



## Guidance Note GN-017

# Guidance note on English speaking requirements



# MATS Group Guidance Note

## English speaking requirements

### 1 Introduction

This document provides guidance on how to address the communication challenges involved in directly employing workers or contractors (workers) that are non- English speaking, have a limited knowledge of English or are British citizens with poor English language competency (non-English speaking).

Health and safety law does not generally require workers to be able to speak and read English, however you must ensure that you adequately communicate with your employees and contractors to make them aware of the risks of their work, and that they understand the health and safety information and instruction you give them.

If your employees or contractors do not speak English it will be necessary to provide them with information in a form they can understand. Or in certain circumstances it may be appropriate to insist that the workers for a particular activity need to have good English language skills and therefore you may have to set a minimum language level requirement.

### 2 Purpose

The inability to speak or understand English poses a communication risk to the health and safety of the individual and other workers that may be on a mast or tower site when it is being constructed or when telecommunications or broadcast equipment is being maintained. You are also responsible for the health and safety of others that may be affected by your work, such as other contractors on site, and members of the public.

This guidance is intended to assist you address the communication challenges involved in employing workers with little or no English language skills. This is to ensure their safety and welfare and to promote an inclusive and positive health and safety culture within the industry.

If your organisation employs non-English speaking workers you must consider the needs of these workers and determine how you will discharge your statutory duty to:

- assess the risk and take action so they are at no greater risk than other employees
- provide understandable information, instruction and training on the risks
- promote health and safety
- provide adequate supervision.

### 3 Scope

The guidance in this document is intended for activities on telecommunications and broadcast Mast and tower sites that includes roof top, greenfield and street sites. Activities may be undertaken by a principal contractor on behalf of a client, and workers directly employed or engaged through a subcontracted supplier.

### 4 Guidance note on English speaking requirement

#### 4.1 Legal requirements

You have a general duty of care under the Health and Safety at Work etc. Act 1974 (HASAWA) to provide your employees with such information that is necessary to ensure their welfare at work. The Management of Health and Safety at Work Regulations 1999 (MHSW) require you to provide your employees and contractors with comprehensible and relevant information on the risks to their health and safety and the precautions to be taken to avoid these risks.

As an employer, you are required to assess the risks associated with the individual and where the ability to speak and understand English is critical.

## 4.2 What can go wrong

Employing workers that are non- English speaking, or have a limited knowledge of English can present a hazard. As with all health and safety hazards the risk needs to be assessed. The risk of poor communication can arise from a range of issues such as:

- failing to communicate critical health and safety messages to workers
- not being able to understand the site safety induction
- not being able to adequately respond to an emergency on site
- not understand a verbal warning of an immediate danger or be able to warn others of an immediate danger
- being unable to, or feel uncomfortable to report a health and safety concern
- not understand safety critical technical specifications and information
- not be able to communicate effectively with supervisors
- someone with English skills relied upon to act as an informal translator being absent when required.

## 4.3 How to reduce the risk

Health and safety information should be provided in a way that takes account of any language difficulties or disabilities and delivered in a suitable format so it can be understood by everyone. Health and safety information is typically issued both as a:

- written instruction such as a construction phase plan, risk assessment, method statement, health and safety training material and site-specific information
- verbal instruction such as a tool box talk, site induction, and urgent warning of an immediate hazard.

For employees with little or no understanding of English you may need to consider reasonable means of reducing the risk. These could include:

- provide translated documents and safety information, translated by an accredited translator so that you can be confident technical terms have been properly translated
- using safety signs and symbols comprising a pictogram plus written information that comply with the Health and Safety (Safety Signs and Signals) Regulations 1996
- using bilingual employees, with sufficient English skills, to act as interpreters for their non-English speaking colleagues
- providing appropriate language skills training for employees and workers when deemed necessary
- allowing sufficient time for site induction and training and to test workers have correctly understand what has been said
- check that workers can effectively communicate any concerns they have about health and safety on site and they know what action to take in an emergency on site.

Below are some of the steps you should consider making sure risks are controlled.

## 4.4 Setting a minimum English language standard

If, after you have considered the reasonable means to control a risk and there still remains a significant health and safety risk, then it may be appropriate to insist that the workers for that activity need to have good English language skills.

Therefore, you may have to set a minimum language level requirement. There may also be certain high-risk activities where good English skills are a prerequisite and they may not be undertaken by non-English speaking workers such as:

- Lone working
- Activities that require strict controls e.g. a permit to work
- Work designated as safety critical.

In setting a minimum English level competency you can specify the competency levels provided by the English for Speakers of Other Languages (ESOL) courses so you can be confident workers can

meaningfully cope with day to day language, written work procedures and instructions and have attained an appropriate level to act as a supervisor.

