BRIEFING NOTE 3.01
Health and safety in construction including CDM guidance

Generally, the laws governing health and safety relate to all construction activities (including design) and are not industry specific. There are several Acts and Regulations involved and information on how to access these is provided at the end of this appendix. Some of the principal Acts which deal with health, safety and welfare in construction are as follows:

- Health and safety at Work etc. Act 1974
- Mines and Quarries Act 1954
- Factories Act 1961
- Offices, Shops and Railways Premises Act 1963
- Employers Liability Acts – various
- Control of Pollution Act 1989
- Highway Act 1980
- New Roads and Streetworks Act 1991
- Corporate Manslaughter and Corporate Homicide Act 2007

The fundamental Act governing health and safety in construction is the Health and safety at Work etc. Act 1974. This act has some 62 separate Regulations and it is not possible to deal with such a large subject area here, however, the principal regulations of this Act, which affect design and construction, are:

- Management of Health and Safety at Work Regulations 1999 amended 2006
- Construction (Design and Management) Regulations 2015 (known as the CDM Regulations)
- The Work at Height Regulations 2005 amended 2007

Some other related regulations and guides are:

- Site Waste Management Plans Regulations 2008
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 1995
- The Control of Major Accident Hazards Regulations 1999 (COMAH) amended 2005
- The Chemicals (Hazard Information and Packaging for Supply) Regulations 2003 (CHIP 3)
- The Health and Safety (Display Screen Equipment) Regulations 1992
- COSHH (Control of Substances Hazardous to Health) Regulations 2002: Provision and Use of Work Equipment Regulations (PUWER 98)
- Lifting Operations and Lifting Equipment Regulations (LOLER 98)
- Personal Protective Equipment at Work Regulations 1992
- Signposts to the Health and Safety (Safety, Signs and Signals) Regulations 1996
- Control of Asbestos Regulations 2006
Construction (Design & Management) Regulations 2015

The Construction (Design & Management) Regulations came into force from 6th April 2015. For projects that commenced before this date, transitional arrangements have been outlined. Projects commencing after this date must comply with the requirements of CDM 2015.

Summary of roles and duties under CDM 2015

Clients

Clients are organisations or individuals for whom a construction project is carried out – the client’s duties include ensuring suitable arrangements for managing a project. This includes making sure that:

- other dutyholders are appointed
- sufficient time and resources are allocated

Make sure:

- relevant information is prepared and provided to other dutyholders
- the principal designer and principal contractor carry out their duties
- welfare facilities are provided

- Appoint the right people at the right time
- Ensure there are arrangements in place for managing and organising the project
- Allow adequate time
- Provide information to the designer and contractor
- Communicate with the designer and building contractor
- Ensure adequate welfare facilities on site
- Ensure a construction phase plan is in place
- Keep the health and safety file
- Protect members of the public, including employees
- Ensure workplaces are designed correctly

Notification of projects

For some construction work (work lasting longer than 30 days with more than 20 workers working at the same time, or involving 500 person days of work), clients need to notify HSE of the project as soon as possible before construction work starts. In practice, clients may request someone else to do this on their behalf.

Domestic clients

Domestic clients are people who have construction work carried out on their own home, or the home of a family member that is not done as part of a business, whether for profit or not.

Domestic clients are in scope of CDM 2015, but their duties as a client are normally transferred to:

- the contractor, on a single contractor project
- the principal contractor, on a project involving more than one contractor
The only responsibility a domestic client has under CDM 2015 is to appoint a principal designer and a principal contractor when there is more than one contractor. However, if this does not happen, (as is common practice) the duties of a domestic client are automatically transferred to the contractor or principal contractor. If the domestic client has a relationship with the designer before the work starts, the designer can also take on these duties, provided there is a written agreement between the domestic client and the designer to do so.

