

## CDM REGULATIONS 2015: CONTRACTOR INFORMATION SHEET



This Contractor Information Sheet has been prepared by Marpal and is intended to inform Contractors of the duties imposed upon them by the Construction (Design & Management) Regulations 2015. The information provided here is designed to capture the fundamental aspects of the Regulations so as to enable you, as a Contractor, to comply with your statutory duties.

### CDM REGULATIONS 2015

The CDM Regulations 2015 came into force on 6<sup>th</sup> April 2015 and replaced the CDM Regulations 2007; these being the main set of regulations for managing the health, safety and welfare on construction projects.

The CDM Regulations applies to all building and construction work and includes new build, demolition, refurbishment, extensions, conversions, repair and maintenance. The CDM Regulations place responsibility for managing health and safety of a construction project on five main duty holders, these being the **Client, Principal Designer, Designers, Principal Contractor** and **Contractors**.

The overall aim of the Regulations is to make health and safety an essential and integral part of the planning and management of projects, so as to reduce the health and safety risks of those who work on the structure, those who will use it as a work place, or others who work on the structure once it's complete.

### WHAT CONTRACTORS NEED TO KNOW

Anyone who directly employs or engages construction workers or manages construction is a Contractor. Contractors include Sub-Contractors, any individual, sole trader, self-employed worker, or business that carries out, manages or controls construction work as part of their business. This also includes companies that use their own workforce to do construction work on their own premises. The duties on Contractors apply whether the workers under their control are employees, self-employed or agency workers.

Contractors and the workers under their control are those most at risk of injury and ill health. They can influence the way work is carried out to secure their own health and safety and that of others affected. They have an important role in planning, managing and monitoring the work (in liaison with the Principal Contractor, where appropriate) to ensure risks are properly controlled. The key to this is the proper coordination of the work, underpinned by good communication and cooperation with others involved.

### YOUR DUTIES AS A CONTRACTOR

#### Making Clients aware of their duties

Contractors must not carry out any construction work on a project unless they are satisfied that the Client is aware of the duties the Client has under CDM 2015. In cases where the Contractor is the only one involved, they must liaise directly with the Client to establish this. Contractors should make sure they have sufficient knowledge of Client duties. The level of advice given will depend on the knowledge and experience of the Client and the complexities of the project.

#### Planning, managing and monitoring construction work

Contractors are required to plan, manage and monitor the construction work under their control so it is carried out in a way that controls the risks to health and safety. On projects involving more than one Contractor, this will involve the Contractor coordinating the planning, management and monitoring of their own work with that of the Principal Contractor.

- **Planning** - In planning the work, the Contractor must take into account the risks to those who may be affected. The planning must also cover the risks likely to arise during the construction and the measures needed to protect those affected and the resources required to organise and deliver the work. On projects involving more than one Contractor, each Contractor must plan their own work so it is consistent with the project-wide arrangements. On single Contractor projects, the Contractor is responsible for planning the construction phase and for drawing up the Construction Phase Plan before setting up the construction site.

- **Managing** - When considering the arrangements for managing construction work, Contractors must ensure: (a) that those they engage with to carry out the work are capable of doing so (b) effective, preventative and protective measures are put in place to control the risks; and (c) the right plant, equipment and tools are provided to carry out the work.
- **Monitoring** - Contractor should monitor their work to ensure that the health and safety precautions are appropriate, remain in place and are followed in practice. Health and safety standards should be checked regularly given the rapidly changing nature of a construction site. Effective monitoring involves the allocation of sufficient resources, providing routine checks and taking prompt action where necessary.

### Complying with directions and the Construction Phase Plan

For projects involving more than one Contractor, the Contractor is required to comply with any directions to secure health and safety given to them by the Principal Contractor. They are also required to comply with the parts of the Construction Phase Plan that are relevant to their work, including the site rules.

### Drawing up the Construction Phase Plan

For single Contractor projects, the Contractor must ensure a Construction Phase Plan is drawn up or arrange for a Construction Phase Plan to be drawn up as soon as practicable before the construction site is set up.

### Appointing, employing and training workers

When a Contractor employs or appoints an individual to work on a construction site, they should make enquiries to make sure the individual has the skills, knowledge, training and experience to carry out the work they will be employed to do in a way that secures health and safety for anyone working on the site.

To establish whether training is necessary for any worker, a Contractor should assess the existing health and safety skills, knowledge, training and experience of their workers and compare these existing attributes with what they will need for the job; training should be provided where any shortfalls have been identified.

### Providing supervision

A Contractor who employs workers or manages workers under their control must ensure that appropriate supervision is provided. The level of supervision provided will depend on the risks to health and safety involved, and the skills, knowledge, training and experience of the workers concerned.

### Providing information and instruction

Contractors should provide their employees and workers under their control with the information and instructions they need to carry out their work without risk to health and safety. This must include: (a) suitable site induction where this has not been provided by the Principal Contractor (b) the procedures to be followed in the event of serious and imminent danger to health and safety (c) information on the hazards on site relevant to their work, including the risks and control measures.

### Providing welfare facilities

On projects involving more than one Contractor, ensuring suitable welfare facilities will involve discussing and agreeing these requirements with the Principal Contractor. For projects involving only one Contractor, the Contractor themselves must ensure that suitable welfare facilities are available.

### Preventing unauthorised access

For projects involving only one Contractor, the Contractor must do whatever is proportionate to prevent unauthorised access before starting work on the site. For a site where there is more than one Contractor, the Contractor must check with the Principal Contractor that reasonable steps have been taken.

### Working for domestic Clients

A Contractor's role when working on a project for a Domestic Client is no different to their role when carrying out work for a Commercial Client. They must still carry out the duties in proportion to the risks involved in the project. However, the Client's duties for Domestic Clients are transferred and carried out by the Contractor, if there is only one Contractor working on the project, or by the Principal Contractor if there is more than one Contractor.

## MARPAL, YOUR CDM CONSULTANT

As a Contractor, are you looking for practical health and safety assistance and advice? As your CDM Consultant we can work with you to fulfil your obligations.

**IF IN DOUBT ABOUT YOUR CDM OBLIGATIONS, CONTACT MARPAL**

