

The Construction (Design and Management) Regulations 2015



Industry guidance for **Workers**

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(Construction Industry Advisory Committee)

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1 Introduction

1.1 General introduction

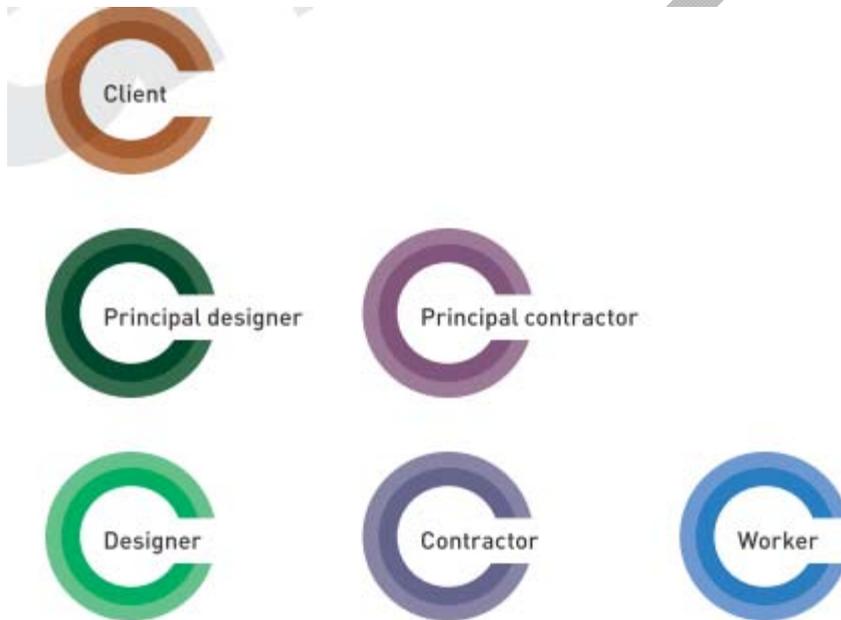
The Construction (Design & Management) Regulations (CDM) are the main set of regulations for managing the health, safety and welfare of construction projects.

CDM applies to all building and construction work and includes new build, demolition, refurbishment, extensions, conversions, repair and maintenance.

This industry guidance explains what to expect of your employer and the site you are working on, and what they will expect of you to help keep yourself and your colleagues healthy and safe.

There are six guides: one for each of the five duty holders under CDM, and an additional one for workers.

There are six guides: one for each of the five duty holders under CDM and an additional one for workers. The six guides are:



1.2 What this guidance is for

This guidance has been produced by representatives of the construction industry and describes:

- what information you should receive
- what those who have responsibility for you should do to ensure that you and your union safety representatives or other representatives are involved and engaged in how health and safety is managed on site
- the responsibilities that you have.

1.3 Why do we need CDM 2015?

The construction industry is one of the most dangerous industries in which to work. Although accidents have reduced drastically in the past 20 years, there are still many fatal and serious injuries.

Occupational illnesses – such as asbestos-related diseases, cancers and respiratory problems caused by exposure to dusts, chemicals and fumes – are widespread.

The Construction (Design and Management) Regulations 2015 help workers and managers work together to improve health and safety, resulting in fewer construction workers dying, injured or becoming ill through the work they do.

2 What do the Regulations mean for you?

2.1 What sites have to comply with CDM?

Many fatal and major injuries happen at smaller sites, during repair and maintenance and on domestic jobs. CDM applies to these sites, as well as where employees of several employers and contractors are all working together.

No two projects are the same and every site will have its own method of involving workers in promoting health and safety. Smaller projects will probably use more informal means of communication, such as discussing the health and safety risks over a tea or coffee before work starts.

On larger projects more formal methods of communication, such as health and safety committees and safety representatives, will be in place, although these are likely to be combined with informal approaches.

2.2 What should you expect while you are on site?

Whether you are working on a large civil engineering project or a domestic refurbishment, basic standards required under CDM 2015 must be in place. Some of these are about providing information to workers, some are about engaging with workers like you, and some are about providing welfare facilities.

