

LEGAL DUTIES ATTACHING TO CONSTRUCTION WORK

The Safety Health and Welfare at Work (Construction) Regulations, 2013 were put in place to help create a safer place of work for all persons involved in construction work. The regulations impose legal duties on Clients (Farmers), Designers, Project Supervisors and Contractors and [outline General and Specific Health and Safety Provisions](#).

Key duties of Clients (Farmers), Designers, Project Supervisors and Contractors under the Design and Management sections of the Construction Regulations.

Client Duties

You are a client if you are a person (including a company) for whom construction work is being carried out. **As a client you must, for every project:**

- Appoint, in writing, a project supervisor for the design process (PSDP) and a project supervisor for the construction stage (PSCS) who have adequate training, knowledge, experience and resources.
- Be satisfied that each designer and contractor appointed has adequate training, knowledge, experience and resources for the work to be performed.
- Co-operate with the project supervisor and supply necessary information.
- Retain and make available the Safety File for the completed structure. The Safety File contains information on the completed structure that will be required for future maintenance or renovation.
- Notify the Authority of the appointment of the PSDP where construction is likely to take more than 500 person days or 30 working days.

Designer Duties

You are a designer if you are engaged in preparing drawings, particulars, specifications, calculations and bills of quantities in relation to a project.

As a designer you must:

- Identify any hazards that your design may present during construction and subsequent maintenance.
- Where possible, eliminate the hazards or reduce the risk e.g. can roof-mounted equipment be placed at ground level or can guardrails be provided to protect workers from falling?
- Communicate necessary control measures, design assumptions or remaining risks to the PSDP so they can be dealt with in the Safety and Health Plan.
- The Safety Health and Welfare at Work Act 2005 requires designers to ensure that the project is capable of being constructed to be safe, can be maintained safely and complies with all relevant Health and Safety legislation.

Project Supervisor for the Design Process (PSDP) Duties

A competent PSCS must be appointed, in writing, by the client for each project. In many cases the Contractor will assume the role of PSCS but in some cases Farmers themselves will adopt the role of Managing the Construction Project and may take on the role and responsibilities of the Project Supervisor Construction Stage. In such instances it is vital that they are competent to do so and that they carry out the duties attaching to this role.

As a PSCS you must:

- Co-ordinate the construction of the project. Be involved in the identification of hazards, their elimination and the reduction of risks during construction.
- Develop the Safety and Health Plan initially prepared by the PSDP before construction commences.
- Co-ordinate the implementation of the construction regulations by Contractors.
- Organise co-operation between Contractors and the provision of information.
- Co-ordinate the checking of safe working procedures.
- Co-ordinate measures to restrict entry onto the site.
- Co-ordinate arrangements to ensure that craft, general construction workers and security workers have a Safety Awareness card, e.g. Safe Pass and a Construction Skills card where required.
- Monitor the compliance of Contractors and others and take corrective action where necessary.

Duties of Contractors

You are a Contractor if you are an employer whose employees carry out or manage construction work. Local Authorities, manufacturers and self employed persons may also be "Contractors" under these regulations

The Contractor has significant duties relating to a wide range of issues. Some of these duties are summarised below. **As a Contractor you must:**

- Co-operate and comply with directions of the PSCS.
- Provide a copy of the relevant extract from your Safety Statement and relevant information to the PSCS.
- Comply with site rules and any other Safety and Health Plan and ensure that your employees comply.
- Identify hazards, eliminate the hazards or reduce risks during construction.

Relevant legislation includes:

- Safety Health and Welfare at Work Act 2005.
- Safety Health and Welfare at Work (General Application) Regulations 2007.
- In particular Part 4, Work at Height sets out the basic principles for safe work at height for all sectors of employment and provide a fundamental framework for safe working at height, based on risk assessment, applicable to the wide range of work activities carried out at height.
- Safety Health and Welfare at Work (Construction) Regulations 2013.
- There are also important regulations dealing with asbestos, noise, vibration and chemical agents.



More detailed information is available at www.hsa.ie

IMPORTANT NOTICE

The information given above is not a legal interpretation of the Acts mentioned. Anyone seeking a legal interpretation of the Acts should obtain legal advice.

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