

The Construction (Design and Management) Regulations 2007

Industry Guidance for Workers

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CONSTRUCTION CONFEDERATION



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INTRODUCTION

How to use this publication

The Construction (Design and Management) Regulations 2007, also called the CDM Regulations or CDM 2007, help workers and managers work together to improve health and safety on construction sites. This should mean that fewer construction workers die, are injured or made ill through the work they do.

This guidance explains what principal contractors and contractors on a site should do to ensure that you, your union safety representatives or other representatives are involved in how health and safety is managed on site.

There are different arrangements for large and small sites but some arrangements apply to all sites.

Definition of terms

ACoP

An Approved Code of Practice provides guidance on how to comply with specific regulations. It has been approved by the Health & Safety Commission and is seen as the accepted standard. It is not mandatory to follow the ACoP but it can be used as evidence in a court of law and failure to adopt the advice in the ACoP will be regarded as having failed to comply with the law.

business

A trade, business or other undertaking (whether for profit or not).

CDM co-ordinator

The person appointed to advise and assist the client on how to comply with the CDM Regulations during the project, and to ensure that suitable arrangements are made and implemented for the co-ordination of health and safety measures during planning and preparation for the construction phase.

client

A person who in the course or furtherance of a business seeks or accepts the services of another which may be used in the carrying out of a project for him; or carries out a project themselves.

construction site

Any place where construction work is being carried out or to which the workers have access
construction phase

The period of time starting when construction work in any project starts and ending when construction work in that project is completed.

construction phase plan

A document recording the health and safety arrangements, site rules and any special measures for the construction work

construction work

The carrying out of any building, civil engineering or engineering construction work.

contractor

Any person (including a client, principal contractor or other person referred to in these Regulations) who, in the course or furtherance of a business, carries out or manages construction work.

demolition or dismantling

The deliberate pulling down, destruction or taking apart of a structure, or a substantial part of a structure. It includes dismantling for re-erection or re-use. Demolition work normally needs meticulous planning and management to ensure that lives are not put at risk. Demolition does not include operations such as making openings for doors, windows, services or removing non-structural elements such as cladding, roof tiles or scaffolding. Such operations may, however, form part of demolition or dismantling work when carried out alongside other activities.

designer

Any person (including a client, contractor or other person referred to in CDM 2007) who in the course or furtherance of a business either prepares or modifies a design; or arranges for or instructs someone under their control to do so. The design relates to a structure; or a product, a mechanical or electrical system intended for a particular structure. A person is deemed to prepare a design where a design is prepared by a person under their control.

domestic clients

People who have work done on their own home, or the home of a family member that does not relate to their trade, or business. They have no duties under CDM 2007

duty holder

Someone who has duties under CDM 2007 including: client, co-ordinator, designer, principal contractor, contractor, worker.

guidance

This guidance describes ways of complying with the regulations but you do not have to follow it exactly. Guidance does not have the special legal status associated with the ACoP. However, following the industry-approved guidance will help you to comply with the CDM Regulations.

health and safety file

Information which people, including clients, designers, co-ordinators, contractors and others involved in carrying out construction or cleaning work on the structure in the future are likely to need, but could not be expected to know.

notifiable

For the purposes of the CDM Regulations, a project is notifiable if the construction phase is likely to involve more than 30 working days; or 500 person days, of construction work for a client.

notification

The most up-to-date information notified to HSE. A legible copy must be displayed where it can be read by people working on the site.

project

A project includes all the preparation, design, planning, construction work and the clearance or preparation of the site or structure for use or occupation at its conclusion required to achieve the end result desired by the client. Many projects involve several structures. Where there are substantial breaks between phases it may be each phase can be treated as a separate project, but projects should not be artificially split to avoid notification and the duties that follow go with it.

principal contractor

The duty holder who is required to ensure effective management of health and safety throughout the construction phase of the project. Their main duty is to properly plan, manage and co-ordinate work during the construction phase in order to ensure that hazards are identified and risks are properly controlled.

Regulations

A statutory device made under a general provision that is contained in an act of parliament. Regulations are approved by parliament and are generally absolute legal standards.