You should expect your employer, the contractor or principal contractor to:

- provide information about health and safety to you, including providing a site induction
- ensure that you have the necessary training to work safely and healthily
- consult and engage with you on-site health and safety
- foster a workplace culture of respect and trust. This will result in you and management having a better understanding of any health and safety concerns that are raised
- provide appropriate supervision, depending on work activities being carried out and the skills, knowledge and experience of individuals
- make sure that health hazards are managed as well as safety hazards, and that health risks are clearly communicated to you, along with the details of control measures
- explain the arrangements for co-operation and co-ordination between your employer and other contractors
- make sure that there are adequate, clean and accessible welfare facilities (such as toilets and washrooms) for both men and women
- comply with legal health and safety requirements for construction sites.

3 Consulting and involving you with health and safety on site

3.1 Why consultation is important

Consultation and engagement is much more than being given information. It is about employers listening and taking account of what you say before decisions that affect your health and safety are made.

Employers need to explain how health and safety will be managed on site, and take into account your concerns and feedback.

There are different ways to engage the workforce. Engagement must be two-way:

- top-down (from the employer, principal contractor or principal designer)
- and
- bottom-up (from the workers).

Just informing you about health and safety rules is not genuine worker engagement.

Consultation will involve both formal and informal methods.

Employers should consult and engage with all workers on health and safety matters, either through their safety representatives or directly with workers where there are no safety representatives.

3.2 How can employers consult and engage with workers?

Here are some ways in which employers can consult and engage with you both formally and informally.

- 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 review meetings to consult you and get feedback on health and safety issues.
- Using inductions, daily briefings and site-wide meetings to explain what is happening and to listen to and act upon your comments.
- Using toolbox talks to focus on specific health and safety issues.
- Senior managers or site managers visiting site for an informal walkabout and talking to you directly.
- Setting up a system on site that lets you report problems or suggest safer ways of working.

3.3 Worker health and safety representatives

Two types of safety representatives are recognised by law.

Union safety representatives

- They are appointed by trade unions under the Safety Representatives and Safety Committees Regulations 1977. The major trade unions in the construction sector are GMB, UCATT and Unite.
- They must be consulted by the employer about health and safety issues.
- They have a wide-ranging role that allows them to be actively involved in representing the workforce on health and safety issues.

For more information visit www.tuc.org.uk/workplace-issues/health-and-safety/safety-representatives

Representatives of employee safety

- They are elected by the workforce on site under the Health and Safety (Consultation with Employees) Regulations 1996 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.

For more information, see www.hse.gov.uk/involvement/1996.htm

3.4 The benefits of having representatives

Employers are not responsible for appointing safety representatives but they should foster a culture which encourages involvement of workers and their representatives. This should have the positive result of being able to deal with people's concerns quickly. In addition, ideas about working more safely can be discussed and agreed jointly so they can be put into practice on site to benefit everyone.

Everyone on site should be treated fairly and equally. No one should feel threatened or disadvantaged for raising health and safety concerns.

3.5 Training for health and safety representatives

Both types of safety representatives are entitled to paid time off for training to help them carry out their role and to keep them up to date with health and safety developments.

- Safety representatives appointed by trade unions are trained by their union or the TUC.
- Employers need to arrange training for the safety representatives who are elected by the workforce (where there are no trade unions).

This training enables these representatives to help make sure that the health and safety measures on site will protect you.

For more information about safety representatives, see www.hse.gov.uk/involvement/hsrepresentatives.htm

4 What information should you give and receive?

Those who have responsibilities under CDM 2015 (for example, your employer and the principal contractor) have to provide you with the information you need to do your work safely and without risking your health.

4.1 Information before you start work on site

You must have a site-specific induction to inform you of the particular risks associated with the site and the arrangements which have been made to control these risks. The amount of detail provided in the induction will be linked to the nature of the risk involved.

