

Smaller Construction
Jobs and CDM 2007
ECA Summary for Contractors



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THE CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS 2007

Updated Construction (Design and Management) Regulations 2007 (CDM 2007) came into force from 6 April 2007. A key development is that CDM 2007 incorporates the requirements in the Construction (Health, Safety and Welfare) Regulations 1996 (which are completely revoked) to give a comprehensive set of regulations on construction safety, health and welfare.

CDM applies to you!

The Construction (Design and Management) Regulations 2007 apply to all 'construction work'*. Almost all of the work carried out by M&E contractors is construction work. A key change is that CDM 2007 applies to more contractors than CDM 1994, since the previous 'five-person' rule has been removed (the 1994 Regulations did not apply directly to contractors if they had less than five workers on site). Under CDM 2007, even if there are just a couple of operatives on-site for a few days (for example) a contractor is covered by Part 2 (and other parts) of the CDM Regulations.

Contractors should note that even for small ('non-notifiable') jobs, there can still be significant hazards and these need to be controlled. For example, there may be electrical isolation, asbestos, work at height and other hazards. These should be dealt with by risk assessment and implementing a method for working safely, notably for high hazard activities.

What is 'construction work' under CDM 2007?

*Under CDM 2007 "construction work" includes:

- construction, alteration, conversion, fitting out, commissioning, renovation, repair, upkeep, redecoration or other maintenance, de-commissioning, demolition or dismantling of a structure;

- the clearance or preparation of the site or structure for use or occupation at its conclusion;
- assembly on site of prefabricated elements to form a structure or the disassembly on site of prefabricated elements;
- removal of a structure or of any product or waste resulting from demolition or dismantling of a structure or from disassembly of prefabricated elements; and
- installation, commissioning, maintenance, repair or removal of mechanical, electrical, gas, compressed air, hydraulic, telecommunications, computer or similar services which are normally fixed within or to a structure.

The above applies to any building, civil engineering or engineering construction work.

In general, routine inspection is not covered by the CDM Regulations. For example, if an electrician carries out electrical testing to confirm that systems are safe, or a fire alarm company smoke tests sensors or replaces batteries in a control box, then this work - by itself - is not covered by CDM. If, the inspection leads to maintenance work, then CDM generally applies.

"CDM 2007 applies to all construction work, no matter how big the job or the contractor".

The Regulations put duties on everyone involved in 'construction work', from conception and design right through to completion, and there are extra provisions to help protect those who maintain what has been built and installed. *There are specific duties on contractors and designers, plus other duty holders such as clients.*

Essentially, CDM 2007 requires co-operation between project team members, the timely exchange of relevant information and effective co-ordination of activities. Specific, tailored and necessary information should be provided to those who need it during the various stages of a the work.

Key features of work under CDM 2007 include:

1. Duty holders must not arrange for, or instruct anyone, to carry out or manage design or construction work unless that person is 'competent' (or being supervised by someone who is); duty holders must not accept a CDM appointment/engagement unless they are competent to carry it out.
2. Assessment and demonstration of competence is possible by referring to 'core criteria' and specific guidance (in the ACoP) on individual and company competence.
3. There are general co-operation and co-ordination duties on everyone involved (relating to others on the same or adjoining sites); and a specific requirement to implement health and safety measures based on the Management of Health and Safety at Work Regulations 1999.
4. Clients have a duty to take reasonable steps to ensure that work arrangements (including time and other resources) enable the construction work to be carried out without risk to health or safety; and that these arrangements are maintained and reviewed throughout the project.
5. Clients must tell designers and contractors how much time they have, before the start of work on site, for planning and preparing construction work.

The 2007 Regulations are set out by 'duty holder' (e.g. principal and other contractors, client and designer).

The Client

CDM 2007 made important changes to a commercial clients' duties. In addition to clarifying duties under the Health and Safety at Work etc. Act 1974 and the Management of Health and Safety at Work Regulations 1999, the CDM Regulations put a duty on the client to take reasonable steps to ensure the management of health, safety and welfare on site, and that the design of any workplace complies with the Workplace (Health, Safety and Welfare) Regulations 1996.

While clients can employ someone to manage CDM functions on their behalf they cannot transfer their legal responsibilities to them.

The Designer

The 2007 Regulations clarify, rather than substantially change, the duties on designers. They require designers to eliminate hazards (*where they can*) that can give rise to risks and reduce risks which remain; and (where the structure will be a workplace), to comply with the relevant sections of the Workplace Regulations 1996 and ensure that workplaces are safe to use.

CONTRACTORS AND CDM 2007

CDM 2007 requires that all those involved in construction projects work together to ensure occupational health, safety and welfare. Under CDM, 'contractors' are those who employ or engage construction workers or who control or manage actual construction work. Although contractors can interact with a range of other CDM duty holders, including designers and commercial (or domestic) clients (and noting they can be 'design and build' contractors in their own right), the following information outlines how they should interact with other contractors on-site.

For all construction work contractors must:

- Be competent and properly resourced for the work;
- Co-operate with others and co-ordinate their work with others on site;
- Plan, manage and monitor their work and that of their workers to ensure that the work is carried out safely and that risks to health are addressed;
- Take suitable remedial action if they identify unsafe practices; and
- Provide workers (whether employed or self-employed) with information, including relevant aspects of other contractors' work, and site induction to enable workers to work safely, report problems, or to respond properly in an emergency.

