable.

Objectives

- i. To communicate and implement COMPANY's aims in reducing the risk that workplace isolation and permit to work activities create.
- ii. To ensure that any risks to people and buildings from those risks are actively managed in a systematic way by ensuring that safe systems, environments and methods of work are in place and regularly reviewed.
- iii. Authorise and support the local managers in the development of site-specific protocols and procedures for their individual areas.
- iv. To establish a prompt and effective standard of adverse event reporting and follow up investigation, highlighting remedial actions and lessons learned.
- v. To ensure full support is provided to anyone who witnesses or is involved in an adverse event relating to workplace risks.

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Minimum Implementation for COMPANY Sites

1. The site competent person has identified the employees in his or her area to whom the policy applies and has given the policy (or selected excerpts) to them.
2. The site designated competent person has assessed the impact of the policy on current working practices and has an action plan to make all necessary changes to ensure that his or her area complies with the policy.
3. The site designated competent person has set up systems to provide assurance to him or her that the policy is being implemented as intended in his or her area of responsibility.

KEY MESSAGES and Duties under Health & Safety Law

The key messages below are also available in more detail under each section on the HSE website.

By law, employers must:

General requirements and key messages.

- Assess the risks to anyone who might be affected by their work activity;
- Take appropriate preventive and protective steps to control these risks.
- Establishing responsibilities and relationships is a key part of securing safe working practices and promoting a culture of safety.
- To secure and maintain a safe workplace, everyone from senior managers to individual employees needs to be aware of their individual responsibilities for safety, and act accordingly
- Hold regular (weekly or monthly) meetings with employees and safety representatives (if you have these), to discuss current work activities and associated safety issues. Meetings are usually more effective if they have a chairperson, a clear agenda, and when actions and deadlines are recorded in minutes.
- Make regular and obvious tours of the workplace, including inspections of vehicles, roadways and behaviour, to check that there are no obvious hazards in the workplace and that workers are following safe working practices.
- Report on both good and bad features of managing risks in the workplace.
- Make sure that formal or informal work-related discussions with employees always include safety issues.
- All workers should know what they have to do to meet the requirements of health and safety law.
- Duty holders, managers and supervisors should ensure they do it.
- Employees need information about how to work safely;
- Good communication within an organisation helps create and maintain a safe workplace
- Workers and duty holders must co-operate on matters of health and safety.
- By law, employees must co-operate with their employers, so they can meet with their health and safety responsibilities. A clear and simple procedure for reporting faults, hazards and incidents (often known as a 'near-miss reporting scheme') can help prevent serious accidents.

Management of Migrant Workers

The Government is concerned at the potential for abuse and exploitation of workers from overseas. The HSE is committed to improving health and safety protection for all workers, whatever their employment or immigration status.

There are web pages specifically developed to explain how health and safety law protects those working here from overseas. They also provide essential guidance on the roles and responsibilities of employers and workers under British health and safety law.

All workers get the same level of protection under British health and safety law whether they are entitled to work here or not. It applies to employers, self-employed people, employment businesses (including agencies and gangmasters) and employees whether working full-time, part-time or on temporary contracts - for example as `agency` workers.

Workers from outside Britain may encounter unfamiliar risks in the jobs that they will be undertaking and from a working environment and workplace culture that may be very different from that of their country of origin.

Description of terms used.

A migrant worker is considered to be someone who is or has been working in Great Britain (GB) in the last 12 months, and has come to GB from abroad to work within the last 5 years.

A labour provider is a person or company who supplies workers to a third party. This includes employment agencies, employment businesses and gangmasters.

A gangmaster is someone who supplies a worker to another person to do work to which the Gangmasters (Licensing) Act 2004 applies.

A labour user (user) is a person who hires or uses workers.

Who is responsible for the health and safety of migrant workers?

There is no simple answer to this question - it depends on the relationship between the labour provider and user and the circumstances under which the work is being carried out.

When a business uses workers supplied by an independent labour provider, the business and the labour provider have a shared responsibility to protect their health and safety, regardless of which one is the employer.