The induction should clearly explain:

- the commitment of management to health and safety
- details of the project
- 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(s), and how to contact them (they may come to speak to you at the induction)
- arrangements for consulting and involving workers on health and safety
- site-specific health and safety risks
- arrangements for protective equipment, including what is needed, where to find it and how to use it
- arrangements for first aid and the location of toilets, washing and canteen facilities
- the site rules you must follow, including housekeeping, security and emergency procedures
- how to report anything that might be a danger to you or others
- any planned training (such as toolbox talks)
- the relevant findings from risk assessments, including the impact of other people working nearby.

Further information must be provided on an ongoing basis if the situation changes.

4.2 Reporting incidents and near-misses

You need to know how to report incidents, injuries and near misses, and who to report them to. There is also a legal requirement for your employer to report certain specified incidents to the HSE. You can find out more on the HSE's website www.hse.gov.uk/riddor

Principal contractors and site managers should keep track of where and how accidents, injuries and near misses occur so they can prioritise what needs to be done to prevent any a reoccurrence, and keep you informed and involved in any action to be taken.

Where health and safety risks and hazards are not adequately controlled site managers must take appropriate action. This is particularly important for near misses, where by working together it is possible to solve problems before a more serious incident happens.

4.3 Serious and imminent danger

Serious or imminent danger means that the risk of injury or ill health is life threatening or could cause serious injury or ill health, and that the danger will appear as soon as the work begins.

If there is a serious or imminent danger at your site, you should stop work and immediately go to a safe place. You should also alert your supervisor and work colleagues to danger.

Contractors should make sure that you are aware of this and that you know what the procedures are to deal with dangerous situations.

4.4 If English is not your first language

Contractors will need to use other ways of telling you about health and safety, such as:

- translating the site rules
- using interpreters for inductions and task briefings; and
- replacing written notices with clear symbols or diagrams.

4.5 Providing information on smaller sites

On smaller sites and domestic jobs, information can be given verbally during discussions and by simply looking at the job. The important information should be discussed and exchanged whilst talking through the work to be done.

This will generally be identifying the hazards, how they are to be controlled and discussing how your work will affect others and how their work might affect you.

The only written information you would expect to get would be any specific plans or technical information for the specific job you are doing.

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5 Co-operation and co-ordination

Principal contractors on sites have to put in place measures that will allow effective co-operation and co-ordination between themselves and all the contractors and workers on site.

5.1 The construction phase plan

The principal contractor is responsible for co-ordinating worker engagement and the details could be recorded in the construction phase plan.

The arrangements in the construction phase plan must be updated when conditions on site change and cover all workers, even those who are only on site for a short time.

5.2 Working better together

Workplaces where workers are involved in taking decisions about health and safety are safer and healthier.

Collaboration with workers helps contractors to manage health and safety in a practical way by:

- helping to spot workplace risks
- making sure health and safety controls are practical
- increasing the level of commitment by everyone to working in a safe and health way.

Consultation involves not only contractors giving information to workers, but also listening to them and taking account of their views, skills and other capabilities before making health and safety decisions.

Issues you should be consulted on include:

- risks arising from your work
- proposals to manage and/or control these risks
- the best ways of providing information and training.

You and your safety representatives should be able to contribute to the parts of the plans that will affect you, such as any health and safety method statements or similar documents, especially as you might be able to contribute by sharing your knowledge such as your specialist trade working practices, skills or experience.

5.3 The principal contractor

The principal contractor should:

- set clear health and safety standards, and making sure that enough time and effort is invested to make these happen
- make sure that workers are involved and consulted in matters of site health and safety that could affect them
- ensure that everyone on site – contractors and workers – are co-operating effectively on all health and safety matters.

Together, these measures will help to ensure that everyone is kept safe and healthy.

5.4 Examples of co-operation

For information on your legal duties see the HSE leaflet *Consulting employees on health and safety: A brief guide to the law* (INDG232), downloadable from www.hse.gov.uk/pubns/indg232.htm

See the worker involvement website for more information on consulting with employees:
www.hse.gov.uk/involvement

HSE's free Leadership and Worker Involvement Tool (LWIT) provides detailed guidance on consultation and involvement on site. You can find it at www.hse.gov.uk/construction/lwit

6 Skills, knowledge, training and experience

To work safely, everyone working on site needs to be competent or supervised closely by someone who is.

