# Subcontractors

hen there is short term work to be done or expert skills are needed, a main contractor may benefit from hiring a subcontractor (either an individual or a company) to undertake part or all of his obligations. However, contractors still remain the ultimately responsible party to provide the client the services agreed in his signed contract. For example, a building contractor may hire a subcontractor to complete the electrical wiring part of the contractor's building job, but he is still responsible to the client for the building job, including the part performed by the subcontractor.





Many businesses typically use contractors for:

- building work
- warehousing
- catering
- cleaning
- gardening
- marketing services
- IT maintenance and support
- security services
- recruitment.

#### **Pros**

- More specialist expertise.
- Temporary cover for permanent staff work when extra jobs need to be done.
- Permanent staff can concentrate on the company's core business.
- National insurance contributions don't have to be paid.
- Extra staff can be recruited and dismissed as needed, thus cutting permanent personnel costs.

#### Cons

- Subcontractors may cost more than the equivalent daily rate employees.
- A business does not acquire or develop skills in-house.
- Difficult cooperation and coordination of the work.
- Subcontractors may lack the motivation and commitment of permanent staff.
- No tax deductions on subcontractors.
- No contract of employment but same employment rights.
- Extra health and safety responsibilities.
- Need of a suitable insurance coverage (public liability insurance to cover subcontractors, who need their own insurance too).

As the outsourcing of business functions has become more popular, companies run more risks and share increasing amounts of confidential data, which may pertain to employees, customers, business partners or other third parties. Therefore, they often take appropriate contractual protections in order to be able to recover damages in case of significant financial and reputational harm from breaches.

#### Some of these clauses are:

- protection of intellectual property rights, if they are accessed or used;
- confidentiality or non-disclosure agreement, which forbids any confidential aspect of a business to be revealed (such as a project schedule, performance targets and deadlines or a payment schedule);
- conformance to quality, health and safety standards;
- conformance to **environmental protection agreements**, under the Environment Protection Act 1997 (a regulatory framework to help reduce and eliminate the discharge of pollutants into the air, land and water, besides environmental pollution due to noise).



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## 1 Complete these sentences in an appropriate way.

- A contractor needs a subcontractor's help when
  The person who signs the contract with the client is
- 3. In some periods of the year subcontractors replace .....
- 4. One economic advantage of hiring subcontractors is that5. Hiring subcontractors may cost
- 6. It is often quite difficult to ......
- 7. Contractors can't deduct and have to
- 8. Outsourcing business functions may ......
- 9. In order to protect their financial and personal reputation from the disclosure of confidential data ......
- 10. An employee cannot reveal a company's projects, payments and schedules because .....



Choose from the sentences A-E the one which fits each gap.



### Is Subcontracting Always Worthwhile?

- **A.** If the involvement of professionals is not legally required, it may still be advantageous for a company to subcontract specialised consulting services.
- **B.** Subcontracting to these high-volume companies generally saves substantial amounts of money, but the contracts must specify the levels of performance and the quality that the principal company requires.
- **C.** In all these cases, companies look at subcontracting as a possible option, since it solves the immediate problem the company is facing.
- **D.** But, since the main contractor lacks the expertise in these fields, he is at the mercy of the subcontractors in that respect.
- **E.** However, larger projects always come with higher risk and when more subcontractors receive orders, the risk that one of them will not perform as required is higher.