



Construction Industry Health & Safety Overview



Introduction:

This presentation will give a brief overview of current Health & Safety Legislation in relation to the construction sector outlining the implications for Contractors, Designers and Clients



Personal Background:

- TRTC Diploma in Civil Engineering 1996
- Joined MWP in 1996 as Engineering Technician
- Previously worked in general construction
- Project Manager since 1999
- Chartered Engineer in 2007 with Engineers Ireland and The Institution of Structural Engineers
- Project Supervisor Design Stage (PSDS) 1999-2006
- Project Supervisor Design Process (PSDP) since 2006
- Company In-house Health & Safety Committee
- Office Health & Safety



Legislation Overview – Background Legislation

- **Safety Health & Welfare at Work Act 2005 (No. 10 of 2005)**
 - forms the basis of all subsequent regulations
 - forms the basis of most actions brought against persons / companies
- **Safety Health & Welfare at Work (Construction) Regulations 2006 (S.I. No. 504 of 2006)**
 - supersedes 1989 Regulations
 - superseded by 2013 Regulations
- **Safety Health & Welfare at Work (Construction) Regulations 2013 (S.I. No. 291 of 2013)**
 - supersedes 2006 Regulations
 - came into effect on 1st August 2013
 - sets out duty holders (Client, Project Supervisors, Site Safety Representatives, Contractors, Employers)
 - sets out duties
 - specifies general safety provisions requirements for construction works
 - specifies safety requirements for
 - Excavations & underground works
 - Cofferdams and Caissons
 - Using compressed air
 - Using explosives
 - General health hazards
 - Construction work on or adjacent to water
 - Transport, earth moving, material handling, machinery & locomotives
 - Demolition work
 - Works on roads etc.
 - Construction site welfare facilities
- **Building Control (Amendment) Regulations 2013 (S.I. No. 80 of 2013)**
 - comes into effect on 1st March 2014



Additional Legislation affecting Employers / Employees within the Construction Industry

- Made under the Safety Health & Welfare at Work Act 2005
- The Health and Safety Authority (HSA) is primarily concerned with places of work and employers / employees
- **Safety Health and Welfare at Work (General Application) Regulations 2007** and subsequent amendments in 2010 and 2012
 - Specifies Health & Safety requirements with regards to:
 - the workplace
 - work equipment
 - PPE
 - manual handling of loads
 - display screen equipment
 - electricity
 - working at height
 - physical agents (noise & vibration)
 - sensitive risk groups (children, pregnant employees, night & shift workers)
 - safety signs & first aid
 - explosive atmospheres



Additional Legislation Continued

- **Safety Health and Welfare at Works (Exposure to Asbestos) Regulations 2006**
- **Relevant HSA Codes of Practice**
 - Avoiding danger from overhead electricity lines 2008
 - Access and working scaffolds 2008
 - Avoiding danger from underground services 2010
 - Contractor with 3 or less employees working on roads 2010
 - Working in confined spaces 2010
 - Design & installation of anchors 2010
 - Safety in roof work 2011
- **Relevant HSA Guidelines & Information Sheets (I.S.)**
 - Safe use of work platforms I.S. 2007
 - Safety in excavations guide lines 2007
 - Using ladders I.S. 2007
 - Use of mobile machinery on construction site guidelines 2008
 - Working on roads guidelines 2009
 - Safe use of dumpers on construction sites guidelines 2011
 - Definition of construction work 2012 – on line
 - Guide for home owners getting construction work done 2012
 - Guide for contractors & project supervisors carrying out construction work on private domestic dwellings 2012



Hierarchy of Legislation

SHWW Act [must comply]

→ SHWW Regulations [must comply]

→ Codes of Practice

[not required to comply but if you do it automatically
indicates compliance with higher legislation]

→ Guidelines & Information Sheets

[not required to comply but if you do it automatically
indicates compliance with higher legislation]