In the case for ALL COMPANY sites the responsibility for the on-site health safety and welfare of the migrant worker is that of the COMPANY business.

What do labour providers and users have to do?

Labour providers and users should clarify and agree their relationship and their respective responsibilities for health and safety.

To avoid any misunderstanding and confusion. Any agreement should be formalised in writing by way of a contract, service level agreement or other form of agreement, and should include the practical arrangements for the day-to-day management and supervision of the workers.

Both parties need:

- To think about whether the workers are to be employed directly or if the workforce (or part of it) is to be supplied by a labour provider;
- Who has day-to-day direction and control over the work;
- If labour providers based abroad do not have a UK-based representative, to remember that the user will have to take full responsibility for the health and safety of any labour supplied;
- To consider the involvement of employment agencies and employment businesses which have specific legal responsibilities to provide information to businesses which use their workers;
- Before workers start at the workplace, to consider if any special qualifications or skills are needed for the job and to ensure that any worker supplied has them;
- To think about the extent of English language skills of workers before they start work;
- To consider what information, instruction and training will need to be provided at the workplace, by whom and how.

The Service Level agreement should be reviewed with the Labour provider a minimum of two times per year.

Risk assessment

A risk assessment specific to the additional threats present with the employment of migrant workers is reviewed annually and contained within the Annual Modern Slavery review for the company.

Both labour providers and users should take account of the needs of overseas workers and consider:

- Language issues;
- Basic competencies, eg literacy, numeracy, physical attributes, general health, relevant work experience etc; and
- Whether their vocational qualifications are compatible with those in GB;
- Ensure that assessments are regularly reviewed to ensure they keep up to date with any changes to processes or working practices.

Information, instruction, training and supervision?

Each site should:

- Provide essential induction training and any necessary job-related/vocational training;
- Provide relevant information about the risks to which they may be exposed and the precautions they will need to take to avoid those risks;
- Consider the needs of workers who may not speak English well, if at all, and whether you need translation services;
- Make sure workers have received and understood the information, instruction and training they need to work safely and consider how to ensure it is acted upon;
- Make sure workers are adequately supervised and can communicate with their supervisors;
- Make sure workers know where and how to raise any concerns about their health and safety and about any emergency arrangements or procedures.

COMPANY businesses should make sure:

- The terms and conditions under which the workers are employed comply with relevant employment law;
- Accurate records of the hours worked are kept and are available for inspection;
- There are suitable arrangements for recording accidents and cases of ill health and reporting relevant accidents to the enforcing authority.

Businesses should consider providing English for Speakers of Other Languages (ESOL) courses for workers who need to improve their English.

Although health and safety law doesn't generally require workers to be able to speak English, learning English reduces communication difficulties and has been shown to lead to higher productivity and retention rates, as well as promoting integration outside work. Employers have a duty to provide comprehensible information to workers – this does not have to be in writing, or necessarily in English.

Other options include:

- Asking an employee who speaks good English to act as an interpreter (as long as they can do this to a reasonable standard) or seeking outside help.
- Using a 'buddy system' – putting experienced workers with new or inexperienced migrant (including agency-supplied) workers who speak the same language to help smooth the transition when they are first taken on.
- Employers co-operating to employ the services of a professional (accredited) interpreter, eg for training sessions.
- Seeking advice from local Citizens' Advice Bureaux which may have contacts with overseas worker communities who can provide help.
- Providing written information in a relevant language(s), but ensuring they use a competent translator familiar with any technical terms.

- Using nonverbal communication to get the message across: for example DVDs or videos, audio tapes, and/or internationally recognised signs and symbols (which could include hand signals).
- Using simple, clear English in training sessions, and training supervisors in how to communicate clearly.