**Designers**

*Designers* are those who, as part of a business, prepare or modify designs for a building, product or system relating to construction work. When preparing or modifying designs, their duty is to:

- eliminate, reduce or control foreseeable risks that may arise during
  - construction
  - the maintenance and use of a building once it is built
- provide information to other members of the project team to help them fulfil their duties

**Principal Designer**

*Principal designers* are designers appointed by the client in projects involving more than one designer. They can be an organisation or an individual with sufficient knowledge, experience and ability to carry out the role. Their duty is to:

- plan, manage, monitor and coordinate health and safety in the pre-construction phase of a project, which includes:
  - identifying, eliminating or controlling foreseeable risks
  - ensuring designers carry out their duties
- prepare and provide relevant information to other dutyholders
- provide relevant information to the principal contractor to help them plan, manage, monitor and coordinate health and safety in the construction phase

**Principal Contractor**

*Principal contractors* are contractors appointed by the client to coordinate the construction phase of a project where it involves more than one contractor. Their duties are to:

- plan, manage, monitor and coordinate health and safety in the construction phase of a project. This includes:
  - liaising with the client and principal designer
  - preparing the construction phase plan
  - organising cooperation between contractors and coordinating their work
- to ensure that:
  - suitable site inductions are provided
  - reasonable steps are taken to prevent unauthorised access
  - workers are consulted and engaged in securing their health and safety
  - welfare facilities are provided
Contractors

Contractors are those who do the actual construction work and can be either an individual or a company. Their duty is to:

- plan, manage and monitor construction work under their control so that it is carried out without risks to health and safety
- for projects involving more than one contractor, coordinate their activities with others in the project team – in particular, comply with directions given to them by the principal designer or principal contractor
- for single-contractor projects, prepare a construction phase plan

Workers

Workers are the people who work for or are under the control of contractors on a construction site. They must:

- be consulted about matters which affect their health, safety and welfare
- take care of their own health and safety and others who may be affected by their actions
- report anything they see which is likely to endanger either their own or others' health and safety
- cooperate with their employer, fellow workers, contractors and other dutyholders

Notes

1. The above information does not include all the duties, nor does it distinguish between duties that are absolute (dutyholders 'must' comply with them), and duties that are qualified by terms such as 'as far as practicable' or 'as far as reasonably practicable' (dutyholders 'should' comply with them). See the HSE publication L 153 (Guidance on CDM 2015 Regulations) for further details.
2. Organisations or individuals can carry out the role of more than one dutyholder, provided they have the skills, knowledge, experience and (if an organisation) the organisational capability to carry out those roles in a way that secures health and safety.
3. Principal designers are not a direct replacement for CDM co-ordinators. The range of duties they carry out is different to those undertaken by CDM co-ordinators under CDM 2007.

Transitional Arrangements

CDM 2015 recognises that there will be construction projects that start before the Regulations come into force on 6 April 2015 and continue beyond that date. For these projects, the following transitional arrangements apply.

Where there is, or is expected to be, more than one contractor on a project:

- where the construction phase has not yet started and the client has not yet appointed a CDM co-ordinator, the client must appoint a principal designer as soon as practicable
- if the CDM co-ordinator has already been appointed the client must appoint a principal designer to replace the CDM co-ordinator by 6 October 2015, unless the project comes to an end before then
in the period it takes to appoint the principal designer, the appointed CDM co-ordinator should comply with the duties contained in Schedule 4 of CDM 2015. These reflect the duties placed on CDM co-ordinators under CDM 2007 rather than requiring CDM co-ordinators to act as principal designers, a role for which they may not be equipped.

Other transitional arrangements are:

- pre-construction information, construction phase plans or health and safety files provided under CDM 2007 are recognised as meeting the equivalent requirements in CDM 2015
- any project notified under CDM 2007 is recognised as a notification under CDM 2015
- a principal contractor appointed under CDM 2007 will be considered to be a principal contractor under CDM 2015

In all other circumstances, the requirements of CDM 2015 apply in full from 6 April 2015.

**Further information**


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