- All legislation and Health & Safety Authority Publications and forms are available free to download on HSA website at www.hsa.ie

Summary and relevant changes to SHWW (Construction) Regulations

- The main changes are in **Part 2**. Design and Management: **Paragraph 6**
- **6 (5)** has been amended so that where by it previously stated that the appointment of Project Supervisors was not applicable to routine maintenance, cleaning, decoration or repair within a structure, this has been taken out so by inference, these areas are applicable to the legislation.
- **6(6)** of the 2006 Regulations has now been removed which, in effect, means that Private domestic dwellings are no longer exempt from appointing project supervisors.
- **6(7)** requires that Project Supervisors, designers and Contractors appointed for Construction work on domestic dwellings must demonstrate that they are competent and have allocated or will allocate resources to Health and Safety requirements.
- **Part 3 24 (2)** if a contractor is not aware of the appointment of Project Supervisors, the contractor shall promptly inform the client of the clients duties under Regulation 6

General Overview of Requirements

- A PSDP and PSCS must be appointed in writing and the appointment accepted in writing for any project if:
 - (i) The work involves a particular Risk or
 - (ii) There is more than one Contractor involved or
 - (iii) The work is planned to last longer than 30 working days or the volume of work is scheduled to exceed 500 person days.
- If (iii) above applies, the client must notify the HSA (AF1)
- When a PSDP is appointed they must develop a Preliminary Safety and Health Plan and compile a Safety file.
- When a PSCS is appointed they must compile and maintain a Safety file.
- If the client notifies the HSA, the contractor is obliged to notify the HSA also (AF2)
- Irrespective of appointments or notifications the Designers are, at all times, required to carry out a risk assessment on all and any design decisions they make.
- Designers who only concern themselves with planning or pre-construction stages still have a duty as a designer during and after construction work.
- If the contractor alters a design on site or develops their own design they are considered designers.
- If Project decisions are based on cost then the QS/Client is considered a Designer.
- If the client dictates design decisions they may be considered Designers.
- All decisions and actions must be carried out by all with the Principles of prevention in mind.



Principles of Prevention

(Found in Schedule 3 of the SHWW Act 2005)

- 1) The avoidance of risks
- 2) The evaluation of unavoidable risk.
- 3) The combating of risks at source.
- 4) The adaptation of work to the individual.
- 5) The adaption of the place of work to technical progress.
- 6) The replacement of dangerous articles, substances or systems of work by safe or less dangerous.
- 7) The giving of priority to collective protective measure over individual.
- 8) The development of an adequate prevention policy.
- 9) The giving of appropriate training and instruction to employees.



Implications of Current SHWW Legislation for Contractors

- General domestic contractors, maintenance personnel, possibly handyman, sole trader, painters and decorators, etc may be now all subject to H&S duty of care.
- HSA have defined what is considered 'construction work' in detail on their website. The definition is suitably broad.
- Contractor is now required by law to inform client/homeowner of the client's statutory duties (proof of same) especially with regard to appointments of supervisors and assessment of competence.
- Contractor is required by law to demonstrate/prove competency in H&S to client – competency relates to knowledge, experience, skill/ ability, training as defined in 2005 act.
- Contractor is required (as previously) to allocate adequate resources to complete the work safely, especially in relation to personnel, time, materials, systems of work and training.
- The 2005 act places the responsibility on the contractor to prove that they have taken all reasonably practicable measure in the event of an accident or incident.
 - Assumed guilty until proven innocent.
 - Onus is not on HSA to prove it but the Contractor to disprove it.
- There is a duty of care placed on the Contractor to be fully compliant with H&S requirements and by extension fully aware of same.
 - ignorance is no defence.