You will also need to make sure:

- That any machinery guarding or other safety devices, vehicles, lifting equipment, ventilation plant, ladders, fixed or mobile elevated work platforms, fixed and portable electrical equipment, guards and barriers and other work equipment are in good condition, and are being properly used and maintained;
- That, if required, any necessary and suitable personal protective equipment has been provided without cost to the workers;
- Suitable provision has been made for toilet and washing facilities, even at remote worksites away from the main business base;
- There is agreement on the arrangements for providing any necessary health surveillance or computer screen eyesight tests;
- There are procedures to review the control measures to ensure they remain appropriate and are being implemented correctly.

Transport of workers to site

Vehicles used to transport temporary and overseas workers to and from their place(s) of work on the public highway are subject to road traffic law with respect to registration, licensing, roadworthiness and maintenance (including possession where appropriate of a valid MOT certificate) and insurance. Drivers should hold a current, valid licence, appropriate to the class of vehicle.

Vehicles and drivers used to transport workers on public roads can be subject to special arrangements if the passengers are charged for the journey. Any vehicle with nine or more passenger seats used for hire or reward must be registered as a Public Service Vehicle (PSV) and the driver must have a Passenger Carrying Vehicle entitlement on their driving licence.

Accommodation

Although many overseas workers arrange their own accommodation, in our industry, accommodation is often provided by the labour provider or supplier.

Permanent, fixed accommodation made available or supplied to overseas workers is subject:

- In England and Wales to the Housing Acts 1985 and 2004 and associated secondary legislation and local regulations on Housing of Multiple Occupation; and
- In Scotland, where appropriate, to licensing or registration in accordance with the Antisocial etc (Scotland) Act 2004 (part 8: registration of landlords) or the Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 2000.

Residential accommodation in caravans is subject to the Caravan Sites and Control of Development Act 1960. Sites normally require planning permission and are subject to licensing by the local authority. In addition, our industry accepts the FPC Caravan guidance and as a minimum this should be the target standard.

Organisational Roles and Responsibilities

Group

While it is accepted that the primary responsibility rests with the Executive Directors of the Group, the implementation of the day-to-day operation of the policy is delegated to line managers.

- **Group Chief Executive** - Overall responsibility for health & safety at COMPANY by ensuring that appropriate health & safety policies and procedures are in place.
- **Other board directors** have collective and individual responsibility for health and safety.
Essential principles include;
 - visible, active commitment from the board
 - establishing effective 'downward' communication systems and management structures
 - integration of good health and safety management with business decisions
- **Group Compliance Director (Non board)** – is responsible for the delegation of Group policies and management of site compliance.
- **Employees** - Adhering to health & safety procedures / rules and for taking reasonable care for themselves and others.

Sites

Full delegated responsibility is discharged to Site Managing Directors for the deployment of COMPANY policy within their business.

Ensuring a safe working environment and all health & safety policies and procedures are in place. Specifically;

- **Site Managing Directors –**

The Managing Director is responsible for the overall arrangements and for ensuring that the company's operations are executed at all times in such a manner as to ensure, so far as is reasonably practicable, the health, safety and welfare of all employees and others who may be affected by its operations.

In particular the Managing Director will:

1. Ensure there is an effective company policy for health and safety and that all employees, contractors and temporary workers are made aware of their individual responsibility.
2. To understand and ensure, through the appointment of competent persons, that the company's responsibilities as employers under the Health and Safety at Work etc. Act 1974 and any relevant Acts of Parliament and Statutory Instruments are met.
3. To appoint competent persons responsible for safety.
4. To ensure that all Directors and Managers understand and fulfill their responsibilities with regard to health and safety.
5. Arrange for funds and facilities to meet the requirements of company policy and legislation.
6. Make provision for adequate and appropriate training to be given to all employees.

7. To ensure that notification and reporting procedures to the relevant statutory authorities are carried out.
 8. Set a personal example on all matters of health and safety.
- **Managers** - Implementing and ensuring adherence to health & safety and risk assessment policies and procedures.
 - **Health & Safety Committee** - Planning, developing and introducing policies and guidelines, review performance, risks and liabilities and to ensure a consistent high standard across the business and to report activity to Group for review. Providing a forum for monitoring risks and performance and for implementing health & safety policies and local procedures. Also used as a means of communicating and consulting with employees and on matters that may affect their safety.