Anyone responsible for putting people to work on a construction site must ensure they have or are in the process of obtaining the necessary skills, knowledge, training and experience to carry out the job or task in hand.

To gain the necessary skills and knowledge, appropriate training needs to be provided by your employer.

Being competent is not the same as simply being trained to do a job.

6.1 What do we mean by competent?

Competence is more than just training or qualifications. It's about knowing how to do your job safely – having the right skills, knowledge, training and experience and attitude to make sure that you won't be harmed, and that no-one else will be harmed, by your work.

It also means that you understand your limitations. You know what you can and can't do safely, and you know if, when and how to get the help that you need, and so does your supervisor and employer. It means that you know the standards for the work that you do.

Finally, it's about knowing how your work affects others on site – whether the work you are doing will create a hazard during or after you work, and making sure you let the right people on site know about it.

Not everyone on site will be competent from day one. Trainees, apprentices, young workers, newly qualified workers and workers who are new to a site or a process are often at higher risk due to inexperience.

Even experienced workers may have become complacent or their physical well-being may have been affected, so that they may not demonstrate the correct behaviours expected to work safely. That doesn't mean that they can't work on site but it does mean that they may need to be more closely supervised until they are able to work safely.

6.2 How do you prove that you're competent enough to work on site?

Some elements of competence can be proven by providing details of training courses that you have completed, and copies of certificates for any qualifications that you possess.

Other ways of demonstrating competence include:

- showing a portfolio of work from previous jobs
- providing references
- showing time served elsewhere
- taking an on-site assessment.

If you feel you need training, information or supervision, ASK for it.

7 What does good look like?

This section identifies sound industry practice. The examples illustrate how worker involvement and consultation can make construction sites safer and healthier so everyone can return to their families at the end of each day.

7.1 There is a clear commitment to health and safety

There is strong commitment to good health and safety management on site demonstrated by both management and workers co-operating on health and safety matters. Everyone is proactive in raising health and safety standards (for example, in addition to reporting concerns, they feel able to volunteer ideas and suggestions without being prompted).

7.2 Workers are involved in health and safety decisions

As well as being involved in making health and safety decisions with managers, workers also have responsibility for making some health and safety decisions themselves that are relevant to the tasks they are carrying out. Workers are provided with appropriate training and support to enable them to participate.

7.3 Health and safety is treated as a priority

Everyone knows that health and safety is a priority. It is not simply about getting the job done as quickly as possible. All workers receive appropriate training for their role. Workers can stop work in situations they view as being unsafe.

7.4 Everyone contributes to health and safety

Everyone knows what to do to ensure that health and safety requirements are complied with. This involves everyone putting every effort into preventing accidents, incidents and ill-health.

The culture means everyone is able to challenge practices to improve health and safety standards.

7.5 Health and safety is measured

Incidents, near misses and ill-health are reported and recorded. Site managers share the information with workers to check the effectiveness of the measures taken, identify problems and work out how to fix them.

7.6 Both safety and health risks are managed

Health risks are managed in the same way as safety risks, by assessing hazards and putting the necessary controls in place.

Work processes are changed to stop exposure to known health hazards such as asbestos, dust and diesel emissions.

Workers are consulted on health hazards, including those working for subcontractors and engaged through the supply chain.

Site health issues affecting workers must be managed and not just monitored. [DN: This sentence is the same as the one above]

7.7 Everyone learns from experience

This involves not just training workers, but learning and communicating the lessons from any incidents, and learning from other organisations and industries.

Annex A

Further information

HSE Construction pages
www.hse.gov.uk/construction

Leadership and worker involvement toolkit
www.hse.gov.uk/construction/lwit

GMB website
www.gmb.org.uk

UCATT website
www.ucatt.org.uk

Unite website
www.unitetheunion.org

CDM industry guidance
www.citb.co.uk/cdmregs

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