#### **4.5 Worker training**

Use simple, clear English in training sessions, and advise trainers on how to communicate clearly. This may require additional time to make sure workers have received and understood the instruction and training they need to work safely and can effectively communicate any concerns they have about health and safety on site and they know what action to take in an emergency on site. You could also consider using video as an alternative or to supplement written information.

#### **4.6 Safety signs and notices**

You should ensure the maximum use of internationally recognised pictogram safety signs that should comply with the Health and Safety (Safety Signs and Signals) Regulations 1996. In some instances, it would be impractical to translate site signs and signs into several languages but they should be included on other communication with the worker.

#### **4.7 Monitoring and auditing work practices**

It is important that you have a process to regularly monitor and audit working practices and controls put in place. This is to check the employees fully understand their roles and responsibilities and that health and safety information has been delivered effectively, received and understood. Make sure:

- workers are adequately supervised and can communicate with their supervisors
- workers know where and how to raise any concerns about their health and safety and about any emergency arrangements or procedures
- workers are reminded about accident and near miss reporting.

#### **4.8 Providing supervision**

To ensure there is adequate support for non-English speaking workers the contractor will need to provide at least one English speaking person on each site to act as supervisor. For lower risk activities, you could ask an employee who speaks good English to act as an interpreter but there may be a tendency to over rely on this person.

Supervisors should be instructed to observe working practices to check that work tasks are being performed safely, instructions and training practices are being followed, and to ask questions to test if the worker understands the instruction being given.

The site supervisor should:

- be able to speak and read English to a reasonable standard
- must have the technical knowledge and understanding of the terminology used
- be allocated time to undertake the supervisor function
- check that health and safety information has been understood.

You should consider how you mitigate the risk of the English-speaking supervisor becoming incapacitated in your risk assessment.

#### **4.9 Interpreters**

Depending on the risk identified by your risk assessment you may have to specify a ratio of interpreters to the number of workers in addition to the site supervisor. Whoever is acting as interpreter must stay with the workers at all times in order to deliver inductions, instructions and act as liaison with the other people who may be on site. The interpreter may have a wider role in assisting with identifying the location of sites and arranging access and transportation to the site.

Arrangements must be in place if the interpreter is called upon to work elsewhere, not available for any reason or becomes incapacitated due to illness or injury. This should be reflected in your risk assessment. You should discuss the requirement for interpreter with the sub-contractor and include the requirement in the contract conditions.

#### **4.10 Site induction**

Critical site-specific health and safety information is provided by site inductions. You should determine how the delivery, format, and content of the site induction needs to be adapted for non- English-speaking workers and those with a limited knowledge of English. Inductions and training may need to be more

interactive and collaborative, for example by asking questions to test individuals understanding of the information being imparted and that they know what action to take in an emergency, rather than simply ask if they understand.

#### **4.11 Using an interpreter or speaking to someone with a limited knowledge of English**

You should speak slowly, and keep your sentences short and to the point if you are having your words translated or speaking directly to someone with a limited knowledge of English.

Actively encourage the worker, or through the translator, to ask questions and let you know if they do not understand what is being said. You may wish to have a vocabulary list of words that are specific to working on your telecommunications and broadcast industry site. Be prepared to repeat yourself if you are not understood.

#### **4.12 Translation**

You must provide relevant information about the risks to which workers may be exposed and the precautions they will need to take to avoid those risks. You can translate written materials such as risk assessments and method statements, into the appropriate language and issue them to the workers. You should state that you require written health and safety information produced by your contractor to be translated into English so that you can verify its content is suitable and adequate.

You must ensure you use a competent translator that is familiar with any technical terms and check the quality of the translation. Translation and interpretation require different language skills. Try to use images and photographs wherever possible in written information to get the message across. You should consider asking for feedback on translated documents.

You could also consider using video as an alternative to written documents.

#### **4.13 English training and qualification**

You must ensure the capability and effectiveness of anyone acting in a translating or interpreting role. For example, if a person has received English language training abroad, then you should check that the standard is suitable for the roles and responsibilities the person has to carry out.

You may wish to consider providing English for Speakers of Other Languages (ESOL) courses for workers who need to improve their English or specifying this as a requirement for people acting in a supervision role. ESOL courses are provided by registered training organisations.

Document control

Issue	Date	Notes
Issue 1	26/5/17	First draft submitted to Chair
Issue 2	5/9/17	Formatted to MATS Draft guidance format for distribution
Issue 3	5/11/17	Addition of risk assessment reference in 3.5 and 3.6, and comment in 3.10 following feedback from members to draft. Related documents added.

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