Employees

All employees are responsible for:

- taking reasonable care of themselves and any other people who may be affected by their actions;
- co-operating by following policies, procedures and protocols designed for safe working;
- reporting all accidents and incidents involving workplace transport to their manager;
- contributing to the risk assessment process and attending training designed to meet the requirements of this policy;
- reporting to their line manager any concerns they may have about potentially dangerous situations or tasks being carried out that relate to their work environment;
- compliance with a reasonable request to park safely or to move a vehicle in accordance with site rules and local traffic management procedures;
- compliance with site rules and local traffic management procedures which arise out of this policy.

Strategic Partners, Contractors and Suppliers

All strategic partners, visitors, contractors, suppliers and to COMPANY businesses are responsible for:

1. Taking reasonable care of themselves and any other people who may be affected by their actions;
2. Co-operating by following policies, procedures and protocols designed for safe working;
3. Reporting all incidents and accidents involving their vehicles to the manager from COMPANY sites who engaged them;
4. Reporting any dangers, they identify or any concerns they may have about potentially dangerous situations or tasks being carried out that relate to their work environment to the manager that engaged them;
5. Compliance with a reasonable request to park safely or to move a vehicle in accordance with the site rules and local traffic management procedures

Assessing and Managing the Risk includes:

For every COMPANY site the management teams are required to complete detailed risk assessments for all activities in line with HSE guidance.²

Step 1 – Identify the hazards

Step 2 – Decide who might be harmed and how

Step 3 – Evaluate the risks

Step 4 – Record your findings

Step 5 – Review the risk assessment regularly

It is essential COMPANY sites have processes for

- conducting regular workplace inspections to review the effectiveness of the site rules, controls in relation to all site activities.
- Carrying out an assessment of any workplace activity/task and or environment that may create a risk to staff, strategic partners, contractors, and visitors.

Assessing the risks means taking into consideration all relevant workplace transport safety information which includes reference to specific and health and safety legislation and guidance.

Managers should involve staff and where possible staff health and safety representatives in the risk assessment process;

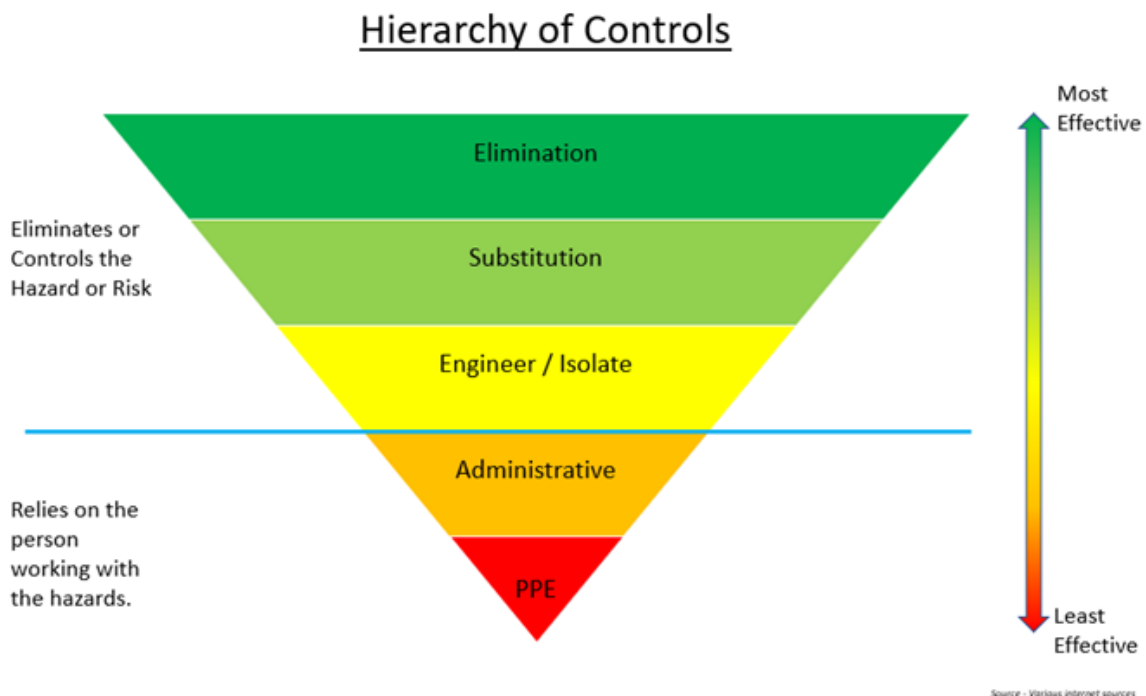
Communicating the results of the risk assessment findings to affected departmental staff to ensure awareness of the risks and actions being taken to minimise/ control the risk;