Contractors need to comply with Schedule 2 of CDM 2007 on the provision of welfare facilities. In addition, the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) require a 'responsible person' (the employer or, for the self-employed, the contractor) to notify any reportable incidents to the relevant enforcing authority (usually the HSE).

Contractors should also;

- Be properly insured against all relevant risks.
- Provide their employees with appropriate PPE.
- Discipline/remove their employees from site, if they show disregard for health and safety.

'Notifiable' CDM projects

There are some extra requirements on all contractors if a project is 'notifiable' to the HSE - that is, it is expected to take over 30 days or 500 man-days. If a project is notifiable the project must also have a CDM co-ordinator, principal contractor, construction phase plan and a health and safety file.

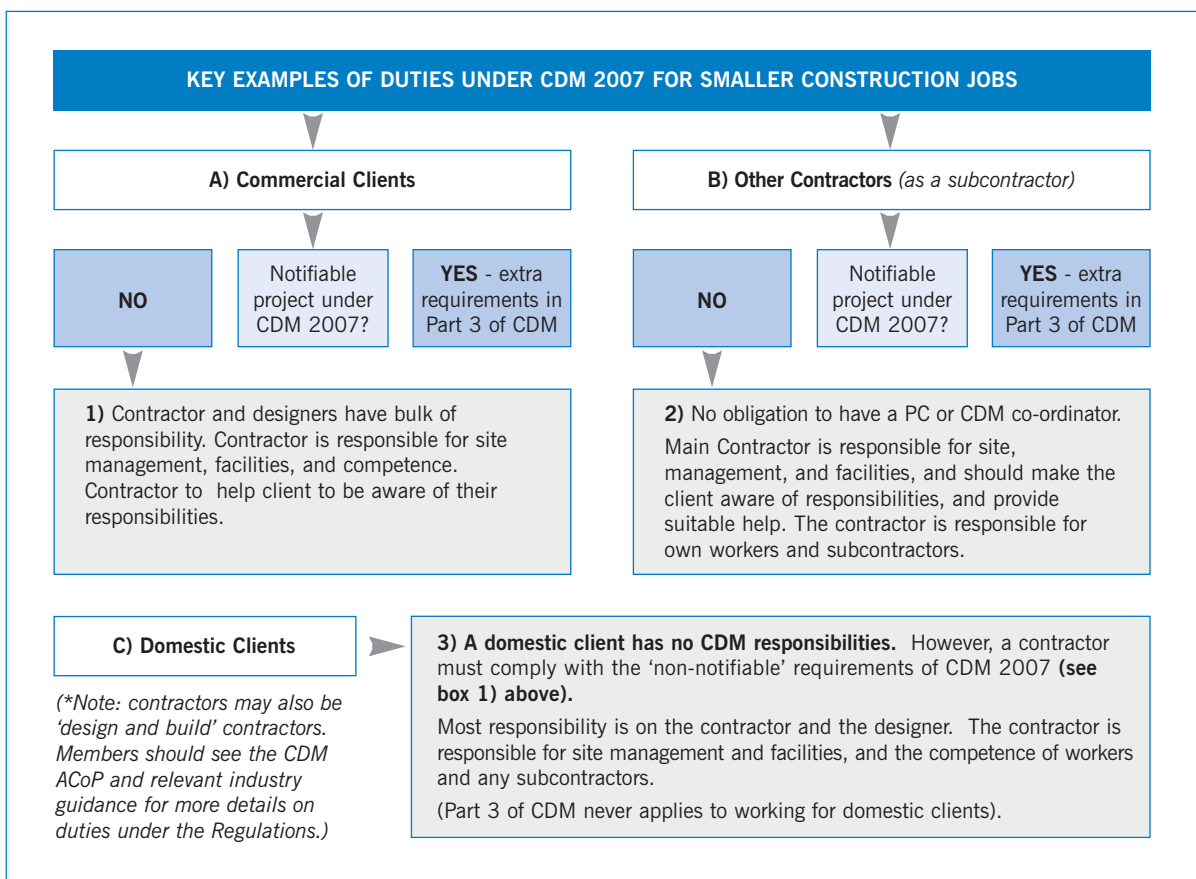
Useful publications

A priced copy of the CDM 2007 Approved Code of Practice (ACoP) is available from the Health and Safety Executive (HSE Books, £15). The CDM Approved Code of Practice includes authoritative details on assessing the health and safety credentials of contractors, using criteria that align

closely with 'core criteria' launched by the ECA and the HVCA in autumn 2006. HSE says that these criteria should be "particularly helpful to small and occasional clients" and "lead to significant reductions in bureaucracy and the resource currently devoted to competence assessment".

ECA also provides general guidelines on CDM 2007. 'CDM 2007 - ECA Summary for Contractors' and the 'Contractors' Core Criteria Guide' are free downloads on the ECA members' webpages (www.eca.co.uk).

Free industry guidance is available on how various duty holders (including contractors) can meet the legal requirements. For information on this guidance, visit www.cskills.org/cdm



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Electrical Contractors' Association
 ESCA House, 34 Palace Court, London, W2 4HY
 Tel 020 7313 4800 Fax 020 7221 7344
 Email info@eca.co.uk www.eca.co.uk