

# Guide to Compliance

It's time to prepare, be proactive and get protected with Alcumus SafeContractor.



# Why Should Compliance Matter to Your Business

Navigating the complexities of compliance can be quite a journey for small businesses. We understand the challenges, from the weighty fines to potential damage to your reputation. As experts in the field, we're here to guide you through, ensuring your path to success is as smooth as possible.

In a world where the boundaries of compliance are constantly moving, we know how difficult it can be to stay up-to-date, especially when it comes to changes in legislation. Furthermore, making the required changes within your business to ensure you continue to comply with new regulations can be a real challenge.

In a recent customer survey, we identified the most common compliance challenges that small businesses tend to face:

- ☒ Limited knowledge of legislative requirements
- ☒ Lack of time and resources to implement required changes
- ☒ Insufficient internal expertise to identify and mitigate risks



## How Can Compliance Support Your Business Growth?

We've been meeting with hiring clients to understand their requirements when searching for the right contractors for their business, and there were 3 key areas consistently being mentioned;

- **Health and safety compliance** – they want to work with businesses that care about workplace safety.
- **Right-to-work checks** – they want contractors that are proactively demonstrating their workforce are compliant.
- **Modern slavery** – they want to work with contractors that understand their responsibility to protect businesses and people from modern slavery.

## Why Should Compliance Matter to Your Business?

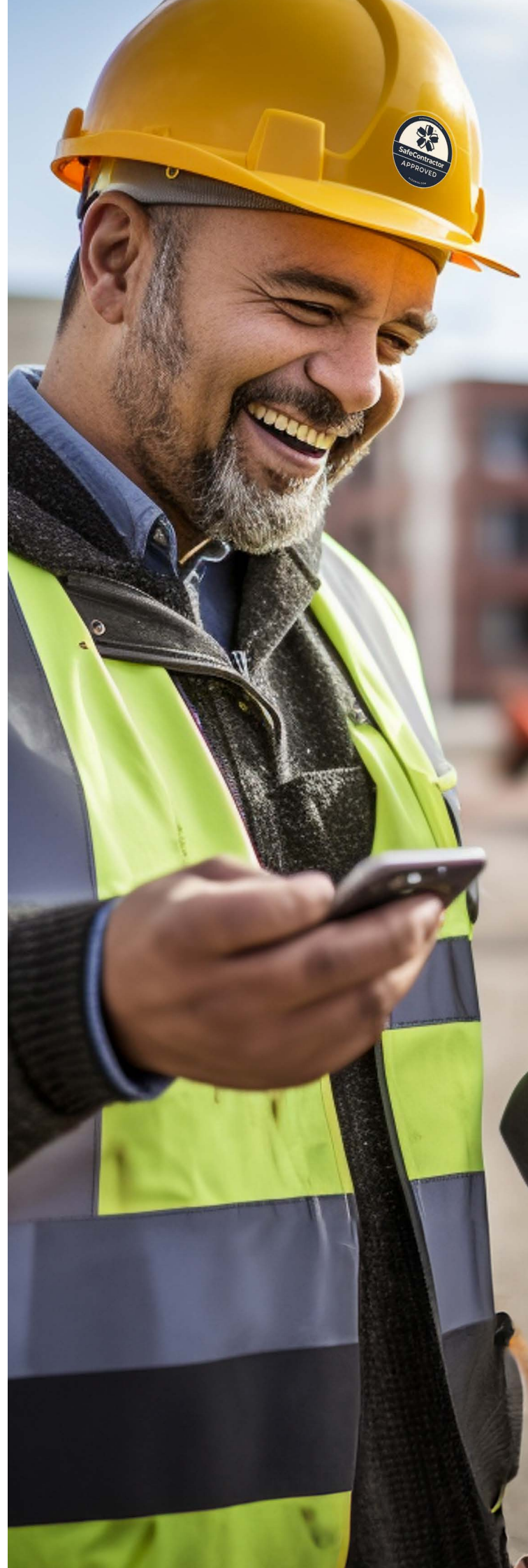
When thinking about compliance, many people will focus on the financial and legal risks associated with non-compliance. However, there are many indirect risks that also need to be considered.

### Direct Risks:

- HSE fines
- Prosecution
- Accidents or incidents
- Employment tribunals

### Indirect Risks:

- Reputational damage
- Loss of work
- Reduced productivity
- High employee turnover
- Strain on business resources



# Compliance Supports Business Growth

The larger hiring clients asking you to become accredited by SafeContractor frequently tell us how critical it is that they partner with safe and compliant contractors and suppliers to support their projects. In fact, most of these well-known brands, including Mitie and CBRE, will actively choose not to subcontract to those who are unable to adhere to their Health and Safety standards.