Ensuring any identified risks are tabled, discussed and actions taken through reports/information to the Health and Safety Committee(s);

Developing, implementing and monitoring specific risk controls by creating procedures, guidance and protocols for all workplace risk(s).

² <https://www.hse.gov.uk/simple-health-safety/risk/steps-needed-to-manage-risk.htm>

In Health and Safety methodology is the concept of ‘Hierarchy of risk controls’ and it is the foundation of risk reduction for the health, safety and welfare of staff every day. This methodology is an essential and expected requirement for each site to demonstrate in their risk management processes.



It is a prioritised list of risk reduction where you manage the risk in the following prioritised order.

1. **Eliminate** – can you eliminate the risk from the person? if you cannot;
2. **Substitute** – can you substitute the identified risk with a smaller risk? if you cannot;
3. **Isolate** – can you isolate the person from the risk? If you cannot
4. **Administrate** – you need to administrate the risk with signs, training, and new procedures
5. **PPE** – and finally if you still identify a risk, you must consider, as a last resort, PPE

Identify hazards

Look around your workplace and think about what may cause harm (these are called hazards). Think about:

- how people work and how plant and equipment are used
- what chemicals and substances are used
- what safe or unsafe work practices exist
- the general state of your premises

Look back at your accident and ill health records as these can help you identify less obvious hazards. Take account of non-routine operations, such as maintenance, cleaning or changes in production cycles.

Think about hazards to health, such as manual handling, use of chemicals and causes of work-related stress.

For each hazard, think about how employees, contractors, visitors or members of the public might be harmed.

Vulnerable workers

Some workers have particular requirements, for example young workers, migrant workers, new or expectant mothers and people with disabilities.

Talk to workers

Involve your employees as they will usually have good ideas.

Assess the risks

Once you have identified the hazards, decide how likely it is that someone could be harmed and how serious it could be. This is assessing the level of risk.

Decide:

- Who might be harmed and how?
- What you're already doing to control the risks
- What further action you need to take to control the risks
- Who needs to carry out the action?
- When the action is needed by

Control the risks

Look at what you're already doing, and the controls you already have in place. Ask yourself:

- Can I get rid of the hazard altogether?
- If not, how can I control the risks so that harm is unlikely?

If you need further controls, consider:

- redesigning the job
- replacing the materials, machinery or process
- organising your work to reduce exposure to the materials, machinery or process
- identifying and implementing practical measures needed to work safely
- providing personal protective equipment and making sure workers wear it

Record your findings

You must record your significant findings, including.

- the hazards (things that may cause harm)
- who might be harmed and how?
- what you are doing to control the risks

To help you, we have a [risk assessment template and examples](#). Do not rely purely on paperwork as your main priority should be to control the risks in practice.

Review the controls

You must review the controls you have put in place to make sure they are working. You should also review them if:

- they may no longer be effective
- there are changes in the workplace that could lead to new risks such as changes to:
 - staff
 - a process
 - the substances or equipment used

Also consider a review if your workers have spotted any problems or there have been any accidents or near misses.

Update your risk assessment record with any changes you make.

Signature Page

Group

Date

Date

Site Leadership team

Date

Date

Date