Section

1

ARRANGEMENTS FOR ALL SITES

1.1 Before starting work

- 1.1.1 Anyone in charge of a construction site has to provide you with the information you need to do your work safely and without risking your health.
- 1.1.2 New workers should have a site-specific induction. This should include:
- the arrangements for health, safety and welfare on site
 - the site rules you must follow
 - what you should do if you are in danger
 - how to report anything that might be a danger to you or others
 - the name of the person who organises health and safety procedures on site, and how to contact them
 - the name of the worker safety representative, and how to contact them (they may come to speak at the induction)
 - relevant findings from risk assessments, including the impact of other people working nearby.
- 1.1.3 If you do not speak English as a first language, contractors will need to use other ways of telling you about health and safety, such as:
- translating important information
 - using interpreters
 - replacing written notices with clear symbols or diagrams.
- 1.1.4 On smaller sites it may be better for your views to be collected informally. For example, you could comment on the method statements for the jobs you will be doing, so that the way risks are being controlled can be changed if necessary.

1.2 Worker representatives

- 1.2.1 Two types of safety representatives are recognised by law:
- safety representatives appointed by trade unions
 - safety representatives elected by the workforce when there are no trade unions on site. If only one person agrees to be a representative then they can just be nominated by the employees.
- 1.2.2 Employers should never appoint safety representatives themselves.
- 1.2.3 Both types of safety representatives can have paid time off for training. Safety representatives appointed by trade unions are trained by their union or the TUC. Employers need to arrange training for the safety representatives they appoint.

- 1.2.4 This training enables these representatives to help make sure that the health and safety measures on site will protect you.
- 1.2.5 Research has shown that there are half as many accidents in workplaces where there are trained safety representatives appointed by the trade unions.¹

1.3 Serious and imminent danger

- 1.3.1 Serious or imminent danger means that the risk of injury or ill health is serious, and that the danger will appear as soon as the work begins.
- 1.3.2 If there is a serious or imminent danger, you have a right to stop work and immediately go to a safe place. Contractors should make sure that you are aware of this right and that you know what procedures are in place to deal with dangerous situations.

¹ Reilly B, Paci P, and Holl P, 'Unions, safety committees and workplace injuries' *British Journal of Industrial Relations*, Vol 33, 1995

Section 2

Additional requirements for projects that last more than 30 working days or involve more than 500 person days

2.1 Introduction

- 2.1.1 These extra requirements do not apply when the project is for a domestic client.
- 2.1.2 As well as the requirements that apply to all sites, principal contractors also have to put in place procedures that will allow effective co-operation and consultation between themselves, contractors and workers.
- 2.1.3 This means that everyone should be consulted about how to solve problems together. Site safety representatives can do this as long as they are able to consult all the workers and represent your views to management.
- 2.1.4 The principal contractor's procedures can include things like:
- encouraging managers to lead by example and to provide the resources needed to enable co-operation
 - setting up a site safety committee
 - giving regular toolbox talks to help you contribute to managing health and safety on site
 - monitoring these arrangements to check that you are involved and that everyone is co-operating.
- 2.1.5 Together, these procedures will help to ensure that everyone is kept safe and healthy.

2.2 Co-operation

- 2.2.1 The principal contractor is responsible for co-ordinating worker engagement and recording the details in the site Health and Safety Plan. The arrangements must be updated when conditions on site change and must cover all workers, even those who are only on site for a short time.
- 2.2.2 You and your safety representatives should be able to contribute to parts of the plan that will affect you, such as risk assessments and method statements, especially as you might be able to supply your knowledge about your specialist trade.
- 2.2.3 The principal contractor has a duty to plan ahead. Everyone on site should co-operate with the principal contractor's systems and procedures.
- 2.2.4 Examples of systems might be:
- involving you in site-specific risk assessments
 - setting up a way to make sure everyone knows when changes are made to site rules
 - briefing sub-contractors about the work programme
 - requiring your supervisor to brief you regularly about the work programme and any day-to-day risks on site

- setting up a formal committee or forum that you can attend or send a representative to
- making sure that any issues you raise are dealt with and that you receive feedback about what has been done.

2.2.5 The principal contractor should monitor these procedures and make sure that they are kept simple, with the minimum of paperwork.

2.3 Consultation

2.3.1 Consultation is more than people just giving you information. It is about employers listening and taking account of what you say before they make decisions that will affect your health and safety. Here are some examples of ways to carry out consultation:

- talking to and listening to trade union safety representatives or other appointed representatives
- setting up health and safety committees or forums for you to attend
- having regular consultation meetings
- using inductions, daily briefings, toolbox talks and site wide meetings to explain what is happening and to listen to and act upon your comments
- talking to you directly during informal visits by senior managers or site managers' walkabouts
- setting up a system that lets you report problems or suggest safer ways of doing your work.

2.3.2 All these measures should make construction work safer so that you can return to your family at the end of the day.