Implications of current SHWW legislation for DESIGNERS

- Arguably the most onerous duty holder – implications are wide ranging, far reaching and time unrestricted.
- Duty of care extended to domestic and maintenance projects. Planning consultants, technicians, in-house maintenance, designers, sole traders etc are all included.
- The onus of responsibility to prove execution of duty of care is placed firmly on the designer.
- Designers cannot novate statutory duties. Proceedings will and have been taken against company, company management individuals and individual designers in the event of an incident.
- Designer is required to demonstrate / prove competence in H&S to client.
- Designer is required to inform client of their statutory duties especially in relation to appointments of supervisors and assessment of competency.
- Designer is required to allocated adequate resources to H&S especially in relation to personnel, time, materials, systems of work and training.



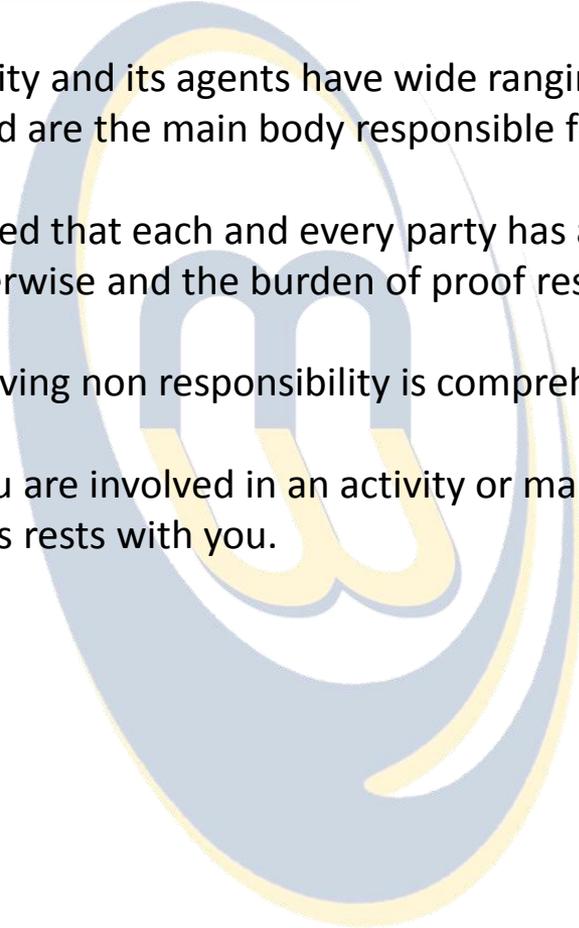
Implications of current SHWW legislation for CLIENTS

- Homeowners who commission private domestic dwellings or have work carried out on their properties are considered clients & have statutory duties under the SHWW Act 2005 for which they may be liable for prosecution.
- Clients are required in certain circumstances to appoint, (and/or subsequently terminate change or review appointments) competent supervisors in writing and receive acceptance in writing and are responsible for satisfying themselves as to the competence of the appointed supervisors and the allocation of adequate resources to H&S by the supervisors.
- Clients are required to satisfy themselves as to the competence of appointed designers and contractors and the allocation of adequate resources H&S by same.
- Clients are required to keep and make available for inspection all safety files and other information as may inform future works.
- Clients are required to cooperate with Project Supervisors.
- Client is required to notify the HSA of works (AF1 form) if a project is planned to last longer than 30 working days (500 person days) by registered post or as directed by HSA.
- Client is required to cooperate w.r.t. appropriate time allocation for the works.
- Client is required to provide or arrange to have provided a copy of the Preliminary Safety and Health Plan to those being considered as PSCS at tender stage except for domestic dwellings where It is to be provided to the PSCS when appointed.



In the event of accident or incident

- The Health and Safety Authority and its agents have wide ranging and extensive powers under the SHWW Act 2005 (Pt 6) and are the main body responsible for investigation in a place of work.
- It will be automatically assumed that each and every party has a responsibility for the cause of the incident until proven otherwise and the burden of proof rests with the individual.
- The most effective way of proving non responsibility is comprehensive records.
- Ignorance is no defence, if you are involved in an activity or make a decision, the onus for being informed of the consequences rests with you.



Questions? Comments?