We have some serious business objectives for this year, and we can't deliver these alone, we need to work with safe and compliant partners who are aligned with what we're trying to achieve. We also need to be able to actively demonstrate our commitment to sustainability and ESG. These topics have never been higher on our agenda, and we are constantly looking at ways in which we can do good by our planet, as well as by our people and the communities in which we operate.

Again, our suppliers are key to this, and in 2024 we need to be better at analysing and reporting on what our onsite contractors are doing when it comes to these key topics, especially within areas such as modern slavery.

Adam Hicks, Head of Procurement, ERIKS UK & IRELAND.

## How Can We Help?

**At Alcumus SafeContractor, we believe that preparation, proactivity, and protection are at the core of a resilient safety culture.**

### Be Prepared

Our mission is to empower businesses like yours to be sufficiently prepared by ensuring you are well-versed in safety protocols and understand regulatory requirements.

Our dedicated team of Health & Safety experts stay one step ahead of all legislative changes, so you can rest assured that you're always complying with the latest guidelines.

### Be Proactive

We also help organisations to take a proactive approach, our dedicated team can help you identify potential risks before they escalate, and support you to develop effective strategies to address them.

### Be Protected

And finally, we aim to help you protect your workforce and assets by ensuring you have the relevant policies, procedures, training, risk assessments and credentials in place to ensure a safer and more secure working environment for your team.

**Keeping people safe is what we do every single day, and our friendly experts will be with you on every step of your journey to compliance.**

# Key Areas of Compliance to Consider



Health & Safety



Right to Work Checks



Modern Slavery

# Health & Safety at Work Act 1974

It's time to protect your business and your people

## Why Does Health and Safety Matter?

As cases of work-related ill-health continue to rise, business owners face increasing pressure to demonstrate their commitment to employee wellbeing. However, we understand the challenges you face in effectively managing health and safety, especially when time and resources are limited, and we know that hiring a dedicated professional permanently can be expensive, especially for smaller businesses.

## How Are Fines Calculated?

When addressing a health and safety breach, the court considers the organisation's culpability and the harm category associated with the violation. The appropriate penalty is then determined based on the business turnover. For larger organisations, this could mean facing financial consequences in the tens of millions. For a small contractor, a breach could potentially lead to the harsh reality of going out of business.

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There's no denying the importance of workplace health and safety — protecting workers, visitors and customers from harm should be a priority for all organisations, regardless of industry or size.

## Who is Liable?

In the unfortunate event of an accident or incident within your business, understanding who bears the responsibility is crucial.

## Health and Safety at Work Act 1974 Section 2

In this section the Act clearly states that the employer has a duty to ensure, so far is reasonably practical, the health, safety and welfare at work of all their employees, which involves:

- Provision and maintenance of plant and systems of work.
- Provide information, instruction, training and supervision to ensure safety.
- Maintenance of any workplace.
- Provide adequate facilities and arrangements for the welfare of employees at work.

## Health and Safety at Work Act 1974 Section 37

Under the Health and Safety at Work Act 1974, one key section to consider is Section 37. This section outlines that individuals with operational control or influence over policies, procedures, and culture could face prosecution in the event of non-compliance with health and safety regulations. It's worth noting that Section 37 explicitly specifies that both individuals and the company (body corporate) can face consequences.





## What is the Role of a Contractor?

Large hiring organisations also bear responsibility for the compliance of contractors within their supply chain, emphasizing the importance of choosing safe, compliant supply partners.

Simultaneously, contractors play a vital role. It's crucial for them to understand their responsibilities in ensuring the safety of their employees and effectively managing their well-being. When both parties manage their health and safety policies and procedures, preparation and proactivity become the order of the day.



## Case Study:

The Impacts of Non-Compliance with Section 37 of the Health and Safety at Work Act

This case study sheds light on the repercussions of failing to comply with Section 37 of the Health and Safety at Work Act.

### How did the breach occur under the Health and Safety at Work Act?

The breach involves Hand Arm Vibration Syndrome (HAVS), which affected three employees conducting work for the company using heavy drilling and hammering machinery. Although the company had risk assessments in place, it failed to identify the level of exposure to vibrations that led to HAVS and relied on outdated data. Employees were not informed about the risks of HAVS, and the company neglected to monitor their health.

## Consequences?

- The director pleaded guilty in 2019 to breaching section 37 and received a 12-week suspended sentence, a 12-week curfew and was required to pay the employee's legal costs of £3,560.
- The company was also found guilty of breaching their duty to ensure the health, safety, and welfare at work of their employees under section 2(1) of the 1974 and fined £36,667 and costs of £3,560.

## Alcumus SafeContractor Support

At Alcumus SafeContractor, we're here with you every step of the way, ensuring your business is protected and compliant. Our range of 'safe' solutions are designed to help you demonstrate your commitment to a safe working environment.

