

HEALTH & SAFETY IN DEVELOPMENT

Overview

The Health & Safety Executive regulate health and safety in the building industry. The Construction Design and Management regulations (CDM) are derived from European Law and are similar to the equivalent Irish legislations. The CDM regulations provide for an all around broadly based health and safety management system in construction from design to completion. The regulations were revised in 2007 so as to be less bureaucratic.

The CDM Regulations are in addition to many other general regulations relating to construction site safety. See our general guides on Health and Safety in the workplace. The Regulations are supplemented by an approved Code of Practice "Managing Health & Safety in Construction" which are available online from the Health and Safety Executive (HSE).

The CDM Regulations apply to most projects other than certain short projects or projects of a minor nature. Breach of the legislation is a criminal offence which may give rise to sentences and unlimited fines. There is also civil liability where accidents have occurred or there has been loss and damage.

Under the CDM regulations, the contractor is no longer the sole responsible person. Other parties involved in the process have responsibilities for construction health and safety. There are two categories of obligation; those relating to projects lasting more than 30 days or involving more than 500 construction work days are subject to more onerous requirements.

Developer / Client

The developer or “client” must check competence and resources of all appointees. It must ensure there are suitable management arrangements for the project welfare facilities. It must allow sufficient time and resources for all stages and provide pre-construction information to designers and contractors

For larger projects the developer must appoint the CDM co-ordinator and principal contractor. It must ensure that the construction phase does not start unless there are suitable welfare facilities and a construction phase plan is in place. It must provide information relating to the health and safety file to the CDM co-ordinator and must retain and provide access to the health and safety file. There must be both a CDM co-ordinator and principal contractor until the end of the construction phase.

CDM Co-ordinator.

The CDM co-ordinator must advise and assist the client with his/her duties and must notify HSE. The role can be undertaken by a firm or person performing other functions such as an architect.

The CDM co-ordinator must co-ordinate health and safety aspects of design work and cooperate with others involved with the project. It must liaise with principal contractor regarding ongoing design, must identify, collect and pass on pre-construction information and prepare and update the health and safety file

Designers

The designers must eliminate hazards and reduce risks during design. They must provide information about remaining risks. In the case of larger projects the designer must check client is aware of duties and CDM co-ordinator has been appointed and provide any information needed for the health and safety file.

Contractors

In the case of larger projects, there must be a “principal contractor” who must plan, manage and monitor construction phase in liaison with other contractors. They must prepare, develop and implement a written plan and site rules. The Initial plan must be completed before the construction phase begins. They must give the other contractors or sub-contractors relevant parts of the plan.

The principal contractor must make sure suitable welfare facilities are provided from the start and maintained throughout the construction phase. They must check the competence of all appointees. They must ensure all workers have site inductions and any further information and training needed for the work. They must consult with workers and must liaise with CDM co-ordinator regarding ongoing design. They must secure the site.

Contractors generally must plan, manage and monitor own work and that of workers. They must check competence of all their appointees and workers, train their own employees, provide information to their workers, comply with the specific requirements in Part 4 of the Regulations and ensure there are adequate welfare facilities for their workers

Workers

Individual construction workers must check their own competence. They must co-operate with others and co-ordinate work so as to ensure the health and safety of construction workers and others who may be affected by the work. They must report obvious risks

This Guide is intended as an overview and broad outline of the matters covered in it. Its purpose is to inform and raise awareness. We are happy to offer specific legal advice on particular circumstances.

This Guide should not be relied on as a substitute for comprehensive legal advice with reference to the particular circumstances.

While we have taken due care in the preparation of this publication, we do not accept legal liability as a result of any reliance placed on anything in this Guide. The reader should rely only on specific legal or taxation advice.

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