

A migrant worker is someone who has worked in the UK in the last 12 months and came to the UK in the last 5 years. The Office for National Statistics quoted in the 3rd quarter of 2014 that 2.9 million non UK nationals were working in the UK.

The sectors with the largest proportion of migrant labour are typically low paid jobs such as agriculture 50%, unskilled factory work such as food processing and clothing manufacture 43%, construction at 6% but over 25% in large cities, over 30% of cleaners and 45% of new entries to nursing and midwifery.

Health & Safety law in the UK protects all migrant workers whether legally employed or not. The Health Safety Executive has identified 4 key factors why migrant workers are more at risk:

- Language skills
- Unscrupulous employers
- Inexperience
- Cultural differences

Other key factors are short term working, limited knowledge of UK law and health and safety, limited means of communication between Supervisors and migrant workers and a desire to earn as much as possible in as short a time as possible.

## Legal Requirements

**The Management of Health and Safety at Work regulations, 1999** (MHSWR) make the requirements for risk assessment. In the context of migrant workers this should include language & communication, basic competencies in language and numeracy, consideration of cultural attitudes and adequate supervision. Regulations 10 and 13 MHSWR requires the employer to provide comprehensible information on health and safety risks and adequate training respectively.

**The Personal Protective Equipment Regulations 1992** make requirements relating to information and training which must be comprehensible to the persons it is provided.

**The Provision and Use of Work Equipment Regulations 1992** requires employers to provide adequate comprehensible health and safety training for those employees using work equipment.





### Best Practice

- Establish a minimum level of acceptable literacy (English) and numeracy skills. Test and validate all current and potential employees to that standard
- Offer English for speakers of other languages (ESOL) courses to raise standards to higher levels
- Check overseas educational and vocational qualifications for acceptability and compatibility with UK standards
- Review induction procedures to take into account language skills, understanding, competency tests and relevant cultural considerations
- Look to provide translation of policies, procedures, risk assessment, safe systems of work, training etc
- Replace written descriptions with universally/visually comprehensible diagrams, sketches and photographs
- Look at “buddy working” with someone who has similar background but better language skills or is bi-lingual
- Implement a system of job cycle checks post training to validate competency
- Train Managers and Supervisors to understand differences between migrant workers and UK workers to ensure collaborative approach to work.

### Guidance and useful information

- [www.hse.gov.uk/migrantworkers/employer.htm](http://www.hse.gov.uk/migrantworkers/employer.htm)
- [www.businesslink.gov.uk/agencyworkers](http://www.businesslink.gov.uk/agencyworkers)
- [www.businessgateway.com](http://www.businessgateway.com) (Scotland)
- [www.gov.uk/gangmasters-licensing-authority](http://www.gov.uk/gangmasters-licensing-authority)
- [www.elhs.co.uk](http://www.elhs.co.uk) (QBE preferred supplier of e-learning products)

### Further information

For more information please visit: **[www.QBEurope.com/risk-solutions](http://www.QBEurope.com/risk-solutions)** or email us on **[RM@uk.qbe.com](mailto:RM@uk.qbe.com)**