- ☒ Safety Accreditation from SafeContractor
- ☒ Dedicated H&S experts who can act as your competent person from SafeWorkforce
- ☒ Support to review and create documentation from SafeWorkforce
- ☒ Employee training from SafeLearning

# Right to Work Checks

## It's time to protect your business and your people

As recruitment challenges continue to be an issue for many, and regulations surrounding worker rights in the UK continue to evolve, ensuring the accuracy of the right to work check process has become increasingly critical.

### What is a Right to Work Check?

A right to work check is a Home Office process used to determine whether someone is an illegal worker. The simple three-step process requires the potential employer to check that the applicant's original documents are valid. The increase in enforcement comes as the Home Office establishes the UK's first cross government ministerial taskforce on immigration enforcement.



In 2024, the fines associated with failing to comply with Right to Work checks are increasing by 200%.

### How to Complete a Right to Work Check?

If you're unsure on how to complete a right to work check, here is a simple step by step guide to take you through the process.

[Download Resources](#)

### Why Are Right to Work Checks Important?

Both hiring clients and contractors bear a legal responsibility to confirm that potential employees or hires have the required credentials to work in the UK before employment. Remember, bad news travels fast. If an organisation collaborates with a contractor or supplier failing to conduct right to work checks and subsequently incurs fines, it will directly and negatively affect the hiring clients' operations and reputation. For the contractor or supplier, the financial implications could lead to closures or a loss of work.

### The Cost of Non-Compliance

Last year, the UK Government announced an increase in the maximum fines issued to employers found employing individuals without lawful immigration status (illegal workers).

#### For a first offence the civil penalty for employing an illegal worker

- 2023 maximum penalty = £15,000
- 2024 maximum penalty = £45,000

#### For a repeat offender the civil penalty for employing an illegal worker

- 2023 maximum penalty = £20,000
- 2024 maximum penalty = £60,000

### What Are the Common Mistakes?

- Failing to update HR procedures.
- Accepting biometric residence permits as valid proof of right to work.
- Failing to record the date the check took place.
- Failing to hold term dates for students and tier four visa holders.



### Alcumus SafeContractor Support

Our team of dedicated HR experts from SafeWorkforce frequently support smaller businesses throughout the recruitment process. They can help you to understand and prepare robust right to work checks for you to carry out before an employee starts working for your business.



# The Modern Slavery Act 2015

## It's Time to Stamp Out Exploitation

### What is Modern Slavery?

Modern slavery involves the exploitation of individuals. It can often take on various forms that can sometimes be hard to identify, but it includes dehumanising people, forcing them into work against their will, restricting their freedom, treating them as commodities, or even asserting ownership or control over them.

### Why is Modern Slavery Important for Your Business Growth?

Even though smaller businesses face fewer modern slavery risks, engaging in due diligence and implementing suitable policies has become essential for securing business, especially in the public sector. Your role is crucial in your community, serving as an employer, supplier, purchaser, and neighbour. By actively identifying exploitation and supporting survivors, you contribute significantly to ensuring our communities remain sustainable and free from slavery.

### What Steps Can Your Business Take?

Whilst the legislation requires only businesses with a turnover above £36 million to produce a modern slavery statement, demonstrating your commitment will set your business apart for hiring clients.

- Produce a modern slavery statement.
- Provide employee training.
- Be proactive when searching for suppliers.

According to figures from Unseen's Modern Slavery & Exploitation Helpline, modern slavery is continuing to rise among the 2 million people working in construction in the UK.



### Case Study:

DJ Houghton Catching Services

Convicted of exploiting six Lithuanian men and violating the Modern Slavery Act. These individuals were trafficked to the UK and forced to catch chickens on farms across the country, all while being regularly employed by Noble Foods—the foremost egg producer for supermarkets and owner of Happy Eggs.

**The repercussions? £1 million in compensation and legal costs, underlining the severe consequences of exploitative practices.**



# SafeContractor

Be Prepared, Proactive and Protected with Alcumus SafeContractor. We're here to support the safety of your business and your people.

Alcumus SafeContractor is a leading provider of technology-led risk management solutions providing clients with advice, expertise and support to help them identify and mitigate risks, navigate compliance and keep people safe. It supports both UK and International clients – many of whom are on the FTSE 100 index – with a wide range of risk management services. This includes products across Supply Chain, EHSQ+ Risk, UKAS Accredited Certification and HR and health and safety support services.

Our people are at the heart of our business, building strong relationships with our clients to understand their needs, minimise risks and navigate compliance through our in-depth knowledge of your sector, regulations and challenges.

Here to help your business  
create better workplaces

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